



# AGENDA

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

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

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

### Regular Meeting December 3, 2013

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

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

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at [www.monocounty.ca.gov](http://www.monocounty.ca.gov) . If you would like to receive an automatic copy of this agenda by email, please send your request to Lynda Roberts, Clerk of the Board: [lroberts@mono.ca.gov](mailto:lroberts@mono.ca.gov) .

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

9:00 AM Call meeting to Order

Pledge of Allegiance

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

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

**2. APPROVAL OF MINUTES**

**A. Board Minutes**

Approve minutes of the Regular Meeting held on November 5, 2013.

**B. Board Minutes**

Approve minutes of the Regular Meeting held on November 12, 2013.

**3. PRESENTATIONS - NONE**

**4. BOARD MEMBER REPORTS**

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

**5. COUNTY ADMINISTRATIVE OFFICE**

CAO Report regarding Board Assignments

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

**6. DEPARTMENT/COMMISSION REPORTS**

**7. CONSENT AGENDA**

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

**A. Appointment of Long Valley Regional Planning Advisory Committee**

Departments: Community Development Department

Consider new appointment, Alison Feinberg, to the Long Valley Regional Planning Advisory Committee as recommended by Supervisor Stump.

**Recommended Action:** Appoint Alison Feinberg to the Long Valley Regional Planning Advisory Committee.

**Fiscal Impact:** No impact.

**B. MOU among Mono County, the Town of Mammoth Lakes, and RedRover for Crisis Animal Care**

Departments: Animal Control, Sheriff

Proposed contract with United Animal Nations d.b.a. RedRover and the Town of Mammoth Lakes pertaining to the provision by RedRover of shelter, food, medical, and other services for animals during emergencies.

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

**Fiscal Impact:** None. RedRover is a donation-driven nonprofit which provides its services free of charge.

**C. Employment Agreement - Resolution Approving Agreement re Employment of Dr. Richard Johnson**

Departments: Human Resources

Proposed resolution approving a contract with Dr. Richard Johnson, and prescribing the compensation, appointment and conditions of said employment.

**Recommended Action:** Approve Resolution #R13\_\_\_\_, approving a contract with Dr. Richard Johnson, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** For this part-time employee's agreement, the following information reflects the change in compensation costs from the prior contract to his current contract in an hourly rate and estimated annual savings:

- 1 Prior Contract Hourly Compensation (Inclusive): \$113.17 (\$108.66 + \$4.51 car)
- 1 New Contract Hourly Compensation: \$112.00
- 1 Difference (Hourly): \$1.17
- 1 Estimated Annualized Savings (assumes 1,560 hours annually): \$1,825

**D. Resolution for the District Attorney to Enter into a Grant Award with the BSCC**

Departments: District Attorney

Resolution approving and authorizing the Mono County District Attorney to participate in and administer the Edward Byrne Memorial Justice Assistance Grant Program funds which is part of the Anti Drug Abuse Enforcement Team Program.

**Recommended Action:** Adopt proposed Resolution #R13-\_\_\_\_\_, approving and authorizing the Mono County District Attorney to participate in and administer the Edward Byrne Memorial Justice Assistance Grant Program funds which is part of the Anti Drug Abuse Enforcement Team Program. Provide any desired direction to staff.

**Fiscal Impact:** This approved grant amount of \$85,256.00 is \$3,121 less than the 13/14 projected revenue, so a mid year budget adjustment will be made to reduce revenue and related expenses.

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

All items listed are located in the Office of the Clerk of the Board, and are available for review.

**A. Cramer Letter Regarding Solid Waste Parcel Fee**

Correspondence dated November 3, 2013 to the Board from Gary Cramer regarding the amount he pays for the solid waste parcel fee. This letter is requesting a possible decrease in the assessed fee and refers to past correspondence between Mr. Cramer and Mr. Jeff Walters of the Public Works Department.

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**9. REGULAR AGENDA - MORNING**

**A. Heavy Equipment Replacement**

Departments: Public Works

40 minutes (10 minute presentation, 30 minute discussion)

(Jeff Walters ) - The California Air Resource Board (CARB) requires reductions in diesel emissions for Mono County's fleet of heavy equipment. Two schedules detailing the CARB compliance dates and associated costs for off-road and on-road equipment are attached.

**Recommended Action:** Hear staff report regarding county's heavy equipment and potential replacement schedules required by the California Air Resource Board. Provide any desired direction to staff.

**Fiscal Impact:** None at this time.

**B. CARB Financing Workshop**

Departments: Finance

45 minutes (15 minute presentation, 30 minute discussion)

(Leslie Chapman) - Presentation by Leslie Chapman regarding financing options for purchasing CARB compliant equipment.

**Recommended Action:** Hear presentation regarding various financing options available to purchase CARB-compliant equipment. Offer feedback and direction to staff.

**Fiscal Impact:** None at this time.

**C. Update on County Regional Transportation Improvement Program (RTIP) Submittal**

Departments: Community Development

20 minutes (5 minute presentation, 15 minute discussion)

(Garrett Higerd) - Update on the 2014 RTIP submittal.

**Recommended Action:** Receive staff report and provide any desired direction to staff.

**Fiscal Impact:** None

**D. Mono County Fisheries Commission Appointments**

Departments: Board of Supervisors

30 minutes (10 minute presentation, 20 minute discussion)

(Supervisors) - The Mono County Fisheries Commission currently has four (4)



vacancies. The terms of office for these volunteer positions will commence upon appointment and expire on April 1, 2017. The vacancies must be filled by a Mono County resident with an interest or background in fishing and wildlife. This vacancy was properly listed in the newspaper and a total of five (5) applications have been received for consideration of these appointments.

**Recommended Action:** Consider appointing four (4) individuals from the packet of five applications to the Mono County Fisheries Commission, terms to expire April 1, 2017.

**Fiscal Impact:** None.

**E. Mono County Volunteer Service Event**

Departments: CAO

20 minutes (5 minutes presentation; 15 minutes discussion)

(Jim Leddy/Sarah Messerlian) - This is continued discussion from a Board item on October 15<sup>th</sup>, at the request of Supervisor Larry Johnston. The concept is to host a special event to recognize and thank citizens who serve on Board appointed committees or commissions.

No taxpayer funds would be utilized, as this event would be paid for by those invited to attend through ticket sales. Items for consideration include invitations, postage, venues and catering. All of those items would be included in the cost of the ticket so that no taxpayer funds would be utilized. Staff time would not be included.

**Recommended Action:** Review additional cost information on hosting a volunteer recognition event or "Commissioner's Ball"; Direct Staff

1. January 24<sup>th</sup> be the date of the "Commissioner's Ball" aka the Mono County Volunteer Services Recognition Event in south county;
2. March 11<sup>th</sup> be the date of the event for north county and again all volunteers are invited. This allows flexibility for all invited and the chance to network with people at both;
3. Staff work with the Board to develop a program that acknowledges and thanks all volunteers.

**Fiscal Impact:** Hard costs of event to be covered by tickets and staff administrative time of approximately 50 hours to coordinate.

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

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

**11. CLOSED SESSION**

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

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

**B. Closed Session - Conference with Legal Counsel**

Departments: Board of Supervisors

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Inland Aquaculture Group, LLC v. Mono County et al.

**C. Closed Session - County Counsel Performance Evaluation**

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

**D. Closed Session - Public Employment, Public Works Director**

Departments: Human Resources/CAO

(Bill Van Lente) - PUBLIC EMPLOYMENT. Government Code section 54957. Title: Public Works Director.

**REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.**

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

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

**13. REGULAR AGENDA - AFTERNOON**

**A. U.S. Fish and Wildlife Service Sage-Grouse Listing Workshop**

Departments: Community Development

2 hours; 2 - 4 pm - NOTE: THIS ITEM WILL ADJOURN ACROSS THE STREET TO MEMORIAL HALL IN BRIDGEPORT. BE ADVISED THAT THERE WILL BE NO VIDEOCONFERENCING AVAILABLE. MEMORIAL HALL IS LOCATED ON THE WEST SIDE OF SCHOOL STREET.

(Steve Abele and Ted Koch, US Fish and Wildlife Service) - Presentation and workshop by Ted Koch, State Supervisor, and Steve Abele, Wildlife Biologist, U.S. Fish and Wildlife Service, regarding proposed designation of critical habitat in Mono County and listing of the Bi-State Distinct Population Segment of the Greater Sage-Grouse as a threatened species under the Endangered Species Act.

**Recommended Action:** 1. Conduct workshop with the USFWS regarding its proposal to designate critical habitat and list the Bi-State Distinct Population Segment of Greater Sage-Grouse as a threatened species under the Endangered Species Act (ESA); 2. Request that the USFWS grant a 90-day extension of the comment period, and implore citizens and other agencies to request the same; and 3. Provide any other desired direction to staff.

**Fiscal Impact:** Potentially significant long-term economic impact, particularly when cumulative impacts of the proposed listing action are considered with those of the Yosemite toad and yellow-legged frog proposed action. The U.S. Fish and Wildlife Service must still prepare the required economic studies. The Board of Supervisors has requested that the USFWS address these cumulative economic impacts.

**ADJOURN**



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Board Minutes	

**AGENDA DESCRIPTION:**

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

Approve minutes of the Regular Meeting held on November 5, 2013.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall  
**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download

[11-5-13 Draft](#)

**History**

Time	Who	Approval
11/13/2013 4:36 PM	County Administrative Office	Yes
11/21/2013 10:57 AM	County Counsel	Yes
11/18/2013 7:21 PM	Finance	Yes



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

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

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

**Regular Meeting  
November 5, 2013**

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Flash Drive	#1009
Minute Orders	M13-228 to M13-239
Resolutions	R13-90 to R13-101
Ordinance	Ord13-05 – NOT USED

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

*Supervisors present: Alpers, Fesko, Hunt, Johnston and Stump.  
Supervisors absent: None.*

Pledge of Allegiance led by Supervisor Johnston.

*Break: 10:58 a.m.  
Reconvene: 11:07 a.m.  
Closed Session/Lunch: 12:11 p.m.  
Reconvene: 2:09 p.m.  
Adjourn: 3:51 p.m.*

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

**Donette Hussleton:**

- She works in Lee Vining; she is here to advocate for better propane prices for her clients in Lee Vining.
- She went shopping for Propane with a company in Nevada. It can be found cheaper. She was outraged at what they were charging.
- This is informational only to the Board.
- Supervisor Fesko: thanked her for stepping up for her community.
- Supervisor Stump: another tidbit - sales tax exempt in California for primary residence.

**Note**

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**Gregory Lemke and Shawn Tolleson:**

- Regarding independent feature film 'Saturn Returns' – will shoot in Mammoth Lakes and Mono County. This film features county and town as itself.
- A dramatic comedy; it's about 6 college friends turning 30.
- Could be a huge economic boost to our area.
- Budget is \$350,000. To be produced in June 2014.
- Asking board for cooperation among entities; asking board to spread the word as they are seeking private endorsements, also need promotional help.

2. APPROVAL OF MINUTES

A. Board Minutes

**M13-228 Action:** Approve minutes of the Regular Meeting held on October 8, 2013, as corrected.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**Supervisor Stump:**

- Under the Prop. 172 Revenue Allocation item, page 11 of draft minutes under his comment, second to the last bullet point should read: "If we continue to fund the medic deficit there will be competition for general fund money in the future." (Remove the word groveling.)

**Supervisor Johnston:**

- On page 2 of draft minutes, under Board Reports, should be "attended Energy Summit which is partially sponsored by the Eastern Sierra Council of Government".
- On page 8 of draft minutes, under Mr. McQuilkin's comment, his first name should be spelled "Geoff".

B. Board Minutes

**M13-229 Action:** Approve minutes of the Regular Meeting held on October 15, 2013.

**Johnston moved; Fesko seconded**

**Vote: 5 yes; 0 no**

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

**Supervisor Alpers:**

- Conference call re: toads and frogs – all this has finally angered anglers; they are going to compete for hearts and minds of state legislators and try to compete with various organizations that want to stop everything. A presentation will be made at the state level. He'll keep board apprised.

**Supervisor Fesko:**

- 10/17 – LTC meeting.
- After LTC, he headed to Bishop and attended Great Basin Water Forum. He was able to take some tours. Two day thing. Kudos to Stacey Simon.
- Antelope Valley CERT meetings, continues to attend.
- Completed the Eastern Sierra Ridge Riders Halloween Trek to Virginia City – occurs the weekend before Halloween (200 miles trip).

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- Met with constituents regarding various issues.

**Supervisor Hunt:**

- ESTA meeting; annual reports. Very successful organization this past year. Considering altering fares downward.
- 10/21 – YARTS meeting, attended via video conference at Sierra Center Mall. Approved nomination of Jeff Simpson to serve on committee taking Scott Burns place.
- 10/24 – First Five regular commission meeting. Went over evaluation of what's been going on with organization. Five year plan is running out.
- 10/30 – Mono County Community Corrections Partnership meeting. Presentation next week.
- 10/30 - Behavioral Health Advisory meeting.
- 10/31 – Mono County Collaborative Planning Team – discussed sage grouse, frogs, toads; discussion about federal government shutdown.

**Supervisor Johnston:**

- 10/17 – LTC; he has one more meeting as chairman.
- 10/28 – Biomass Staff meeting; moving toward a thermal project, replacing a propane burner.
- Last Night – Mammoth Lakes Housing Meeting.
- Lots of Trick-or-Treaters on Halloween.

**Supervisor Stump:**

- 10/17 – LTC; concerned when one of top three priorities was not supported by the Town; caused him to think that Garrett needs to re-agendize the airport road topic; we need to design a simpler project to resurface road.
- Meeting with CSA 1 and MUSD Superintendent regarding getting permission for CSA 1 to pay for bathrooms. MUSD offered a very positive response.
- Attended community meetings in Chalfant and Long Valley.
- Toured Tri-Valley parks with Claude Fiddler.
- Hot meals will start sometime this month for seniors in Benton.
- Recognizes Mark Marland at the Crowley Road Shop for trailer hitch "invention". It will fit any road dept. vehicle. It's solid. It will increase efficiency.

## 5. COUNTY ADMINISTRATIVE OFFICE

### CAO Report regarding Board Assignments

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

**Jim Leddy:**

- CCP report will now come in December at the 12/17 meeting.
- Attended TOML meeting, heard issues surrounding solid waste. Talked about some participation. (Supervisor Stump – could it maybe be a joint meeting?)
- Week of 21<sup>st</sup> – went to Chalfant, attended RPAC meeting.
- Attended first County Administrative Officers of California (CAOAC) meeting; drove through Yosemite.
- Week of 28<sup>th</sup> – attended fire district meeting. Working closely with staff and AT&T.
- Community Corrections Partnership meeting – attended first one.
- 10/31 – went to Landfill, had lunch meeting.
- Had another meeting with Town Manager, discussed space sharing.

## 6. DEPARTMENT REPORTS/EMERGING ISSUES

**Bob Musil (Assessor):**

- Met with George Runner, State Board of Equalization and he is interested in coming to our County to visit. Would Board be interested in having him speak?

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- The Board would like to hear him speak.

## 7. CONSENT AGENDA

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

### A. **Reappointment of Members to the Assessment Appeals Board**

Departments: Clerk of the Board

Reappointment of three existing Assessment Appeals Board members: Rose Murray, Paul Oster and John Gallagher. Rose Murray's term will expire in October of 2015 as her term originally expired in 2012 and inadvertently did not get renewed. Paul Oster and John Gallagher's terms will expire in October of 2016.

**M13-230 Action:** Approve reappointment of Rose Murray, Paul Oster and John Gallagher (alternate member) to the Mono County Assessment Appeals Board.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

### B. **First Amendment of Caltrans MOU**

Departments: County Counsel

Proposed First Amendment of the Conway Ranch MOU with Caltrans. Said document would extend the deadline for implementation of all MOU provisions until April 1, 2014.

**M13-231 Action:** Approve County entry into proposed First Amendment of the Conway Ranch MOU and authorize the Board chair to sign said First Amendment on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

### C. **LEA Independent Hearing Panel**

Departments: Environmental Health

Mono County Environmental Health, acting as the Mono County Local Enforcement Agency (LEA), is required to have in place an Independent Hearing Panel (IHP) that can convene to hear and resolve disputes regarding enforcement actions carried out by the LEA. Individuals affected by an enforcement action could request a hearing from the IHP. Terms of IHP members are four years and may only hold the position for two consecutive terms. Due to this term limit, two current IHP members must be replaced this next cycle.

**M13-232 Action:** Approve the IHP members for the next four year cycle:

#### Note

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specifically, Supervisor Johnston, Lisa Isaacs, and Brian Robinette as regular panel members, and Supervisor Stump, Tom Platz, and Steven McCabe as alternate panel members. All terms will expire on November 3, 2017.

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**Supervisor Fesko pulled for discussion:**

- Asked general questions about process, terms.
- What happens with Board members that are on the panel?

**Louis Molina:**

- Doesn't believe it's a conflict of interest for involved Board members to vote on this. Marshall Rudolph confirmed this.

D. **Mono County Children's Medical Services (CMS) Plan  
Fiscal Year 2012-2013**

Departments: Health Department

The Children's Medical Services Plan for Fiscal Year 2012-2013.

**M13-233 Action:** Approve and authorize Chairman to sign the Mono County Children's Medical Services (CMS) Plan for fiscal year 2012-2013.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

E. **Employment Agreement – Resolution approving  
Agreement re Employment Joseph Blanchard**

Departments: Human Resources

Proposed contract with Joseph B. Blanchard pertaining to employment and prescribing the compensation, appointment and conditions of said employment.

**R13-90 Action:** Approve Resolution #R13-90, approving a contract with Joseph B. Blanchard and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 1 no: Fesko**

**Supervisor Fesko pulled all contract items for discussion:**

- Comments today should not be taken personally by anyone.
- He has issue with performance pay, car allowance.
- Deal that has been struck creates smoke and mirrors. Wants public to know what's really going on.
- Not unanimous decision: 5% reduction – you take base salary, performance pay and car allowance and reduce by 5%.
- He has a large problem with how these contracts were reached; he can't support this. He feels it goes against everything the Board has discussed. This has nothing to do with negotiation.
- We've gotten rid of performance pay and car allowance by

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renaming it base salary; we just raised way above the 23-county survey by doing this.

- The policy we're creating today is a slap in the face to the people on the third tier. Problem still hasn't been dealt with.

**Supervisor Johnston:**

- In 2010, he talked about the perception that the public has about the excessive perks of certain members of public agencies in general.
- For him, the excesses were the issue for him, i.e. the car allowance. In 2011, when he took office he consistently voted against employment contracts due to having performance pay and car allowances as it wasn't keeping with what was happening in the economy. He thinks car allowances should have been eliminated all together.
- These contracts are a compromise, a negotiated agreement. He doesn't want to be seen as stagnated (as the federal government is). It's not perfect but he can support them.

**Supervisor Hunt:**

- Car allowance and performance pay discussions have been ongoing for several years. The perceptions of these discussions were beginning to erode the morale of this organization.
- He feels "breaking even" is a good thing at this point. Sets us up for the future and knowing what to expect.
- He's supportive of what's been done and of the negotiation process. Recommends this board support this.

**Supervisor Stump:**

- He actually IS seeing cost savings.
- He appreciates comments about morale and compromise.
- He's comfortable supporting this.

**Supervisor Alpers:**

- He thinks Supervisor Fesko's comments are constructive.
- The negotiation process isn't perfect, but this has been done in good faith.
- The idea of eliminating the words "performance pay" and "car allowance" is huge for his constituents.
- He's ready to support this but is open to a fine tuning process.
- Recognized the employees sitting in the room and their ability to keep Mono County running.

**Jim Leddy:**

- Thanked the board and employee for the candid process.
- This is a compromise, does accomplish numerous goals and we will save some money.
- Supervisor Fesko is right: we are not financially out of the woods. We're not only dealing with morale, we're dealing with sustainability of this organization.
- The county is recovering at a very slow rate; we have to re-do how we do business. He feels all pay is performance pay.
- At mid-year we will have further discussions about finances and how we do business.

**F. Employment Agreement – Resolution approving Agreement re Employment Garrett Higerd**

Departments: Human Resources

Proposed resolution approving a contract with Garrett Higerd

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

- R13-91 Action:** Approve Resolution #R13-91, approving a contract with Garrett Higerd and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

G. **Employment Agreement – Resolution approving Agreement re Employment Wade McCammond**

Departments: Human Resources

Proposed resolution approving a contract with Wade McCammond and prescribing the compensation, appointment and conditions of said employment.

- R13-92 Action:** Approve Resolution #R13-92, approving a contract with Wade McCammond and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

H. **Employment Agreement - Resolution approving Agreement re Employment Thomas Perry**

Departments: Human Resources

Proposed resolution approving a contract with Thomas Perry and prescribing the compensation, appointment and conditions of said employment.

- R13-93 Action:** Approve Resolution #R13-93, approving a contract with Thomas Perry and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

I. **Employment Agreement - Resolution approving Agreement re Employment Roberta Reed**

Departments: Human Resources

Proposed resolution approving a contract with Roberta Reed and prescribing the compensation, appointment and conditions of said employment.

- R13-94 Action:** Approve Resolution #R13-94, approving a contract with Roberta Reed and prescribing the compensation, appointment and conditions of said employment. Authorize the

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Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 1 no: Fesko**

J. **Employment Agreement – Resolution approving Agreement re Employment Lynda Roberts**

Departments: Human Resources

Proposed resolution approving a contract with Lynda Roberts and prescribing the compensation, appointment and conditions of said employment.

**R13-95 Action:** Approve Resolution #R13-95, approving a contract with Lynda Roberts and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 1 no: Fesko**

K. **Employment Agreement – Resolution approving Agreement re Employment Linda Romero**

Departments: Human Resources

Proposed resolution approving a contract with Linda Romero and prescribing the compensation, appointment and conditions of said employment.

**R13-96 Action:** Approve Resolution #R13-96, approving a contract with Linda Romero and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 1 no: Fesko**

L. **Employment Agreement – Resolution approving Agreement re Employment Lynda Salcido**

Departments: Human Resources

Proposed resolution approving a contract with Lynda Salcido and prescribing the compensation, appointment and conditions of said employment.

**R13-97 Action:** Approve Resolution #R13-97, approving a contract with Lynda Salcido as and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 1 no: Fesko**

M. **Employment Agreement – Resolution approving Agreement re Employment Franklin Smith**

**Note**

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

Departments: Human Resources

Proposed resolution approving a contract with Franklin W. Smith as prescribing the compensation, appointment and conditions of said employment.

- R13-98 Action:** Approve Resolution #R13-98, approving a contract with Franklin W. Smith and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

N. **Employment Agreement – Resolution approving Agreement re Employment Jeff Walters**

Departments: Human Resources

Proposed resolution approving a contract with Jeff Walters, and prescribing the compensation, appointment and conditions of said employment.

- R13-99 Action:** Approve Resolution #R13-99, approving a contract with Jeff Walters, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

O. **Employment Agreement – Resolution approving Agreement re Employment Stacey Westerlund**

Departments: Human Resources

Proposed resolution approving a contract with Stacey Westerlund, and prescribing the compensation, appointment and conditions of said employment.

- R13-100 Action:** Approve Resolution #R13-100, approving a contract with Stacey Westerlund, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.  
**Johnston moved; Alpers seconded**  
**Vote: 4 yes; 1 no: Fesko**

8. CORRESPONDENCE RECEIVED (INFORMATIONAL) - NONE

9. REGULAR AGENDA - MORNING

A. **General Plan Amendment 13-002 / Central Business Parking Districts**

Departments: Community Development

Note

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

(Brent Calloway) - Public hearing regarding General Plan Amendment 13-002 / Central Business Parking Districts & Minor Countywide Parking Regulations Update.

- M13-234 Action:** The Mono County Planning Commission recommends in Resolution R13-04 that the Board of Supervisors: 1) Adopt Addendum 13-01 to the Mono County General Plan EIR; and, 2) Adopt Resolution R13-101, Approving General Plan Amendment 13-002: Central Business Parking Districts & Minor Countywide Parking Regulations Update.

**Fesko moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**Brent Calloway (powerpoint to be uploaded to the web):**

- Gave overview and history of item.
- Strategies: expand outside parking, brief discussion about parking sizes; allowing tandem parking; substituting spaces.
- Went over proposed changes.
- There are a lot of general and quite specific policies that support this amendment.
- The areas presented are the only ones brought forward at this time, but expansion could occur.
- Can make additional changes to the driving/paving requirement section to include additional wording.

**Supervisor Johnston:**

- Thank you for fast forwarding this.
- This will benefit businesses making it easier for people to make improvements.
- Generally, it's important to have a parking problem. Means town is viable.
- Why did we not take additional downtown areas like Crowley Lake?
- Driving/Paving requirements – asked for clarification. A bit confusing. Thinks clarifying language should be added.

**Supervisor Fesko:**

- Commended staff for moving this along. This makes sense.

**Supervisor Stump:**

- Can we make the clarifications to table without it going back to Planning Commission?

**Stacey Simon:**

- Discussion about how table might be changed.
- Board approved of suggested changes to table; these will be taken care of.

**Public Hearing Opened: 10:19 a.m.**

**Public Hearing Closed: 10:19 a.m.**

**B. Comment Letter to US Fish and Wildlife Service on Proposals to List the Sierra Nevada Yellow-Legged Frog and Yosemite Toad, and Designate Critical Habitat**

Departments: Community Development

(Wendy Sugimura and Jim Paulus) - Presentation by Wendy Sugimura and Jim Paulus regarding Mono County comments on

**Note**

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proposed rules and critical habitat for the Sierra Nevada yellow-legged frog and Yosemite toad.

**M13-235 Action:** Authorize the Chair to sign the comment letter to the US Fish and Wildlife Service with changes as discussed and with the map included.

**Alpers moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**Wendy Sugimura:**

- She has a slightly revised letter today.
- Gave overview of item; discussion about proposed changes to letter.
- Trying to shift paradigm from activities to the fact that these are historical occurrences.
- There is some common ground here if everyone is willing to come to the table.
- In this proposal, there is very little information about Lake Mary Dam.
- Went over proposed changes to letter. Map can be included with letter.
- Not sure what impact this letter will have; all we can do is try.

**Dr. James Paulus:**

- Explained differences made in language by various agencies to avoid additional damage.

**Supervisor Alpers:**

- Asked what is meant by modern practices?
- This nudges parties along to do the right thing.

**Supervisor Stump:**

- Asked about the Lakes Basin, not identified here.
- Were you planning on including the map with the letter?

**Supervisor Johnston:**

- Asked about Lake Mary Dam?
- Mammoth Community Water District – are they aware that Lake Mary Dam could be taken out?
- What is target amount? How many toad and frogs equal the target amount?
- He's in favor of preserving habitat but feels we need to be precise as to why we're doing it, what goal is.
- Feels habitat areas are overstated; should be more precisely mapped.

**Supervisor Hunt:**

- Will this play a part in the upcoming regional meetings?

**C. Discussion Re: Terms of Lease of Old Sheriff Substation**

Departments: County Counsel

(John-Carl Vallejo) - Proposed offer to lease to the public pertaining to the old sheriff substation property.

**M13-236 Action:** Direct staff to offer to the public the Lease of the Old Sheriff Substation for no more than \$10,000 per month, for a duration not exceeding 10 years, for the purpose of a dog sled operation as determined by the Board. Authorize CAO to execute a lease of the property after achieving compliance with Mono County Code Section 3.05.030.

**Note**

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**Johnston moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**John Vallejo:**

- Explained the item. Property in question is Old Sheriff's Substation, currently occupied by Mr. Ouimet. We should formalize a lease with him in accordance with codes.
- Here to figure out the types of use that we'll offer in addition to the amount we'll lease it for.
- The Board has the right to lease its property for uses it deems appropriate.
- Mr. Ouimet is currently paying \$500 per month.
- Commended Scott Burns and his office for communication.
- Is there a minimum dollar amount or conditions the board wants or should the CAO use its discretion?

**Supervisor Fesko:**

- We can get specific as to use types with this lease?
- What is he currently paying?
- Up to a ten year lease?
- Limit use to a dog kennel/dog racing team type, a dog sledding usage.
- Use of the land, including the building needs to be part of the lease.

**Supervisor Johnston:**

- There is also a use permit out there; he'd like staff to rectify that within this leasing process.
- Thanked staff for pursuing an active communication process.

**Supervisor Stump:**

- How long is he hoping to continue business?
- Concurr with restricting to dog sledding adventures and negotiations for the lease amount.
- Thanked Mr. Ouimet for the lookout he's provided to equipment being stored there.

**Jim Ouimet:**

- He is quite delighted with this arrangement.

**D. Budget Adjustment for Tourism**

Departments: Economic Development

(Alicia Vennos) - Request approval by the Board to spend incremental revenue generated by additional advertising sales to increase the annual Mono County Visitor Guide by 8 pages in order to accommodate new 2014 advertisers, enhance content, and increase print/distribution by 10,000. Advertising revenues exceeded total projected revenue of \$23,500 by \$8,275. The additional \$8,275 is requested to be utilized to augment the content and reach of Mono County's primary tourism marketing piece. The increase in revenue matches the increase in expenditure, thus the net change is zero.

**M13-237 Action:** Request approval by the Board to increase Tourism revenue by \$8,275 which represents additional revenue generated through advertising sales for the 2014 Mono County Visitor Guide. Request approval by the Board to increase expenditures for enhanced design/ production of the 2014 Visitor Guide by the

**Note**

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same amount of \$8,275 (106-TOUR-3250) in order to accommodate new advertisers, expand content and information, and to increase print quantity from 30,000 to 40,000. The net change is zero.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 0 no; 1 abstain: Fesko**

**Alicia Vennos:**

- Requesting authorization to spend an unanticipated but very welcome amount generated by visitor's guide this season.
- They would like to expand the guide with the extra monies.
- They have always run the program this way; pledged people have always paid.
- The invoices went out a month ago; should be receiving payments shortly. They've been doing this for five years and have had 100% collection.

**Leslie Chapman:**

- Came to her due to request to spend more than what was in the budget.
- Only ½ of the budgeted revenues have been achieved; Alicia provided her with a spreadsheet.
- A lot of the revenues are pledges but with all the detail she was comfortable enough to sign off on this. Could be a different situation at mid-year.

**Supervisor Stump:**

- We're in essence expending the monies up front?
- We're about 50% towards amount collected?
- How many years have we done this?

**Supervisor Fesko:**

- How long have invoices been out?
- Sees it as a bit of a concern that only 1/3 is collected. Wanting to spend additional monies, he doesn't want to be caught off guard.
- This guide is a very highly sought after guide that has his full support.
- He doesn't see a conflict with his support but will abstain if that is necessary.

**Supervisor Johnston:**

- Does Supervisor Fesko have a conflict of interest?
- Requires 4/5 vote?
- Issue is that Board needs to be as transparent as possible.

**Supervisor Hunt:**

- Feels benefits are indirect; Fesko isn't the only one that benefits from this.
- Who is going to complain?

**Marshall Rudolph:**

- Supervisor Fesko's involvement in the guide could be considered speculative; however, there's no source of income directly to Supervisor Fesko.

## **E. Sage Grouse Listing by US Fish and Wildlife Service**

Departments: Community Development

(Scott Burns, Courtney Weiche) - Review notice of Bi-State Distinct Population Segment of Greater Sage Grouse listing proposal under the Endangered Species Act.

### **Note**

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**M13-238 Action:** 1) Prepare letter requesting a 90-day extension of the comment period and also a public hearing in Mono County; 2) Consult the Bi-State Working Group, Inyo and Alpine counties, other affected agencies, and the County's consulting biologist in preparing comments for future Board consideration; 3) Direct staff to share the Board's September 17, 2013, comments at either the November 5 (Bishop) or November 6 (Smith Valley) USFWS meetings; and 4) Direct staff to engage Mono County congressional representatives to advocate on our behalf.

**Fesko moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**Scott Burns:**

- This was tacked along to the Frog and Toad item.
- Handout of an additional map (to be uploaded to web).
- Explained item; what they are asking Board for.
- Reminded Board about Dr. Paulus and that he's being paid through a Sustainable Grant.

**Supervisor Fesko:**

- What's the likelihood of getting the extension?
- Shares frustrations.

**Supervisor Johnston:**

- Do you know the percentage of what's being proposed as critical habitat?
- Vented frustrations with this issue.

**Supervisor Stump:**

- The template already established with frog and toad issue is excellent.

**F. Department of Public Health Immunization Contract Fiscal Year 2013-2017**

Departments: Public Health

(Hillary Bayliss, PHN, Health Program Manager) - Proposed contract with California Department of Public Health pertaining to immunization services.

**M13-239 Action:** Approve and authorize the Chair to sign the Standard Agreement, Number 13-20334 with the California Department of Public Health (CDPH) for the Immunization Program for FY 2013-2017 and the Contractor Certification Clauses (CCC) signature page.

**Fesko moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**Hillary Bayliss (powerpoint, to be kept with today's file folder):**

Mono County Kindergarten Immunization Stats 2012/1013:

- Background Information.
- 5 Required Vaccines: DTP, Polio, MMR, Hep B, and Varicella.
- Immunization Requirements.
- Video.
- Number of Kindergartner's per school.
- Mono County Immunization Status at Kindergarten Entry.
- Percent of Mono County Student's Immunized by Required Vaccine.

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- Immunization Status by School.
- Students Immunization Status by School and Required Vaccine.
- Kindergarteners with All Required Immunizations 2010-2012.
- Kindergarteners Completing Required Series 2010-2012.
- Questions?

Additional Discussion:

- This program costs over \$100,000 per year.
- This agreement covers immunization outreach only.

**Supervisor Stump:**

- Does this amount cover entire immunization program?

**Supervisor Johnston:**

- Asked about outbreaks in various countries?

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

11. CLOSED SESSION

*There was nothing to report out of closed session.*

A. Closed Session--Human Resources

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

B. Closed Session - County Counsel Performance Evaluation

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

C. Closed Session

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

D. Closed Session

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Pumice Valley Landfill. Agency negotiators: Jim Leddy, Tony Dublino, Stacey Simon, and Marshall Rudolph. Negotiating parties: Mono County and LADWP. Under negotiation: price.

REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.

**Note**

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12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

13. REGULAR AGENDA - AFTERNOON

A. Solid Waste Parcel Fees--Policies, Issues and Opportunities

Departments: Solid Waste

(Tony Dublino) - Presentation by Tony Dublino regarding existing policies and methods relating to the assessment and collection of Solid Waste Parcel Fees, and opportunities for the future.

**Action:** None.

**Tony Dublino:**

- There are not an overwhelming amount of properties that need corrections.
- His idea of how to move forward involves the Assessor's Department and the Megabyte system. A tentative approach has been laid out.

**Supervisor Stump:**

- We're including parcels in the town?
- How current are we generally with assessments, etc?
- Does this require an additional training component with Assessor's staff?

**Supervisor Fesko:**

- Would like parcel fee to come back.
- Makes sense to do this audit and to have everything connected to Megabyte, where all parcel numbers are anyway.

**Supervisor Hunt:**

- Appreciates the cooperation between departments.

**Bob Musil (Assessor):**

- Presently three months behind; a function of staffing level.
- We're asking for some temp help to reduce this.
- With type of work Tony is discussing, we've got everything in place to do audit but we have not begun pulling files and updating information.
- Office is more current now than he's ever seen it.
- Anticipating very few roll corrections this year.
- This audit process is not something that required additional monies; we only needed to update codes, etc.
- Very little training and would have been incorporated with or without audit.

B. Community Grant Application

Departments: Finance

(Leslie Chapman) - Presentation by Leslie Chapman regarding draft application and guidelines for the Community Grant Program.

**Action:** None.

**Leslie Chapman:**

- Coming back after budget process; board has asked for some changes to be incorporated.
- She has provided information about old program and has offered additional/new information we can use from Inyo County.
- Old process for Mono County was a one page letter in the form of a request for funding.

**Note**

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- We're late getting this out this year; she's been getting phone calls about people worried that the Board will not fund well established events.
- There are also communications from people that want to make sure they are notified.
- She feels more structured guidelines regarding funding process might be appropriate. She borrowed Inyo County's application form, to maybe use in our county.
- Perhaps application process can vary depending on the type of organization applying?
- Vision for a committee would be to screen applications, etc.
- Handed out a copy of what has been funded in the past. How many people on the list are benefitting from the T-Bid?
- The screening process can help determine agency's financial situations, budget are required.
- She recommends Board move \$20,000 over to Tourism. They already have application and it looks good. Keep \$40,000 for community organizations; going that direction, we should just keep the application process extremely simple.
- She'll bring general recommendations back to the board on consent agenda next week. (Approve the one-time waiver of deadline, no new application, keep it simple, no committee, maximum target of \$7,500, tourism overlap dealt with.)

**Supervisor Stump:**

- The application included in the packet is a proposed application?
- He feels a structured approach is appropriate. Especially if there is less money to be handed out.
- Would it help to have a priority discussion?

**Supervisor Hunt:**

- You don't want to make it so bureaucratic that people will not bother applying.
- Is there any way we can separate out events from small organizations?
- Is there a need for each organization to submit the evaluations when the year is over?

**Supervisor Johnston:**

- Maybe the things that affect the youth could get different consideration.
- Should still be kept as a non-profit organization program.

**Supervisor Fesko:**

- Looks at this money as more non-event type money. Not sure if he wants to fund things year after year.
- What is this money to be used for? Who is it to be used for? Need to answer these questions first.
- Maybe a committee? Coming up with a maximum amount makes sense.
- Maybe break out certain organizations and have them deal directly with the Tourism Commission.
- Suggested focusing on all youth programs, historical societies and arts programs only.
- How much should government really support these organizations?
- Asked about some of current requirements.
- Letters will only go out to community organizations? Maybe do an ad?

**Marshall Rudolph:**

- The legal requirement is that the funding is serving a public purpose in Mono County.
- 501(c) 3 is only one type of non-profit, there are others. Social clubs, i.e. rotary, are 501(c) 4's.

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- These community grants are implemented by a contract for services.

**ADJOURN at 3:51 p.m. in memory of Irene Maron who passed away last week.**

**Marshall Rudolph:**

- Lived next door to Irene Maron for years; could not imagine a better neighbor.
- He spent a lot of time talking to her, hearing stories about Mono County.
- She knew everything about everyone. Sharp as a tack.
- Service to be held in Bishop.
- She died 25 years to the day after Pete Maron.

**Tim Alpers:**

- She was his first grade teacher.
- Irene was his campaign manager in August of 1983.
- Recently took a tour of Alpers Ranch.

ATTEST:

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BYNG HUNT  
CHAIR

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SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

**Note**

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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Board Minutes	

**AGENDA DESCRIPTION:**

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

Approve minutes of the Regular Meeting held on November 12, 2013.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall  
**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download

[11-12-13 Draft](#)

**History**

Time	Who	Approval
11/21/2013 6:51 AM	County Administrative Office	Yes
11/21/2013 10:59 AM	County Counsel	Yes
11/18/2013 7:26 PM	Finance	Yes



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

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

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

**Regular Meeting  
November 12, 2013**

Flash Drive	#1010
Minute Orders	M13-240 to M13-247
Resolutions	R13-102 to R13-104
Ordinance	Ord13-05 – NOT USED

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

Pledge of Allegiance led by Chairman Hunt with special thoughts for those suffering in the Philippines.

*Break: 10:15 a.m.  
Reconvene: 10:22 a.m.  
Closed Session/Lunch: 12:20 p.m.  
Reconvene: 2:06 p.m.  
Break: 3:18 p.m.  
Reconvene: 3:25 p.m.  
Adjourn: 5:16 p.m.*

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD  
*No one spoke.*
2. APPROVAL OF MINUTES - NONE
3. PRESENTATIONS - NONE
4. BOARD MEMBER REPORTS

**Note**

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**Supervisor Alpers:**

- Last Tuesday night, June Lake CAC meeting; presentation by MMSA, Rusty there revealing the promotional stuff coming for June. In January, MMSA will begin working with Forest Service on applications for various things. Going to formalize and set Peer Leadership Team; he'll be working with Carl Williams to get that going. Rusty got a lot of support from all June Lake citizens.
- Thanked Supervisor Stump for attending Irene Maron's memorial service.
- Saturday night – fundraiser put on at Sierra Inn by Candy Logue. Ski passes sold. June Lake Chamber donations contributed to fundraiser.
- Attended MMSA Liaison meeting with Jim Leddy; potential for positive impact on all of Mono County is huge.

**Supervisor Fesko:**

- Met with Mono County Fisheries Commission last week; continues to meet with them regularly. Went well, opened up new doors. Item on later today regarding the Commission.
- Met with Jeff Hunter regarding Bodie Hills Conservancy; he'll be wanting to meet with the rest of the Supervisors.
- Met with CSA #5 – update for Memorial Hall; kudos to Joe Blanchard and Jeff Walters. CSA #5 has pledged \$500,000 towards these updates.
- Went to Antelope Valley RPAC Meeting, finishing up area update.
- Mentioned the Antelope Valley Women's Bazaar which occurred last Sunday.
- Thanked Veterans past, present and future.
- Would like to close meeting in memory of Diane Reay.
- Just received email from Jim Erdman – request to change regulations at West Walker River have been approved; will be open much longer; a very big deal for the north county. Beginning November, 2014 until the last Friday in April (catch and release).

**Supervisor Hunt:**

- Attended Fisheries Commission meeting last Wednesday with Supervisor Fesko.
- 11/6 – Teleconference with Caltrans regarding Conway Ranch issue – land easement program.
- 11/7 – Solid Waste Task Force; he sat in on this meeting. New discussions opening up with the Town, opportunity to actively come to some solutions.
- 11/11 – Town of Mammoth Lakes had a Veteran's Day celebration, previous Supervisor Hazard emceed the program; nice presentation. We should be very proud of all who have served.
- MMSA and Mono County Supervisors met yesterday for first liaison meeting. Very positive. On our way to a new relationship with these folks. Will meet every two months. May be a need for special meetings from time to time.

**Supervisor Johnston:**

- Short tour of Benton houses (two houses acquired from Caltrans some time ago, Mono County rehabbed houses) good things going on. Recommends we look at Mammoth Lakes Housing to help manage these houses, need to go in that direction.
- Visited Tonopah to see their progress on 200 megawatt thermal project.
- Visited his mother who is WWII Veteran, was in Women's Army Corp and was a Rosie the Riveter; his father is also a Veteran.
- Attended the Veteran's Day celebration in Mammoth yesterday morning, very well done.
- Next week – going to CSAC Annual meeting.

**Supervisor Stump:**

- Digital 395 pick-ups came up last week that affected his area. Thanked Jim Leddy and Nate Greenberg.
- Attended Irene Maron's memorial services; expressed condolences from County. Her parcel is going to be coming up for sale.
- Thanked Public Works for some road work recently done.

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- 12/3 – he's been summoned for Jury Duty; may not make that Board meeting.

## 5. COUNTY ADMINISTRATIVE OFFICE

### CAO Report regarding Board Assignments

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

#### **Jim Leddy:**

- Attended June Lake CAC meeting.
- Monthly Management meeting last week; mid-year budget will come to Board in February.
- Attended the Solid Waste Task Force meeting with Supervisor Hunt.
- Friday night, invited to attend the Marine Corp Ball – got an incredible dose of history and a good opportunity to celebrate Veterans and Veterans Day.
- Attended MMSA Liaison Committee Meeting – he and Ron Cohen have committed to ongoing communications.
- 11/19 board meeting has been cancelled so members can attend annual CSAC meeting.
- Measured interest in idea of Commissioner's Ball – he received approximately 30 emails back. 19 showed an interest; others were either undecided, etc. Readdress on December 3<sup>rd</sup>; January would be best for this type of event.

## 6. DEPARTMENT REPORTS/EMERGING ISSUES

#### **Lynda Salcido:**

- Registered dietician is taking a new job in Pennsylvania so now the Health Dept. has no registered dietician. Only one other one in Mono Count is currently working at the hospital under Gary Myers. She has contacted him; they are in conversation about how to use this person for both hospital and county.
- 11/1 Attended Strategic Planning with Mammoth Hospital; issues coming up.

## 7. CONSENT AGENDA

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

- A. New Use Permit for the Crowley Community Center  
Departments: Board of Supervisors

There is a need for the Crowley Community Center use permit to be redone by the Community Development Department. This new use permit will include various changes, including showing the location of the Community Garden, the proposed new library and the proposed skate park. This agenda item was requested by Supervisor Stump.

- M13-240 Action:** Direct the Community Development Department staff to redo the use permit for the Crowley Community Center site to include the following changes to the plot plan: show location of the Community Garden, show location of the proposed new library and show the location of the proposed skate park.

**Supervisor Stump; Johnston moved**

**Vote: 5 yes; 0 no**

#### **Note**

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**Supervisor Johnston pulled from consent agenda:**

- Sounds like we're directing that these things be shown; we should suggest these things be shown but have the planning commission approve them.

**Supervisor Fesko:**

- Didn't know Community Centers had use permits, asked for clarification.

**Supervisor Stump:**

- How do we reword this to accommodate Supervisor Johnston; or is the way it's worded ok?

**Scott Burns:**

- A couple years ago, there was a proposal for a community garden; use permit helps sort through various issues.
- Initial update to Community Center Update.

**Marshall Rudolph:**

- The way it's worded is fine.

**B. Part Time Temporary Fiscal and Technical Specialist I  
Departments: Human Resources and Assessor**

Proposed resolution R13-102, authorizing the County Administrative Officer to amend the County of Mono List of Allocated Positions to Reflect the Addition of a Temporary Appointment Fiscal & Technical Specialist I in the Assessor's Department and to Authorize the County Administrative Officer to Fill Said Allocated Position.

**R13-102 Action:** Adopt proposed resolution #R13-102, authorizing the County Administrative Officer to amend the County of Mono List of Allocated Positions to Reflect the Addition of a Temporary Appointment Fiscal & Technical Specialist I in the Assessor's Department and to Authorize the County Administrative Officer to Fill Said Allocated Position.

**Fesko moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**C. Employment Agreement - Resolution approving Agreement re  
Employment John Vallejo**

Departments: Human Resources

Proposed resolution approving a contract with John Vallejo and prescribing the compensation, appointment and conditions of said employment.

**R13-103 Action:** Approve Resolution #R13-103, approving a contract with John Vallejo and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Fesko moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**Note**

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

D. Community Grant Budget Amendment  
Departments: Finance and Tourism

Budget amendment to move a \$20,000 from general fund contributions to non-profit organizations to the Tourism budget.

**M13-241 Action:** Amend the 2013-2014 Board Approved Budget as follows: In the General Fund Operating Transfers budget, Increase Operating Transfers Out and decrease Contributions to Non-Profit organizations by \$20,000. In the Tourism Budget, Increase Contributions to Non-Profit Organizations and increase Operating Transfers In by \$20,000.

**Fesko moved; Alpers seconded**  
**Vote: 5 yes; 0 no**

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

A. U.S. Department of the Interior

Correspondence dated October 31, 2013 regarding proposals about the protection of the Bi-State Distinct Population Segment (DPS) of greater sage-grouse along the California-Nevada border as a threatened species under the Endangered Species Act (USA). This correspondence details two available public meetings regarding these proposals. Additional material, too large to attach here, is available for viewing in the Clerk's office.

B. California Water Boards

Correspondence dated October 21, 2013 from the California Water Boards, State Water Resources Control Board, regarding the Walker River Irrigation District's Petitions for Temporary Transfer and Change Involving Rights Established under the Walker River Decree, Case No. C-125.

C. Forest Service Regarding Boulder Creek Fuels Reduction Project

Correspondence dated October 17, 2013 from Kevin B. Elliott, Forest Supervisor, regarding the Boulder Creek Project addressing Mono County's concerns about the prescribed burn project.

\*\*\*\*\*

*The board acknowledged receipt of the correspondence.*

9. REGULAR AGENDA - MORNING

A. Review of Snow Removal Priorities, Policies and Procedures  
Departments: Public Works - Road Division

**Note**

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

(Jeff Walters) - Each year the Roads Division of Public Works provides the Board of Supervisors for their review a list of the snow removal policies, procedures and priorities for county-maintained roads.

**R13-104 Action:** Adopt Resolution No. R13-104, "A Resolution of the Mono County Board of Supervisors Re-Establishing Snow Removal Policies, Procedures and Priorities for County-Maintained Roads."

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**Jeff Walters:**

- Time to review policies and procedures regarding snow removal.
- Believes there are citizen's here from Virginal Lakes. There have also been issues about Lundy Lake road.
- Went over different classes of roads.
- Lower/Upper Rock Creek Roads – the MOU's in place cover the plowing issues. No compensation from Inyo County.
- Virginia Lakes Road has previously been a class IV: they try to keep road open to Rand Road, sometimes till Thanksgiving, sometimes till Christmas; the people that live up there appreciate being able to be there for holidays. Sometimes huge storms and wind make that impossible.
- Plan for Virginia Lakes Road is status quo. Leave it open as long as possible and try to re-open by the opening of fishing season.
- We can always try posting signs, doesn't mean cars won't park or go up road.
- Current method of Avalanche Control is time.
- Public Works puts a berm at the plowed road to deter people from trying to drive up further.

**Supervisor Stump:**

- Do we need to address Lower Rock Creek Road with new MOU? Same with Upper Rock Creek Road?
- Is Inyo County compensating us in some way? Or are we just offering a public service (which he's in favor of)?
- Is there avalanche danger on Virginia Lakes road? He has general concern about operator safety in avalanche zones. We don't have capability for these types of controls.
- Will keep close eye on Walker/Coleville.

**Supervisor Johnston:**

- Discussion about Airport Road, priority numbers.

**Supervisor Fesko:**

- Asked about Virginia Lakes Road – how has it been managed?
- He has seen emails going back and forth, is there a change with priority? Is it your intention to change the class to something different now?
- Question about classes IV and V in relation to his district.
- The county's intention is to keep the roads open until right around New Years, is that ok?
- Safety of the public also a concern.

**Supervisor Hunt:**

- Anyway to do notices on Virginia Lakes Road?

**Note**

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**Supervisor Alpers:**

- Believes status quo approach (for Virginia Lakes Road) is spot on.
- Likes idea of erring on the side of caution. He's with Supervisor Stump on worrying about the safety of our operators.

**Carolyn Webb (Virginia Lakes Resort):**

- Having road open all year would make her liability higher; she's happy with the way the snow removal is now.
- New 25 mph signs up there – doesn't have problem with speed signs, but they didn't go far enough with the signs.
- She will draft letter to Jeff Walters about the speed signs.
- Status Quo is good as long as driver doesn't go beyond plowed road.

**Frank Chop (year round Virginia Lakes residence):**

- He thanked the county for the new speed signs; he's fine with 25 mph because people go faster than that anyway.
- Class IV on road plowing – very good. Plowing up to Rand Road is perfectly fine as it keeps road clear through subdivision.
- Would like commitment to keep road open to Rand Road – so that people WILL come up for holidays, etc. Helps generate more people up there.
- Good area to promote for Mono County; only way is if road is kept open longer.

**Frank Carey (summer cabin owner):**

- Water Company provides water to a little less than 1/3 of properties year round.
- He spends more time here than his other residence.
- A change is coming; we'd like to see a commitment from county to keep roads open a little bit longer. Not changing the class right now, just more use.
- For now, status quo works.

**B. Motor Pool Workshop**

Departments: Public Works - Road Division

(Jeff Walters) - Mono County's Motor Pool is responsible to oversee the acquisition and management of the county's fleet of vehicles. Each year replacement vehicles are requested by various departments. This agenda item covers an overview of the Motor Pool policy and acquisition procedures as well as lists the proposed vehicle replacements.

**M13-242 Action:** Authorize the requested budget amendment transfer of \$38,000 from the motor pool fund balance into vehicle purchase line item for the replacement of damaged vehicle.

**Stump moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**Jeff Walters:**

- Here to provide more information about motor pool vehicles.
- Also included motor pool mileage year to date cost.
- Gave history of motor pool policy (beginning back in 2006).
- Gave history of formula used to determine mileage, rates, etc.
- Tomorrow we receive a brand new ambulance.

**Note**

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- Discussion about replacement protocol.
- There are a lot of Dodges being used; discussion about Sheriff's vehicles being ordered/used.
- Discussion of overall objectives.
- He's keeping an eye on up and coming technology. Balance between total number of cars and how many two wheel vs. four wheel drives.

**Supervisor Hunt:**

- Recommending the addition of \$38,000 to replace broken truck. This would be a budget amendment?
- Not feasible to change entire fleet overnight; it's going to have to be gradual.

**Leslie Chapman:**

- There is sufficient balance in motor pool fund to cover the needed \$38,000 for the broken truck.

**Supervisor Johnston:**

- Has been concerned with how the county can modernize its vehicle fleet to stop problems from occurring.
- We could cut out 10% in a variety of ways: not using vehicle so much (car pooling, etc.), convert the type of cars we're using, changing to vehicles that get 30+ mpg should be mandatory, in our motor pool we should provide 50 mpg vehicles that employees can utilize.
- In motor pool we've got some very inefficient vehicles, they should not be *in* the motor pool.
- He doesn't feel that status quo is ok anymore. Need to be headed into a more efficient future; far into the future, not just yearly.
- Car pooling should be mandatory.
- In future budget sessions, would like future discussion that focuses on targets, etc.

**Supervisor Alpers:**

- Are we looking into Supervisor Johnston's ideas at all?
- Do we have an inkling of what's to come in the future and how to be as efficient as possible?
- Complimented Jeff on his hard work and forward thinking.

**Supervisor Stump:**

- Complimented Jeff on the standardization idea/process.
- Not sure about making car pooling mandatory, but does agree with Supervisor Johnston on increasing efficiency and continuing to monitor technology, the future, etc.
- Complimented on County ambulance that has been repurposed for county purposes.
- For departments, we should set a reward for departments making mileage goals.

**Supervisor Fesko:**

- He agrees with Supervisor Johnston on efficiency, dictating vs. encouraging is a big difference.
- He's not one to accelerate the replacement of a vehicle just to make it more fuel efficient.
- Asked Scott about his Prius, its efficiency, how it handled in the snow, etc. We need to gather information from people who have experience with certain vehicles.
- He thinks Jeff is moving forward and making progress; he supports

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- the \$38,000 budget amendment.
- Discussion about commercial vs. non-commercial might be beneficial.

**Sheriff Obenberger:**

- Is planning on using replacement truck for dual purposes, not just the Command Post. Can also be used for boating and OHV but mostly these will be pulled by Expeds.
- He is slightly concerned if the truck is not available for the command post at a second's notice. It has to be.

C. Building Permit Fees and Green Projects

Departments: Community Development - Building

(Tom Perry) - Presentation by Tom Perry regarding Building Permit Fees and Green Projects.

**Action:** None.

**Tom Perry (power point, copy to be kept in file folder):**

Building Permit Fees and Green Projects:

- Determination of a 'green' project.
- California has a cap on solar permit fees.
- Review of other jurisdictions fees and data.
- Review of Mono County permit fees for similar projects.
- Comparison of other jurisdictions and Mono County.
- Questions, discussion and direction.

Additional Comments:

- He does not see any need to change current policy.
- Staff has not received negative comments about current fees.

**Supervisor Hunt:**

- How much subsidization do we want? Policy question is there.
- Are we comfortable with fee where it is right now? Will this be researched on an ongoing basis?

**Supervisor Johnston:**

- Thanked Tom for staff report/work provided.
- We can set an example in our jurisdiction; we don't have to be like other counties.
- He proposes a minimum fee of \$50 plus 5 cents per watt (based on size of the system). You should look at watts, not panels.
- This also covers us for larger scale systems that could pop up.
- This suggestion is palatable yet sends message that we're concerned about it. Wants Mono County to take a step towards encouraging this.
- He considered no fee but there should be a reasonable amount to cover various things; he's talking about a compromise.
- We can do nothing and let the studies go on; he wants to do something now.
- Requested staff to bring back options cutting the fee. And see an integration into the future Pace program. Marketing to public, etc.

**Supervisor Stump:**

- Do you see any need to change the current policy?
- Can watts be converted to panels?
- Is there a break point for you where you want to contract out for inspection if job gets too large (i.e. two hours)?

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- Had dinner with solar contractor who was glad to be involved in these types of discussions.
- Roadblocks that government puts in the way – changing fee makes us go in the direction the county wants us to go.
- The Pace program does embody a partnership.
- How about a blanket reduction to \$150-175?
- Include information on preplanned/pre-engineered systems when item comes back.

**Supervisor Fesko:**

- Agreed with Supervisor Johnston until he started doing some figures.
- To make Mono County the supreme solar place, you cut fees.
- We shouldn't be shortsighted on covering our costs right now.
- You removed the roadblocks altogether – NO fees if you want to really promote Mono County as solar.
- Charging people that want to go solar a bigger fee isn't encouraging them.

**Supervisor Alpers:**

- Can't be considered a gift of public funds, need to be careful about how we handle it.
- Agrees with directing staff to come back through the formal agenda channels.

**Marshall Rudolph:**

- Due to number of different state laws we can't charge a fee that exceeds our cost. You can be below that, not above that.
- All you can do today is give direction to staff; there is not a requested action in the agenda item.
- If new direction would result in a higher fee, an increased fee would require ad in the paper, etc. before it could be implemented.

**Jim Leddy:**

- Need to look at broader policy understanding.
- What can we do to incentivize Green Projects?
- There are programs out there, would need to do our homework on what would make sense for our area.
- 98% of project capital was problem in 2009, not so much the fees.
- Agrees we should do something; we need to bring it back on future agenda. We need a broader financing plan and some choices.

**D. New LPA Delegation Agreement and Grant Funding Agreement**

Departments: Environmental Health

(Louis Molina) - Approval of new Local Primacy Delegation Agreement (LPDA), Grant Funding Agreement and Fiscal Agent Agreement, between the California Department of Public Health and Mono County.

**M13-243 Action:** Approve entry into Local Primacy Delegation Agreement (LPDA), Grant Funding Agreement, and Fiscal Agent Agreement, between the California Department of Public Health and Mono County. Authorize Environmental Health Director to sign said agreements on behalf of the County. Authorize Finance Director to sign as the Fiscal Agent to disperse the grant funds per the Fiscal Agent Agreement.

**Note**

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**Alpers moved; Johnston seconded**  
**Vote: 5 yes; 0 no**

**Louis Molina:**

- Explained item.
- This is to upgrade and update existing information.
- They could make people show them books although this hasn't been necessary. This is all about population "served".
- Monitoring won't change with this new agreement.

**Supervisor Fesko:**

- How does this change rules/monitoring?

**Supervisor Johnston:**

- Any downside to this?

E.

**ADDENDUM**

Southern California Edison – Encroachment Permit Deposit Waiver Request

Departments: Public Works

(Jeff Walters) – This is a request from Southern California Edison (SCE) to have Mono County waive the encroachment permit deposit fee for a blanket permit regarding emergency electrical utility repairs on all county roads.

**M13-244 Action:** Approve request from Southern California Edison (SCE) to waive the encroachment permit deposit for a blanket permit.

**Alpers moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**Jeff Walters:**

- Explained need for addendum.
- SCE is requesting for fee deposit to be waived.

**Marshall Rudolph:**

- Stacey Simon has reviewed; she's in South County to answer questions.
- Being asked to waive only a deposit, not a fee.

**Supervisor Stump:**

- Is this standard procedure?

**Deborah Hess (SCE):**

- Emergency situation out in June Lake; when they went to county they were requested to pay \$500 deposit. She feels the deposit amount is unnecessary as they guarantee their work.

**Stacey Simon:**

- Public Works is struggling with a code section where it says ALL entities should pay.
- Because it's in the code, at the staff level it was not possible to just waive fee. This is actually only a deposit that would be returned if there was not damage anyway.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

**Deborah Hess:**

**Note**

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- Suggested they talk to Kern County about solar discussions.

11. CLOSED SESSION

*There was nothing to report out of closed session.*

A. Closed Session--Human Resources

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

B. Closed Session - Conference With Legal Counsel

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.

C. County Counsel Performance Evaluation

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

D. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Public Works Director.

REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

13. REGULAR AGENDA - AFTERNOON

- A. PILT Invoice for Department of Fish and Wildlife Land  
Departments: CAO, Finance  
(Jim Leddy, CAO) - Presentation by Jim Leddy regarding delinquent California PILT (Payment in Lieu of Taxes) on Department of Fish and Wildlife properties.

**M13-245 Action:** Approve the past due invoice to the State of

Note

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California for past due amounts, penalties and interest dating back to 2002-2003 and letter to Governor Brown.

**Alpers moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**Jim Leddy:**

- Thanked staff for pulling this together quickly.
- RCRC has put together what the state owes us for PILT.
- This has to do with the Dept. of Fish and Wildlife.
- Today's action is a legislative advocacy.
- Board will see Press Release before it goes out.
- There is not a downside to ask for this.

**Supervisor Fesko:**

- Will we get to see Press Release before it goes out?
- Does remainder go to special districts and school districts?

**Supervisor Stump:**

- Is this the first time Mono County has submitted invoice?
- Should we be guarded in our relationship with Governor's office – yes or no? Could this in any way jeopardize anything?
- Should state publicly: past due amounts are over \$650,000 with \$195,000 going to general fund.

**Supervisor Johnston:**

- Suggests copy go to CSAC.

**B. September 30, 2013 Quarterly Investment Report**

Departments: Tax Collector

(Rose Glazier) - Report to the board Quarterly Investment report for quarter ending September 30, 2013.

**Action: None.**

**Rose Glazier:**

- Gave figures relating to quarterly reports and explained each one.
- Handout of what's happening in the bond market (will be posted to the web).
- Transaction Reports (last two months, handout to be posted to the web).
- We have all members but one picked for Oversight Committee – need someone from Mammoth.
- Been making only short term bond investments. She checks them monthly but bond market is moving very slowly.

**Supervisor Johnston:**

- What is the inflation rate? We're not keeping up with the CPI?
- We budgeted \$1 million exactly for CARB, how much is that making us for us now?
- Asked about bond payments, how they work?

**Leslie Chapman:**

- Inflation rate – approximately 1.7%.
- We have not transferred the \$1 million yet, she can get that information. It's sitting in the JPA that we belong to. We're losing money by having \$1 million in CARB compliance money.
- Oversight Committee – status?

**Note**

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**Supervisor Alpers:**

- What would Supervisor Johnston like to do with the \$1 million instead?

**Supervisor Hunt:**

- How often will Oversight Committee meet?

**Marshall Rudolph:**

- There is no Oversight Committee right now. It will be re-established by the Board once members are chosen.

C. Yosemite Gateway Motel TOT Penalty Appeal

Departments: Tax Collector

(Rose Glazier/Tim and Kim Traynor) - TOT penalty appeal for Yosemite Gateway Motel due to hardship of Rim Fire.

Discuss possibility of waiving TOT penalties for the 1st quarter of the 2013 fiscal year. Discuss possible repayment agreement of TOT taxes for 1st quarter of the 2013 fiscal year.

**M13-246 Action:** Waive penalties for Tim and Kim Traynor for failure to pay quarterly TOT for the month of November ***only*** due to lack of timeliness and response by the county to the Traynor's request.

**Alpers moved; Stump seconded**

**Vote: 3 yes; 1 no: Johnston; 1 abstain: Hunt**

**Supervisor Hunt:**

- Recused himself; the Traynor's are his family.

**Rose Glazier:**

- Gave history/overview of item.
- Was brought back on appeal.
- They are asking for penalties to be waived for TOT.
- Handout (to be posted to web).
- 15% of \$27,398.58 is amount to be waived.
- Will the Traynor's make payments or just one lump sum?

**Leslie Chapman:**

- This is first chance the Traynor's have been able to address this so in that essence, they have been held up by the county.

**Supervisor Stump:**

- Asked for clarification on several forms.
- First two months are penalty months without interest?
- Traynor's are ok with interest, but would like to have penalty amounts waived.
- Traynor's will create a payment plan that they'll implement right now; will begin paying interest now too. Reduce penalty down to interest rate.
- Has some of same concerns as Supervisor Stump.
- He's discussed this at length with Finance Director and knows what her obligations are.
- In their letter, "the implication they they've been financially irresponsible" not his view.

**Supervisor Fesko:**

**Note**

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- Various questions about information submitted.
- Takes a lot of guts to put everything out in the public.
- As business owner, he understands the ramifications of Rim Fire.
- Other constituents will want to break up property taxes.
- Has issue with their letter: he doesn't think there was anything malicious on the part of the Finance Director.
- He's on the fence with this. If a deal is made today, many others are going to come forward. It will be hard for this board to say no.
- Explained that he has a line of credit for his own business as a safety net.

**Supervisor Johnston:**

- Wouldn't fiscal impact be \$0 if they didn't pay on time?
- This sounds like a windfall of the proposed penalty amounts?
- Interest rate is 1.5% per month.
- This is a "present", Board hasn't done this before. Not about Traynor's, more about if a government entity is willing to "help" during a cataclysmic event. This is a chance for government to do something for the people who pay the taxes. He'd like to see Board set precedence for unprecedented conditions. Would be beneficial to *anyone* in Traynor's position.
- He feels there is strong evidence that these events *did* happen; in the long run we're making more money than if they pay on time.
- He's in favor of waiving penalty and making an agreement for installments.

**Supervisor Alpers:**

- He personally doesn't want to know about their financial issues.
- He's not willing to set precedence; bottom line is we are their safety net, loaning money for a couple months.
- To apply this consistently, we'd have to have further discussions on what exactly is a disaster.
- We shouldn't leave them waiting for a response.
- He's not prepared to deviate from policies on how we handle it.

**Kim Traynor (Yosemite Gateway Motel):**

- They know that they've gotten approved for a loan, waiting for that to come in. They just need some time.
- They came in early (before payment due) to ask for waiver of penalties.
- Set a firm final payment date (early spring).
- Comes down to how needy they are vs. the impact of fire and government shut down?

**Marshall Rudolph:**

- Filing an appeal tolls penalties, etc. so there is some relief there.
- Board can come up with payment structure including penalty that hasn't yet accrued.
- Reading from County Code – if appeal not successful then the Traynor's would be responsible for all the time since the appeal went forward.

D. Veterans Services Presentation & Approval of One-Time Funding  
Departments: CAO

**Note**

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(Saul Samaria) - Presentation from the Veterans Services Officer of Inyo and Mono County on current services provided to veterans; Potential approval of receipt of one time state funds to augment services to veterans.

**M13-247 Action:** Approve the Board of Supervisors Chair to sign the Certificate of Compliance with the California Department of Veterans Affairs for One-Time Funding Subvention Program for Fiscal Year 2013-2014.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**Jim Leddy:**

- Thanked and introduced Saul Sanabria, Veterans Service Officer.

**Saul Sanabria:**

- Here to give information regarding the County Veteran Service Office. He works by himself.
- This conversation should go a long way toward communications in the future.
- Finds job extremely rewarding; exciting to know he's part of an entity "where we honor veterans".
- Handed out booklets to Board – these are the 2012 books.
- He works at least 10 hours a day (M-W in Bishop and Th is outreach).
- He's booked at least two months out with appointments. He does advertising. Also advertises in Senior Centers.
- Yes, there are Veteran's Services in Nevada and people in North County *could* ask that branch for assistance.
- Gave information/stats about homeless services.

**Supervisor Fesko:**

- How does he get the word out in Mono County?
- Suggested he run a blurb in the Sierra Scoop.

**Supervisor Johnston:**

- Can you get Veteran's Services in Carson City, in Nevada?

**Supervisor Stump:**

- Can you transport Veterans that can't transport themselves?
- Do you network with County Social Services?

**Supervisor Alpers:**

- Asked about homeless services?

**Supervisor Hunt:**

- Asked about youth percentages, those in the military.
- Asked about Yvonne Mason, past Veteran's Services person.

E. Fisheries Commission

Departments: Board of Supervisors

(Jim Leddy) - Discuss the Fisheries Commission, its origin, purpose, composition, functioning, and future. At its October 18, 2013 meeting, the Board requested to agendize such a discussion and postponed in the meantime any consideration of Commission appointments.

**Action:** None.

Note

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**Jim Leddy:**

- Gave historical information regarding this item.
- Relationship between Fisheries Commission and the Inyo Mono Fish and Game Advisory Commission.
- The board can structure, restructure, give advice to, etc. Our Board has control over this commission.

**Carolyn Webb ( Fisheries Commission handout)**

**Supervisor Hunt:**

- He's always been very supportive of this commission.
- Would like to better understand the coordination between the different groups; need a better picture of the function.
- Would like better communications as a result; more frequent agenda items to keep everyone on the same path.
- There has been some discussion that the Commission is lopsided with more North County people; would be nice to even out a little bit, get more Mammoth representation.
- Original item was reappointment of members; he needs reassurances that the commissioners are acting in accordance with wishes of the board.
- Broadest scope possible would be good (i.e. renaming it the Mono County Fisheries and Game Commission)
- Would like regular reports from Fisheries Commission.
- Doesn't want Commission delaying progress with Conway Ranch. This board is totally committed to seeing Conway Ranch succeed and operating well.
- A lawsuit should not have been created; communication is what's needed. We need to move ahead in a new way.
- When it comes to reappointments, he wants to see people on commission who can make IAG relationship better.
- Agrees with workshop and further discussion about communication.
- He was holding off on appointments but realizing that you are at-will and can be fired at any time, he'd support reappointments at this point. Need new agenda item.
- He needs a promise that the Commission will stay away from lawsuit.

**Supervisor Fesko:**

- Issue discussed at last Fisheries Commission, misunderstanding that there were two members present supporting the IAG and sitting with their attorneys. They weren't sitting *with* them. He apologizes for any confusion or hardships caused by this.
- Brought up the year round regulation changes for West Walker River.
- He's always said Board needs to be closer to Commission, to be getting regular updates. His desire has always been to have a good working relationship.
- Maybe updates can come during Department Reports/Emerging Issues? Maybe add the words "commissions" to this?
- He's heard things but always goes right to the source, picks up the phone.
- The IAG lawsuit is not the fault of the Fisheries Commission. He

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has seen them go out of their way; pleas have gone unheard by this board.

- Not a strong enough argument for how much the well was needed. The whole board didn't understand.

**Supervisor Alpers:**

- His understanding is that the extended role of the Fisheries Commission is to be discussed.
- He'd like to hear from some of the commissioners.
- Why not call the Commission the Fish and Game Commission?
- Maybe fund Commission more as we get into these other issues? Maybe they need to be more proactive and involved, we need to build them up; we would get more applications.
- Renaming first step?
- Thinks Board needs to reappoint commissioners and then have a workshop. Or disband it.
- Maybe January for a workshop. They will have time to get Tony's input, etc. by then.

**Supervisor Stump:**

- There are 7 board members listed; he's like clarification as to who represents which area.
  - Steve Marti, Dan Anthony, Robert Dunn (north county).
  - Gary Jones, John Webb (June Lake/Mono Basin area).
  - Jim King, Gaye Mueller (South County).
- Do you normally come to the Board annually with Strategic Plan?
- Had breakfast with Commission members awhile ago: there were three new members on board beginning January. Shortly after he got here, the County was sued, created a blockage for him.
- Idea of name change is excellent.
- Asked about anonymous letter written.

**Supervisor Johnston:**

- Ok with name change. Maybe "Wildlife Enhancement" – maybe Mono County Fish and Wildlife.
- Discussion about Strategic Plan.
- Seems like there's more than one partner here. Some "partners" are suing each other.
- Regarding Commission's involvement with the lawsuit – there have been commissioners who have appeared to be in close contact with IAG's side. There needs to be a pledge of neutrality on the part of the Commission.

**Marshall Rudolph:**

- The Board resolution doesn't *require* someone for each area.
- Reluctant to say anything – agenda item is really only about the Fisheries Commission, nothing about the pending litigation.

**FISHERIES COMMISSION COMMENTS:**

**Steve Marti (Bridgeport):**

- He is a member of the Fishing Coalition as well.
- Membership of Commission: when he came on, there were two north county commissioners and four south county commissioners. The weight shifts depending on what's going on; doesn't see it as a problem. The commission serves all of Mono County.
- Gave information about what Commission is doing/involved in: F&G update re Yellow legged frog – they are keeping a hand in

**Note**

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

these issues; bears too. They're trying to keep Commission diversified to include "game", not just fish.

- Talked about studies being done.
- Can get more stuff back to Board on Strategic Plan.
- Happy to come once a month, a standing agenda item. He commits to this.
- He'd like to see this board define partnership.
- Does not know who sent anonymous letter but none of the commissioners that he has asked.
- He purchases fish from IAG every year; if it's not successful, it affects him in the pocketbook. He wants to do everything in his power to make Conway the best it can be.
- In his opinion, a lawsuit happens when partners (or anyone) can't resolve their differences.

**John Webb:**

- Asked Board to address the bylaws; he did go to courtroom (regarding lawsuit) to disseminate information only.
- If the Board does not want the Commission to attend any applicable lawsuits, the language should be put into the bylaws with a new resolution passed.
- Spoke about letter addressed to the Board about the need for the well. The letter couldn't have been worded much more strongly.
- Complimented Jeff Simpson for being a great liaison.

**Dan Anthony:**

- Followed Commission for two years, been a member for a year and a half.
- Their sole goal is to benefit Mono County Fishing. They really don't have other agendas.
- Feels Supervisor Johnston's comments are a slap in the face.

**John Frederickson:**

- Watch out for 15% cut, could be a big deal.
- They need to say no to it.

ADJOURN at 5:16 p.m. in memory of Diane Reay, resident of Coleville, CA who recently passed away.

ATTEST:

---

BYNG HUNT  
CHAIR

---

SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

**Note**

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



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Appointment of Long Valley Regional Planning Advisory Committee	

### AGENDA DESCRIPTION:

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

Consider new appointment, Alison Feinberg, to the Long Valley Regional Planning Advisory Committee as recommended by Supervisor Stump.

### RECOMMENDED ACTION:

Appoint Alison Feinberg to the Long Valley Regional Planning Advisory Committee.

### FISCAL IMPACT:

No impact.

**CONTACT NAME:** Courtney Weiche

**PHONE/EMAIL:** 760.924.1803 / cweiche@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

[Staff Report](#)

History

Time

Who

Approval

11/18/2013 8:04 AM	County Administrative Office	Yes
11/21/2013 10:30 AM	County Counsel	Yes
11/18/2013 7:08 PM	Finance	Yes

**Mono County  
Community Development Department**

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

**Planning Division**

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

**Board Meeting Date:** December 3, 2013 (Consent Item)

**To:** Honorable Chair and Members of the Board of Supervisors  
**From:** Courtney Weiche, Associate Planner, for Fred Stump, Supervisor  
**Subject:** Appointment of Long Valley Regional Planning Advisory Committee Member

**Action Requested**

Consider new appointment, Alison Feinberg, to the Long Valley Regional Planning Advisory Committee as recommended by Supervisor Stump.

**Fiscal/Mandates Impact**

No fiscal impacts are expected.

**Current Fiscal Year Budget Projections**

No impact is expected on current fiscal year budget projections.

**Discussion**

Supervisor Stump, District 2, requests Board consideration of his recommendation for membership / term for the Long Valley Regional Planning Advisory Committee (7 members total).

RPAC member recommended for appointment:

Term Expires:

Alison Feinberg

12-06-14

Other existing members (for information):

Hank Brown

Greg Newbry

12-06-14

Lee Scotese

12-06-14

Ron Glende

04-06-14

Ron Day

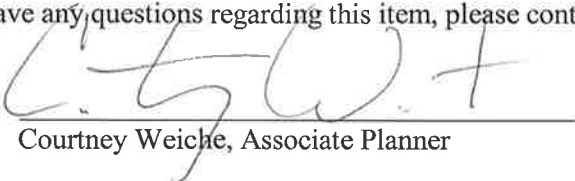
04-06-14

Haislip Hayes

04-06-14

If you have any questions regarding this item, please contact Supervisor Hazard or Courtney Weiche at 924-1803.

Signed:

  
Courtney Weiche, Associate Planner



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	MOU among Mono County, the Town of Mammoth Lakes, and RedRover for Crisis Animal Care	

### AGENDA DESCRIPTION:

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

Proposed contract with United Animal Nations d.b.a. RedRover and the Town of Mammoth Lakes pertaining to the provision by RedRover of shelter, food, medical, and other services for animals during emergencies.

### RECOMMENDED ACTION:

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

### FISCAL IMPACT:

None. RedRover is a donation-driven nonprofit which provides its services free of charge.

**CONTACT NAME:** Angelle Nolan

**PHONE/EMAIL:** (760) 932-5582 / anolan@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

[RedRover MOU Cover Memo](#)

[Proposed MOU](#)

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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/25/2013 8:21 AM	County Administrative Office	Yes
11/26/2013 9:15 AM	County Counsel	Yes
11/22/2013 3:08 PM	Finance	Yes

# COUNTY of MONO

DEPARTMENT OF ANIMAL CONTROL



P.O. BOX 476  
BRIDGEPORT, CA 93517  
ADMINISTRATIVE OFFICE (760) 932-5630 \* FAX (760) 932-5284  
BRIDGEPORT ANIMAL SHELTER (760) 932-7407 \* WHITMORE ANIMALSHELTER (760) 935-4734

Date: November 25, 2013  
To: Honorable Board of Supervisors  
From: Angelle Nolan, Animal Control

Subject: MOU between Red Rover, Mono County and the town of Mammoth Lakes.

Recommendation:

Approve the Mono County, Red Rover and the Town of Mammoth Lakes plan to provide temporary, no-cost shelter and animal care services to the members of our communities and their pets that are impacted by a natural disaster or other emergency condition.

Background:

Town of Mammoth Lakes Police Chief Dan Watson contacted the County requesting the County to join with the Town in ensuring emergency animal shelter services through use of a non-profit organization. The Town is contracting, at no cost, with Red Rover a non-profit organization that comes to the aid of animal care agencies in times of emergency.

Red Rover services include assistance with the following:

- \* Setting up of shelters for animals
- \* Record keeping and identification
- \* Coordination of veterinary care for animals in need
- \* Coordination of food and supplies
- \* Proper documentation
- \* Reuniting animals with their owners

The Town provided a draft Memorandum of Understanding is attached. This MOU was reviewed and has been approved by County Counsel's office. This draft MOU is attached to this Board item.

Discussion:

Mono County's existing Animal Control agency has limited capacity given Mono County's large size. With current resources, County Animal Control staff would be unable to accommodate the needs of all the animals and the people who normally care for them throughout the County in the event of a natural disaster or other emergency. In the event of a disaster, this organization comes in and helps set up shelters for the animals, helps with identification, organization, reuniting pets to owners and coordination of the entire process.

In an emergency situation, having an agency come in with experience caring for temporarily displaced animals would be an enormous benefit and service to the citizens of Mono County and their pets. Mono County Animal Control staff recommends the pending MOU would strengthen the resources for animal care during extraordinary circumstances.

*"Treat every person we meet as we want to be treated – Treat every animal that we care for as if it were our own"*



Fiscal Impact:

None. Red Rover is a non-profit, volunteer program. Should Red Rover services come into play, there may be significant savings on overtime expense because current staff will not need to work as many extra hours to meet pressing demands.



**Memorandum of Understanding  
RedRover  
Mono County  
And  
Town of Mammoth Lakes**

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# Memorandum of Understanding between RedRover, Mono County, and Mammoth Lakes

## I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish a working relationship among United Animal Nations d.b.a. RedRover, hereafter referred to as RedRover, Mono County, and the Town of Mammoth Lakes (each a "Party") in preparing for and responding to disasters and other emergency situations affecting animals.

Mono County is a political subdivision of the State of California. Mammoth Lakes is a town in Mono County. For the purpose of this MOU, the term "Mammoth Lakes" includes the Town of Mammoth Lakes (TOML) and the Mammoth Lakes Police Department (MLPD).

This Agreement provides the broad framework for cooperation and communication among RedRover, Mono County and Mammoth Lakes in providing assistance and service to animal victims of disaster as well as for other services for which cooperation may be mutually beneficial.

## II. Concept of Operations

RedRover, Mono County, and Mammoth Lakes are each separate and independent organizations. As such, unless otherwise described herein, each Party retains its own identity in providing services, and each Party is responsible for establishing its own policies and financing its own activities.

## III. Definitions

- **Emergency:** Any natural or manmade situation that creates animal sheltering needs that cannot be met by a community without outside assistance.
- **Authorized Representative:** The chief executive or his or her designee. The list of titles of authorized representatives for each Party shall be attached hereto as "Exhibit A," and shall be updated as needed by each Party by means of a written notification.

## IV. Services Provided by RedRover Responders

- Setup and operation of temporary emergency animal shelters
- Implementing record keeping and identification system
- Coordinating veterinary care for sick and injured animals
- Coordinating animal food and supplies
- Documentation of lost animals
- Reuniting animals with owners

RedRover also participates in an ongoing process of proactive education and mutual awareness of the needs of animals and their owners in disasters.

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

**V. Methods of Cooperation**

In order that the resources of RedRover, Mono County, and Mammoth Lakes may be coordinated and best utilized when providing emergency relief services under this agreement, each organization agrees to the following principles:

- Close liaison shall be maintained between RedRover, Mono County, and Mammoth Lakes through the use of meetings, telephone conferences, email and other means. This communication will include requests for assistance, emergency-related communications that include daily reporting to each Party of relevant information relating to the particular emergency. Such daily reporting may be conducted informally by a deployed representative of each Party at the location of the emergency, with the expectation that each Party's deployed representative will appropriately notify its organization. Each Party will share current data regarding emergency, emergency declarations and changes in personnel, policies and legislation. The interaction and liaison shall be encouraged at all levels of each Parties' organizations.
- RedRover, Mono County, and Mammoth Lakes will distribute this Agreement internally and shall urge full cooperation.
- RedRover, Mono County, and Mammoth Lakes will keep each other updated as to the Authorized Representative to contact for emergency assistance.
- The name, emblem, intellectual property and/or other materials of one Party may be used by the other Parties only upon the express prior consent of the Party whose materials are so used.

**VI. Emergency Response Coordination**

**A. Requesting Assistance: Mono County and Mammoth Lakes** will directly contact the Authorized Representative of RedRover and shall provide him or her with the following information:

- i. A general description of the emergency that has occurred or is threatened;
- ii. Identification of the particular type of assistance needed;
- iii. The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time that each will be needed;
- iv. The need for sites, structures or buildings to serve as relief centers, staging areas and housing for incoming personnel, goods, equipment, and services; and
- v. An estimated time and a specific place for a representative of Mono County and/or Mammoth Lakes to meet the personnel and equipment of RedRover.

This information may be provided on the form attached to this Agreement as Exhibit "B," or by any other available written means that conveys the necessary information. Each Party may offer revisions to the format of Exhibit "B" subsequent to the execution of this Agreement. Said request shall include information detailing the nature of the original request from local authorities authorizing the response. It is understood between the Parties that any response to a declared disaster will be based on the National Incident Management System model and fall under the umbrella of the established Emergency Operations Center for each incident.

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

This MOU is non-exclusive; RedRover reserves the right to form similar agreements with other parties, and Mono County and/or Mammoth Lakes may form similar agreements with other organizations. If more than one organization is assisting in an emergency, RedRover strongly encourages Mono County and/or Mammoth Lakes to seek an agreement with all organizations providing assistance that requires all organizations share information in a way similar to what is outlined under the above "Methods of Cooperation," section V.

- B. Written Acknowledgment:** RedRover shall respond to a request for assistance by the quickest practical means. Requests will be considered based upon the expected resources available at the time the services are requested to be provided.

The form provided as "Exhibit C" need not itself be used, but rather is provided as an example of the format to be used to insure the transmission of the necessary information.

- C. Costs of Assistance:** Each Party shall be responsible for all its own costs associated with providing assistance. Each Party shall not be liable for any portion of any expenses incurred by any other Party unless expressly agreed upon in writing, prior to the incurrence of the expense.
- D. Period of Assistance:** The period of assistance shall be the time beginning with the departure of any personnel and/or equipment of RedRover from any point for the purpose of traveling to Mono County and/or Mammoth Lakes in order to provide assistance and ending upon the return of all personnel and equipment of RedRover, after providing the assistance requested, to their residence or regular place of work, whichever occurs first.
- E. Supervision and Control:** While RedRover is in the community to assist the local authorities, the personnel, equipment and resources of RedRover shall remain under the operational control of the RedRover Leadership responding to the emergency.

RedRover, Mono County, and Mammoth Lakes shall each be separately responsible for the operation and maintenance of its own equipment and any other resources it may provide. RedRover, Mono County, and Mammoth Lakes shall each maintain daily personnel time records, material records, a log of equipment hours, and daily activity reports to be provided to the other upon request.

RedRover, Mono County, and Mammoth Lakes each reserve the right under this Agreement to withdraw its resources at any time, subject to reasonable notice to the other Parties. At least twenty-four hour advance notification of intent to withdraw personnel or resources shall be provided to the other Parties unless such notice is not practicable; in which case, such notice as is reasonable shall be provided.

- F. Food; Housing; Self-Sufficiency:** RedRover, Mono County, and Mammoth Lakes personnel and equipment should be, to the greatest extent possible, self-sufficient for operations in areas stricken by disasters or emergencies.

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

- G. Publicity:** During a joint effort by the Parties, all reasonable efforts to promote the identity of the Parties shall be clearly communicated through all available means. RedRover, Mono County and Mammoth Lakes shall make every effort to keep the public informed of their cooperative efforts. Whenever possible, onsite signage, press releases, interviews and other communications efforts shall indicate the involvement of both RedRover, Mono County, and Mammoth Lakes. When possible, advance notice and review of releases/reports shall be given by each Party to the others. RedRover, Mono County, and Mammoth Lakes agree to share photography, videography and other materials that can be used for publicity purposes with the understanding that the organization responsible for procuring said materials is credited as the source and shall ensure appropriate rights to such materials and that they are royalty free.
- H. Fundraising:** All Parties shall be free to make special fundraising appeals independently of each other to the public and to their respective members for funding.
- I. Insurance:** RedRover, Mono County, and Mammoth Lakes shall each carry its own insurance covering its organization and operations.

A. . Each Party is responsible for appropriately managing its own officers, staff, agents, contractors, employees, and volunteers and for ensuring that all artwork or other materials are the property of that Party and/or provided royalty free, in connection with the Party's performance of its obligations under this Agreement. In the event of the failure of such management or obligations by a Party, such Party shall defend, hold harmless and indemnify the other Parties and their officers, staff, agents, employees, volunteers, and each of them in all capacities, from and against all claims, causes of action, lawsuits, costs, attorneys' fees, damages, fines, judgments, penalties, losses, liabilities or expenses arising from the failure of such management or other obligation set forth herein by the responsible Party.

B. Nothing in this Agreement shall be so construed as to create a relationship of employer and employee, or principal and agent, partnership or joint venture as between RedRover, Mono County, and/or Mammoth Lakes. Nothing in this Agreement shall be so construed as to provide any Party with the authority to bind any other to any agreement, undertaking, cost, liability or expense of any nature without the express written consent of that Party.

**VIII. Periodic Review**

RedRover, Mono County, and Mammoth Lakes shall, on an annual basis, on or around the anniversary date of this Agreement, jointly evaluate progress in the implementation of this Agreement and revise and develop new plans or goals as appropriate.

**XI. Term**

This Agreement shall remain in effect for five years, but may be terminated as to a Party by written notification from that Party at any time.

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

Approved by:

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Nicole Forsyth  
President and CEO  
RedRover  
PO Box 188890  
Sacramento, CA 95814

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Date

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Daniel C. Holler  
Interim Town Manager  
Town of Mammoth Lakes  
PO Box 1609  
Mammoth Lakes, CA 93546

---

Date

---

Byng Hunt  
Chair, Mono County Board of Supervisors  
P.O. Box 237  
Bridgeport, CA 93517

---

Date

APPROVED AS TO FORM:

---

Mono County Counsel

APPROVED BY MONO COUNTY RISK MANAGEMENT

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**



**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

**EXHIBIT A – Authorized Representatives**

**RedRover**

PO Box 188890  
Sacramento, CA 95818  
Telephone: 916.429.2457  
Fax: 916.429.2456  
Email: [info@redrover.org](mailto:info@redrover.org)  
Website: [www.redrover.org](http://www.redrover.org)

**RedRover Contacts:**

1. Beth Gammie  
Emergency Services Manager  
**Phone:** 916.429.2457 ext. 305  
**Cell phone/text message:** 916.216.3677  
**Email:** bgammie@redrover.org
  
2. Nicole Forsyth  
President and CEO  
**Phone:** 916.429.2457 ext. 304  
**Email:** nforysth@redrover.org
  
3. Susie Robert  
Volunteer Manager  
**Phone:** 916.429.2457 ext. 306  
**Cell phone/text messages:** 916.216.8999  
**Email:** shawkins@redrover.org

**Town of Mammoth Lakes**

**(Mammoth Lakes Police Department)**

PO Box 2799  
Mammoth Lakes  
(760) 934-2011  
(760) 932-7549 (Dispatch)  
(760) 934-2490  
Email: [dwatson@mammothlakespd.org](mailto:dwatson@mammothlakespd.org)  
Web: [wwwmammothlakespd.org](http://wwwmammothlakespd.org)

**Mono County Contacts:**

1. Ralph Obenberger  
Mono County Sheriff  
PO Box 616  
Bridgeport, CA 93517  
**Phone:** 760.932.5308  
**Cell Phone/text message:** 760.209.3405  
**Dispatch:** 760.932.7549  
**Email:** robenberger@monosheriff.org
  
2. Jim Leddy  
Mono County CAO/Animal Control Director  
PO Box 696  
Bridgeport, CA 93517  
**Phone:** 760.932.5414  
**Cell Phone/text message:** 707.529.4510  
**Email:** [jleddy@mono.ca.gov](mailto:jleddy@mono.ca.gov)
  
3. Angelle Nolan  
Mono County Animal Control Manager  
P.O. Box 476  
Bridgeport, CA 93517  
**Phone:** 760.932.5582  
**Email:** anolan@mono.ca.gov

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

**EXHIBIT B – Required Information for Assistance Request**

Each request for assistance shall be accomplished by the following information, to the extent known:

1. General description of the damage sustained or threatened (if applicable):
  
2. Identification of the type of assistance needed:
  
3. Amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time that each will be needed:
  
4. Need for sites, structures or buildings to serve as relief centers or staging areas for incoming animals, personnel, goods, equipment, and services:
  
5. Estimated time and a specific place for a representative of [ORGANIZATION/AGENCY NAME] to meet the personnel and equipment of RedRover:
  
6. List the names of other organizations which [ORGANIZATION/AGENCY NAME] has also asked to help:
  
7. Please list what personnel, equipment, materials, supplies or services [ORGANIZATION/AGENCY NAME], or another organization, is willing to provide:
  
8. If [ORGANIZATION/AGENCY NAME] does not have jurisdictional authority, please detail the nature of the original request from the jurisdictional representative authorizing the response, including name, title, agency and contact information.

**Memorandum of Understanding between  
RedRover, Mono County, and Mammoth Lakes**

**EXHIBIT C – Assistance Request Acknowledgement by RedRover**

<b>INCIDENT CONTACT INFORMATION</b>		
<b>Primary Representative</b>		
Role		
Phone		
Text message		
Email		
<b>Secondary Representative</b>		
Role		
Phone		
Text message		
Email		
<b>ASSISTANCE TO BE PROVIDED</b>		
Resource type	Quantity	Est. Arrival Date/Time
Availability of additional resources:		
Time limitations on resources provided, if any:		

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OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Employment Agreement - Resolution Approving Agreement re Employment of Dr. Richard Johnson	

### AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with Dr. Richard Johnson, and prescribing the compensation, appointment and conditions of said employment.

### RECOMMENDED ACTION:

Approve Resolution #R13\_\_\_\_, approving a contract with Dr. Richard Johnson, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

### FISCAL IMPACT:

For this part-time employee's agreement, the following information reflects the change in compensation costs from the prior contract to his current contract in an hourly rate and estimated annual savings:

- 1 Prior Contract Hourly Compensation (Inclusive): \$113.17 (\$108.66 + \$4.51 car)
- 1 New Contract Hourly Compensation: \$112.00
- 1 Difference (Hourly): \$1.17
- 1 Estimated Annualized Savings (assumes 1,560 hours annually): \$1,825

**CONTACT NAME:** Bill Van Lente

**PHONE/EMAIL:** (760) 932-5413 / bvanlente@mono.ca.gov

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




### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

## ATTACHMENTS:

Click to download

-  [Dr. Johnson Staff](#)
-  [Johnson Resolution](#)
-  [Dr. Johnson contract](#)

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### History

Time	Who	Approval
10/30/2013 3:53 PM	County Administrative Office	Yes
11/7/2013 8:50 AM	County Counsel	Yes
11/26/2013 1:19 PM	Finance	Yes



# COUNTY OF MONO – County Administrative Office

P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5412 ☐ FAX (760) 932-5411

---

Bill Van Lente  
Director, Human Resources/Risk Management  
760.932.5413

To: Honorable Board of Supervisors  
From: Bill Van Lente, Director Human Resources/Risk Management  
Date: November 22, 2013

Subject: At-will employment agreement of Dr. Richard Johnson

Recommendation:

Approve the At-will Employment Agreement of Dr. Richard Johnson, in the position of Public Health Officer, at an hourly rate of \$112.00 for a term of three years.

Background:

Dr. Johnson's employment relationship and contract are unique, in that he serves as Health Officer in both Mono and Inyo Counties. He works for Mono County approximately 70% and Inyo County 30%. In Mono County he works not only for Public Health/EMS, but also coordinates the Emergency Preparedness grant programs. In Mono County he receives limited benefits (vacation accrual, professional dues, continuing education up to \$3,000, up to 3% match retirement contribution). However, he was receiving an hourly amount added to his rate for a car allowance. To fully meet the intent to completely eliminate the car allowance as a matter of Mono County policy, in consultation with Lynda Salcido, I negotiated a change in his rate with Dr. Johnson, combining his previous hourly rate and car allowance, and reducing that rate by a small amount in the spirit of cost containment. Dr. Johnson is not receiving any performance pay.

Discussion

It is essential that Mono County have a Public Health Officer for a variety of programmatic, public health policy and regulatory reasons. Given Dr. Johnson's compensation from Inyo County, the hourly rate we have been paying, and now the somewhat reduced rate, is a really reasonable and a cost-effective means of securing Public Health Officer services that can only be provided by a physician.

Fiscal Impact

For this part-time employee's agreement, the following table reflects the change in compensation costs from the prior contract to his current contract in an hourly rate and estimated annual savings:

Prior Contract Hourly Compensation (Inclusive)	New Contract Hourly Compensation	Difference (Hourly)	Estimated Annualized Savings (Assumes 1,560 hours annually)
\$113.17 (\$108.66 + \$4.51 car)	\$112.00	\$1.17	\$1,825



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**RESOLUTION NO. R13-**

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING AN EMPLOYMENT AGREEMENT WITH Dr. RICHARD JOHNSON AND PRESCRIBING THE COMPENSATION, APPOINTMENT, AND CONDITIONS OF SAID EMPLOYMENT**

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

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES :  
NOES :  
ABSTAIN :  
ABSENT :

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

\_\_\_\_\_  
Byng Hunt , Chair  
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

## **AGREEMENT RE EMPLOYMENT OF RICHARD JOHNSON, M.D.**

This Agreement is entered into this 1st day of December, 2013, by and between Dr. Richard Johnson and the County of Mono.

### **I. RECITALS**

The County wishes to continue to employ Dr. Johnson as its Public Health Officer on the terms and conditions set forth in this Agreement. Dr. Johnson wishes to accept employment with the County on said terms and conditions.

### **II. AGREEMENT**

1. The term of this Agreement shall be December 1, 2013, until November 30, 2016, unless earlier terminated by either party in accordance with this Agreement. County shall notify Dr. Johnson in writing no later than May 30, 2016, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Dr. Johnson shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If County cures the breach and notifies Dr. Johnson that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Dr. Johnson as a result of the cured breach. If County does not cure the breach, then the Agreement shall automatically renew for another three years on the same terms in effect at the time of renewal.
2. Commencing December 1, 2013, Dr. Johnson shall continue to be employed by Mono County as its Public Health Officer, serving at the will and pleasure of the Director of Public Health/EMS in accordance with the terms and conditions of this Agreement. Dr. Johnson accepts such employment. The Director of Public Health/EMS shall be deemed the "appointing authority" for all purposes with respect to Dr. Johnson's employment.
3. During the term of this agreement, Dr. Johnson shall furnish to the County on a range of approximately 40% to 75% time (16 to 30 hours per week) employment basis at the discretion of the Director of Public Health/EMS, all of the services and work set forth in Attachment A, which is attached hereto and incorporated herein by this reference, and other such services as assigned by the Direct of Public Health/EMS. (Note: The Director may exercise her discretion to require fewer hours than 16 hours of services and work in a week; no minimum number of hours per week is required by this Agreement.)



4. Dr. Johnson's hourly rate of pay shall be \$112.00 based on the assumption in 3 above. Dr. Johnson does not earn certain County benefits. Any subsequent increases in Dr. Johnson's salary shall be based solely on the County's management compensation policies, as the same may be amended from time to time and unilaterally implemented by the County. If Dr. Johnson is required to work more than the hours provided in 3 above, and provided that these additional hours are worked with the definite approval of the Director of Public Health/EMS, then the additional hours worked shall be compensated at the hourly rate as enumerated above. Dr. Johnson understands that he is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County.
5. Dr. Johnson understands and agrees that his employment is exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act.
6. Effective December 1, 2013, Dr. Johnson shall earn and accrue vacation leave each calendar year based on actual hours worked over the course of a calendar year, which can change from time to time as deemed appropriate by the Public Health/EMS Director. (Note: This Agreement does not add or take away from any vacation leave that Dr. Johnson already earned and accrued for calendar year 2013 under his current agreement.)
7. Effective December 1, 2013, Dr. Johnson shall no longer be entitled to an hourly vehicle allowance, but rather the County Personnel System, sections 620 through 660, as may be changed from time to time at the County's sole discretion, shall apply.
8. To the extent deemed appropriate by the Director of Public Health/EMS, the County shall pay the professional dues, subscriptions, and other expenses necessary for Dr. Johnson's full participation in applicable professional associations, for his continued professional growth and for the good of the County. Also, the County will pay or reimburse up to \$3000 annually of registration and travel costs for continuing education requirements for medical licensure in areas related to Public Health, subject to approval by the Public Health/EMS Director.
9. Dr. Johnson shall not be eligible to earn or receive from the County any retiree health benefit or "retirement service" allowance through the County's Section 125 Cafeteria Plan. Instead, Dr. Johnson will be eligible to receive County contributions into the Internal Revenue Code Section 401(a) Plan established by

the County. The County shall contribute into the Section 401(a) Plan an amount on behalf of Dr. Johnson equal to the amount contributed by Dr. Johnson (if any) from his own pre-tax salary into one of the County's Section 457 deferred compensation plans or into the 401(a) Plan directly (if made available to employee contributions) but not to exceed 3% of Dr. Johnson's pre-tax earnings with the County. Accordingly, if Dr. Johnson contributed a total of 1-3% of his pre-tax earnings to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match his 457 contribution; if Dr. Johnson contributed more than 3% of his pre-tax earnings to a 457 plan, then the dollar amount of the County's 401(a) contribution would only be equal to 3% (and not more) of Dr. Johnson's pre-tax earnings and would not fully match his 457 contribution. Dr. Johnson may direct the investment of said contributions in accordance with the options or limitations provided by the 401(a) Plan. Dr. Johnson shall vest – that is, earn the right to withdraw – the County's contributions into the 401(a) Plan on his behalf based on years of County service, as set forth more fully below and allowed by law. The 401(a) Plan provides the following schedule of vesting requirements for Dr. Johnson or any other participating employee to earn and be eligible to withdraw or otherwise receive a portion (or in some cases all) of his total account value at the time of termination:

	<u>Years of County Service</u> <u>Portion of Account Value Vested</u>
Less than 1 year	0%
1 year plus 1 day to 2 years	10%
2 years plus 1 day to 3 years	20%
3 years plus 1 day to 4 years	40%
4 years plus 1 day to 5 years	60%
5 years plus 1 day to less than 6 years	80%
6 years	100%

In addition to and notwithstanding the foregoing, Dr. Johnson's options for withdrawing, "rolling over," and otherwise using account money – and the tax consequences of such withdrawals and use – shall be subject to any legal requirements or limitations of Internal Revenue Code Section 401(a) and any other applicable laws with which the County and the Plan must comply.

10. Except as otherwise provided by this agreement, Dr. Johnson shall not be entitled to benefits provided by the County to other management-level employees.
11. Consistent with the "at will" nature of Dr. Johnson's employment, the Director of Public Health/EMS may terminate Dr. Johnson's employment at any time during this agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Dr. Johnson understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System (Mono County Code Chapter 2.68) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the Director of Public Health/EMS may, in his sole discretion, take during Dr. Johnson's employment.
12. On or before the effective date of any such termination during the term of this Agreement, however, Dr. Johnson shall receive as severance pay a lump sum equal to six months' earnings (throughout this article II, 12. as provided for in II 3. and 4. above) or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Dr. Johnson shall instead receive a lesser amount equal to any remaining earnings payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Dr. Johnson shall receive severance pay equal to six months' earnings in the event that termination occurs after the County has notified Dr. Johnson that it intends to negotiate a renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay.
13. Notwithstanding the foregoing, Dr. Johnson shall not be entitled to any severance pay in the event that the Director of Public Health/EMS has grounds to discipline him on or about the time he gives him notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 2.68.230 of the County Code or any successor Code provision, as the same may be amended from time to time.
14. Dr. Johnson may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Dr. Johnson shall not be entitled to any severance pay

or additional compensation of any kind after the effective date of such resignation.

15. This Agreement constitutes the entire agreement of the parties with respect to the employment of Dr. Johnson. This agreement supersedes and replaces the previous agreement between the County of Mono and Dr. Johnson entered into on or about August 17, 2010, as amended September 17, 2013.
16. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Dr. Johnson's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Dr. Johnson's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.
17. Dr. Johnson acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Dr. Johnson further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

**III. EXECUTION:**

This Agreement shall be deemed executed as of December 1, 2013.

THE COUNTY OF MONO

\_\_\_\_\_  
Richard Johnson, M.D.

\_\_\_\_\_  
By: Byng Hunt, Chair  
Board of Supervisors

APPROVED AS TO FORM:

\_\_\_\_\_  
Marshall Rudolph, County Counsel

## **ATTACHMENT A SCOPE OF WORK**

- I. Perform all County Public Health Officer duties and functions prescribed in applicable State and County laws and regulations, including but not limited to serving on the Mono County Children and Families First Commission, and comply with any applicable order of the State Department of Health Services.
- II. In cooperation and coordination with the Public Health Director, formulate annual goals, objectives, and priorities for the Public Health Officer position.
- III. Annually, or as requested, provide updates to the Board of Supervisors on community health needs, emerging health issues, and recommendations for emergency responses.
- IV. Provide 24/7 availability via redundant communication systems to the Public Health Director and other designated County Officials.
- V. In consultation with the Public Health Director, provide professional and medical direction to the County's Public Health Department, the duties and responsibilities of which include, but are not limited to the following:
  - a. Plan and provide direction for the County's Public Health Programs, including but not limited to State-funded programs such as HIV/AIDS Programs; Communicable Disease Control; Registrar of Vital Statistics; Family Planning; Women, Infant, and Children; California Children Services; Maternal, Child, and Adolescent Health, Child Health and Disability Prevention, and Proposition 10 funded children's programs.
  - b. Enforce and support local health orders, ordinances, and regulations, as well as State/federal health orders.
- VI. Plan and provide medical direction for the County's Environmental Health Program.
- VII. Provide advice and opinions on medical and public health policy issues to the Public Health Department, Environmental Health Program, vector control agencies, hospital, healthcare providers, schools, elected and appointed officials, jails, and other agencies or individuals with public health needs or concerns.
- VIII. Serve as a professional medical consultant to the County for the services provided by Animal Control, Paramedic Services, Probation Department, and the

Sheriff's Jail Division.

- IX. Represent the County's interests at appropriate State and professional meetings such as the California Council of Local Health Officers, and regional, State, and National Public Health planning bodies.
- X. Serve as Mono County Emergency Preparedness Coordinator formulating plans and reports as required by State and Federal agencies, directing the implementation of work plans, overseeing Public Health and HHS emergency training programs, and representing Mono County at the State, Federal, and local levels.



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Resolution for the District Attorney to Enter into a Grant Award with the BSCC	

### AGENDA DESCRIPTION:

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

Resolution approving and authorizing the Mono County District Attorney to participate in and administer the Edward Byrne Memorial Justice Assistance Grant Program funds which is part of the Anti Drug Abuse Enforcement Team Program.

### RECOMMENDED ACTION:

Adopt proposed Resolution #R13-\_\_\_\_\_, approving and authorizing the Mono County District Attorney to participate in and administer the Edward Byrne Memorial Justice Assistance Grant Program funds which is part of the Anti Drug Abuse Enforcement Team Program. Provide any desired direction to staff.

### FISCAL IMPACT:

This approved grant amount of \$85,256.00 is \$3,121 less than the 13/14 projected revenue, so a mid year budget adjustment will be made to reduce revenue and related expenses.

**CONTACT NAME:** Tim Kendall/Michele Knowles

**PHONE/EMAIL:** (760) 932-5550 / mknowles@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

[Staff report](#)



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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/18/2013 8:05 AM	County Administrative Office	Yes
11/21/2013 10:57 AM	County Counsel	Yes
11/19/2013 2:20 PM	Finance	Yes

# County of Mono Office of the District Attorney

www.monocountydistrictattorney.org

**Bridgeport Office:**  
Main St. Court House, P.O. Box 617  
Bridgeport, CA. 93517  
Tel:(760)932-5550 fax: (760)932-5551



**Mammoth Office:**  
Sierra Center Mall, P.O. Box 2053  
Mammoth Lakes, CA. 93546  
Tel:(760)924-1710 fax: (760)924-1711

*Tim Kendall - District Attorney*

TO: Honorable Board of Supervisors  
FROM: Tim Kendall, District Attorney  
DATE: November 13, 2013

## **Subject**

Resolution approving and authorizing the Mono County District Attorney to participate in and administer the Edward Byrne Memorial Justice Assistance Grant Program funds which is part of the Anti Drug Abuse Enforcement Team Grant Program.

## **Recommendation**

Sign a Resolution approving the acceptance of Edward Byrne grant funds and authorizing the Mono County District Attorney to sign and administer the grant program.

## **Discussion**

The Mono County District Attorney has applied for and been awarded grant funds through the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$85,256.00. These funds are used to target street to mid-level narcotics offenders and offenses within Mono County and is used to fund all Mono County Narcotics Enforcement Team (MONET) operations. The participating agencies are the Mono County District Attorney's Office, Mono County Sheriff's Department, Mono County Probation Department, Mono County Behavioral Health Department and the California Highway Patrol.

## **Fiscal Impact**

Revenues to the General Fund in the amount of \$85,256.00.



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**RESOLUTION NO. R13-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MONO COUNTY DISTRICT ATTORNEY'S OFFICE TO PARTICIPATE IN THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND AUTHORIZE THE DISTRICT ATTORNEY TO SIGN FOR AND ADMINISTER THE GRANT.**

**WHEREAS**, the Mono County Board of Supervisors authorizes the Mono County District Attorney's Office to participate in the Anti Drug Abuse Enforcement (ADA) Team Grant Program supported by the Edward Byrne Memorial Justice Assistance Grant Program funds and administered by the Board of State and Community Corrections (hereafter referred to as BSCC). The grant period for the ADA team Grant Program is October 1<sup>st</sup> 2013 through September 30<sup>th</sup> 2014.

**NOW, THEREFORE, BE IT RESOLVED** that the Mono County District Attorney's Office is authorized on behalf of this Governing Board to submit the grant application for this funding and sign the Grant Agreement with the BSCC, including any amendments or modifications thereof.

**BE IT FURTHER RESOLVED** that federal grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

**BE IT FURTHER RESOLVED** that the implementing agency/organization and partnering entities agree to abide by the statutes and the regulations governing the federal Justice Assistance Grant Program as well as the terms and conditions of the Grant Agreement as set forth by the BSCC.

**Passed, approved, and adopted by the Governing Board of Mono County in a meeting held on this 3<sup>rd</sup> day of December 2013, by the following:**

**AYES :**  
**NOES :**  
**ABSENT:**

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

\_\_\_\_\_  
**Byng Hunt, Chair**  
**Board of Supervisors**

**APPROVED AS TO FORM:**

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

**CERTIFICATION:**

I, Byng Hunt, duly appointed and as Chairman of the Board of Supervisors for Mono County, do hereby certify that the above is true and correct copy of a resolution passed and approved on the 5<sup>th</sup> day of February, 2013.

\_\_\_\_\_  
Byng Hunt, Chair



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Cramer Letter Regarding Solid Waste Parcel Fee	

**AGENDA DESCRIPTION:**

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

Correspondence dated November 3, 2013 to the Board from Gary Cramer regarding the amount he pays for the solid waste parcel fee. This letter is requesting a possible decrease in the assessed fee and refers to past correspondence between Mr. Cramer and Mr. Jeff Walters of the Public Works Department.

\*\*\*\*\*

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall  
**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download

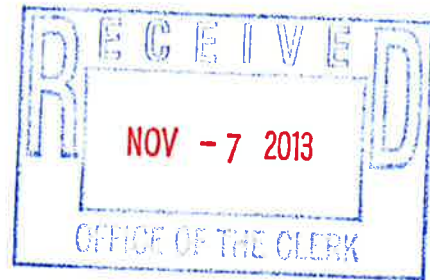
[Cramer](#)

**History**

Time	Who	Approval
11/8/2013 11:24 AM	Clerk of the Board	Yes

Sure Save Self Storage  
58 & 86 Commerce Dr  
P.O. Box 3623  
Mammoth Lakes, CA 93546

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



November 3, 2013

Dear Board of Supervisors,

On October 4<sup>th</sup> of this year, I wrote (as instructed) to Mr. Jeff Walters contesting the amount that we pay for the solid waste parcel fee. Attached you will find the letter that I sent him. Mr. Walters responded and said that he was only allowed to calculate the fees and to determine whether the fee was correct or not. He determined that we had not been paying enough and so his new calculations have brought our overall fee up to a total of \$4965.00 (they were \$2670.00).

I understand that the county is experiencing significant challenges with the waste removal process. I further understand that all in the county must pay their fair share. However, we already pay \$338/month for the use of a dumpster which is emptied once a week. And to now add an additional \$413/month for this fee, doesn't it seem like we are paying too much?

We have several small businesses renting space from us to essentially store their tools, etc. All of the businesses share in the use of the same dumpster. The dumpster is seldom full. As I told Mr. Walters, our business uses the same size dumpster as our condo complex. The complex has 25 units using one dumpster. Each unit is charged \$60 on the property taxes (they may be charged less because over 90% of the condos are used less than 90 days/year). \$60 times 25 units would be a tax of \$1500...not the \$4965 that I will be charged.

My business is a storage facility. My tenants seldom even come to check on their belongings. Ninety percent of the small businesses who rent a space from me, use their space to store their tools. This small company does not generate trash. I understand that this fee has been in place for a long time. I just was unaware of it until last year because my tax bill was paid by the mortgage company. For some reason I was finally sent a copy of the bill and I was shocked. If any of you have ever frequented a storage facility, you would probably agree that it is not a place to generate a lot of trash.

I respectfully hope that you will consider my particular business in regards to the rules for the waste parcel fee and grant my business a decrease in the fee that has been assessed. I may be reached at 562-477-0694 if you have any questions. Thank you.

Sincerely,

Handwritten signature of Gary Cramer in black ink.

Gary Cramer, Owner of Sure Save Self Storage

**Sure Save Self Storage  
58 & 86 Commerce Drive  
P.O. Box 3623  
Mammoth Lakes, CA 93546**

**Public Works  
ATTN: Jeff Walters  
P.O. Box 457  
Bridgeport, CA 93517**

**October 4, 2013**

**Dear Mr. Walters,**

**I am writing to appeal the solid waste fee amount on my property tax bill. I believe that the “residential equivalent factor” has been improperly determined. Last year was the first year that I became aware of this fee. However, I became aware of it too late to appeal the calculation of the fee and so I had to wait until this year.**

**I own a self storage facility in Mammoth Lakes, Ca. We have 260 units and from my understanding, we are charged one fourth of the normal residential fee for each unit. I wish to contest that number because our facility does not generate enough trash to equate to that calculation. The following information is why I feel our fee should be lowered:**

- I would estimate that over 50 % of our tenants reside outside of Mammoth Lakes. If they do own a residential property, they are using it in the “less than 90 day range” and they are already paying the fee via their own property taxes. This is a double taxation.**
- A lot of our tenants move out of Mammoth Lakes, keep their possessions here for years and never even check on them. They are not generating any waste.**
- The building where my condo is situated has 25 units in it. The building has a trash dumpster that is the same size as the one that I have on my business property. The condo complex and my dumpster are both picked up once a week. My 260 units may fill the dumpster. The condo complex of 25 units will fill the dumpster. How does that equate? Even the analogy that we are being charged only one fourth of a residential unit, that would mean that my business would put out the same amount of trash as that equivalent to 65 condos.**

**Mr. Walters, I understand that this fee has been in effect since the 1980's. I also understand that everyone in Mono County has to pay a fee. However, I respectfully**

**ask that you reconsider how storage facilities are charged the fee. My tenants, if they live in Mono County, are already paying the fee and they generate minimal waste. And my other tenants, who do not live here, do not generate any waste. A fee of \$2690 seems extremely high when we generate maybe the equivalent of 25 condos (and those condo owners are over 90% in the category of living in Mammoth less than 90 days). Please contact me at 562-477-0694 or via my P.O. Box – P.O. Box 1243, Whittier, CA 90609.**

**Thank you very much for taking the time to reconsider the amount of fee that I owe.**

**Sincerely,**

A handwritten signature in cursive script that reads "Gary Cramer".

**Gary Cramer**

**Owner of Sure Save Self Storage**



**MONO COUNTY  
DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE DIVISION**

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

October 28, 2013

Sure Save Self Storage  
58 and 86 Commerce Drive  
PO Box 3623  
Mammoth Lakes, CA 93546  
ATTN: Gary Cramer

**RE: Appeal of Solid Waste Parcel Fee (APN 037200033)**

Dear Mr. Cramer:

Your appeal of the Solid Waste Parcel Fee (the "Fee") was received by the Public Works Department on October 8, 2013. We appreciate your feedback, value your observations about waste generation on your parcel, and have performed a review of the subject properties. Unfortunately, based on the limited scope of review authorized by the County's appeal procedures (further explained below), your appeal must be denied. However, as also explained below, the issue which you have raised concerning the appropriateness of the residential equivalency factor (REF) for mini storage may be addressed through other means.

**SCOPE OF REVIEW**

The Solid Waste Parcel Fee is based on a Schedule of Fees (the "Schedule") that was originally adopted by resolution of the Board of Supervisors in 1987 and has been re-adopted, unchanged, each year since (the "Resolution"). As you know, the Schedule applies an REF to each recognized use of property within the County. The fee for each Residential Equivalency (RE) is \$60. This fee has not been increased since 1992.

As you are also aware, the Resolution provides procedures for a property owner to file an appeal with the Public Works Director. However, such appeals relate to the application of the Schedule to a particular property – and do not encompass challenges to the Resolution itself. Specifically, the Resolution does not provide a mechanism for the Public Works Director to modify the Schedule or to change an REF for a particular use. In contrast, the Resolution *does* authorize the Director to correct an improperly determined RE (e.g., to accurately reflect the uses on a particular property if an error in determining those uses was made; or to apply the proper REF if the wrong REF has been applied to an identified use), to correct an improperly calculated fee (e.g., to fix mistakes in mathematical calculations), or to eliminate an improperly charged fee (e.g., where a parcel was charged as if it were developed when it is in fact vacant). Again, the Director has no authority to revise the Resolution itself or to modify the Schedule or an REF within it -- only the Board of Supervisors may take those actions.

Because your appeal relates to the .25 REF applied by the Resolution to mini storage units, it is beyond the scope of authorized appeals and not within my authority to address. Accordingly, I will bring the matter to the Board for consideration in accordance with County procedures. I will keep you apprised of that process.

---

Parks • Community Centers • Roads & Bridges • Land Development • Solid Waste  
Building Maintenance • Campgrounds • Airports • Cemeteries • Fleet Maintenance



October 28, 2013

Page 2 of 2

**FINDINGS ON APPEAL**

In reviewing the matter pursuant to the Resolution, I have determined that the correct Fee for your property based on current usage is \$4005.00. The actual fee charged in 2013 (and several previous years) was \$1710.00. Accordingly, the appeal is denied.<sup>1</sup>

Parcel No. 037200033

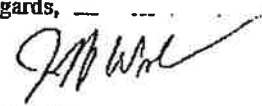
Current Uses	Residential Equivalent	Correct Fee	Amount billed (2013)
231 mini storage units	.25 per unit = 57.75	\$3465.00	
Warehouse (2 RE) • Steve's Flooring • Ron Kuppen's Roofing • Grace Roofing	6	\$360.00	
Small Engine (1RE) • Sierra Engine	1	\$60.00	
Retail Space (2RE) • Sierra Homes	2	\$120.00	
Totals:	66.75	\$4005.00	<del>\$1710.00</del>

Again, please understand that the appeal process is intended to correct errors that occur in applying the approved and adopted Schedule. It is beyond the scope of that process, and of my authority, to correct or alter the approved Schedule itself.

If you wish to appeal these **FINDINGS ON APPEAL** to the Board of Supervisors, you may do so by filing a written request with the Clerk of the Board of Supervisors, within ten days from the date of this notice. If the issue should become moot by other action of the Board as described in the **SCOPE OF APPEAL** portion of this letter, or for any other reason, then you may withdraw your appeal at any time.

If you have any questions, please contact Tony Dublino, Solid Waste Superintendent, at (760) 932-5453 or by email at [tdublino@mono.ca.gov](mailto:tdublino@mono.ca.gov).

Regards,

  
Jeff Walters  
Interim Director of Public Works

<sup>1</sup> Note that you cite a figure in your letter of \$2690. This appears to be the combined sum of the Fee for parcel number 037200033 and parcel number 037200034. Since you have not raised any issue regarding the Fee applicable to parcel number 037200034 (which contains no mini storage units), that parcel is considered to be outside the scope of the appeal.

Road Operations • Parks • Community Centers • Land Development • Solid Waste  
Fleet Maintenance • Building Maintenance • Campgrounds • Airports • Cemeteries



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	40 minutes (10 minute presentation, 30 minute discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Jeff Walters
<b>SUBJECT</b>	Heavy Equipment Replacement		

### AGENDA DESCRIPTION:

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

The California Air Resource Board (CARB) requires reductions in diesel emissions for Mono County's fleet of heavy equipment. Two schedules detailing the CARB compliance dates and associated costs for off-road and on-road equipment are attached.

### RECOMMENDED ACTION:

Hear staff report regarding county's heavy equipment and potential replacement schedules required by the California Air Resource Board. Provide any desired direction to staff.

### FISCAL IMPACT:

None at this time.

**CONTACT NAME:** Jeff Walters

**PHONE/EMAIL:** 760.932.5459 / jwalters@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

[Heavy Equipment Replacement - BOS Staff Report 12.03.13](#)

[Exhibit 1 - Off-Road Replacement Schedule](#)

- [Exhibit 2 - On-Road Replacement Schedule](#)
- [Exhibit 3 - Fleet Average Target Rates](#)
- [Exhibit 4 - Policy Items](#)
- [Exhibit 5 - NJPA](#)

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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/23/2013 10:02 AM	County Administrative Office	Yes
11/26/2013 9:42 AM	County Counsel	Yes
11/25/2013 11:44 AM	Finance	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](mailto:monopw@mono.ca.gov) • [www.monocounty.ca.gov](http://www.monocounty.ca.gov)

**Date:** December 3, 2013  
**To:** Honorable Chair and Members of the Board of Supervisors  
**From:** Jeff Walters, Acting Public Works Director  
**Subject:** CARB Compliance – Heavy Duty Diesel Equipment

## **Recommended Action:**

Hear a presentation regarding Mono County's compliance with the California Air Resource Board (CARB) requirements for improving air quality in California. Mono County's fleet of off-road and on-road diesel equipment is included in CARB's requirement. The Mono County Department of Public Works has drafted a replacement schedule which would comply with the CARB regulations. Provide any desired direction to staff.

## **Fiscal Impact:**

None at this time. However, if the equipment is replaced according to the attached schedules the total cost would be \$21,711,406. If all the equipment is replaced in 2013 the cost would be \$16,341,168.

These costs reflect recent quotes from various manufacturers and Mono County's membership in the National Joint Powers Alliance (NJPA). The NJPA membership allows the county to purchase equipment off of nationally, competitively bid contracts (see Exhibit 5).

Two 2013-14 Road Policy Items are attached (see Exhibit 4) for heavy equipment replacement requests. These Policy Items have been revised to reflect new price quotes.

The Board may also consider financing using a municipal lease. The Director of Finance will discuss financing of heavy equipment immediately following this agenda item.

## **Background:**

CARB has delayed the implementation of the off-road regulations by four years which requires initial implementation to begin for Mono County by January 1, 2019 and final compliance by January 1, 2028. Mono County needs to meet the fleet average target (see Exhibit 3) for Off-Road equipment each year. The replacement schedule for off-road equipment is attached as Exhibit 1.

CARB has not lifted or delayed the implementation of the on-road fleet rule for public agencies. Mono County is a low-population county and elected, in 2008, to follow the accelerated turnover option. This option requires all 1960-1993 engines to be replaced with 1994 or newer engines by 2020, and then all 1994-2006 engines and 2007 and newer

engines certified above 0.01 g/bhp-hr standard to be retrofitted by 2025. The replacement schedule for on-road equipment is attached (see Exhibit 2).

Equipment sales representatives were given specification requirements for our equipment in order to provide replacement costs to Public Works. Prices for the equipment purchases were factored at a 3% increase per year. This is an estimate and actual costs at time of purchase may vary.

Public Works investigated many potential funding sources to assist with CARB compliance. These included EPA, Carl Moyer, Proposition 1B - Goods Movement Emission Reduction Program for Heavy Duty Diesel trucks, and others.

## **EPA**

The Diesel Emission Reduction Act (DERA) was discussed at the June 18, 2013 Board meeting. There is \$2M through DERA available for replacement and retrofit of old engines. Mono County has six pieces of heavy equipment that qualify and but would be required to match 75% of the replacement costs to replace.

## **Great Basin Unified Air Pollution Control District**

There are several programs offered through GBUAPCD's Carl Moyer program including:

- Off-Road Mobile Equipment Repowers
  - As most of our CARB equipment is old there is minimal possibility or benefit from this option.
- Off-Road Mobile Equipment Retrofits
  - As most of our CARB equipment is old there is minimal possibility or benefit from this option.
- Off-Road Mobile Equipment Replacements
  - This program is not yet available but will provide financial incentives when replacing heavy-duty diesel off-road mobile equipment.

## **Proposition 1B**

This program is intended to reduce diesel air pollution from goods movement operations. Funding is available from \$25,000 to \$50,000 for replacement, \$10,000 to \$20,000 for repower, among other options. Applications were due on October 10, 2013.

The vehicles must meet the following minimum eligibility requirements for the past two years:

1. Transported "goods" a majority of the time
2. An original manufacturer GVWR of 19,501 lbs. or greater (Class 6-8)
3. At least 75% operation within California
4. California DMV registration
5. Traveled a minimum of 20,000 miles per year (if Class 7-8)
6. Traveled a minimum of 10,000 miles per year (if Class 6)
7. Drayage trucks are not eligible

Unfortunately, Mono County's Diesel On-Road Heavy Equipment does not meet a number of these requirements.

There are other potential solutions that are still being researched including a Diesel Efficiency and Emissions Controller (DEEC) that is in its final testing and approval process. Public Works is following the approval process on this option and will share with the Board the results a future date.

If you have any questions regarding this item, please contact Jeff Walters at 932-5459 or [jwalters@mono.ca.gov](mailto:jwalters@mono.ca.gov).

Respectfully submitted,



Jeff Walters  
Acting Public Works Director

Encl: Exhibit 1 – Off-Road Replacement Schedule  
Exhibit 2 – On-Road Replacement Schedule  
Exhibit 3 – Fleet Average Target  
Exhibit 4 – Policy Items  
Exhibit 5 – NJPA Certificate

Off-Road Replacement Schedule/Costs\*

Vehicle	Engine Year	Vehicle Type	Emission Factor	Horsepower	HP x EF	Fleet Average Index
<b>25-49 hp</b>						
FA814	2008	Kubota Backhoe	4.9	26	127.4	4.9

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
									\$54,093						

2013 Replacment Cost

\$41,458

<b>50-74 hp</b>						
500	1981	Case 580-C Backhoe	14.8	60	888	
FA 875	1979	Case 580C Backhoe	14.8	70	1036	
502	2000	CAT PS 150 Roller	6.9	70	483	
				200	2407	12.035

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
					\$145,489					\$168,661					
															\$155,144

\$125,500

\$125,500

\$99,581

<b>75-99 hp</b>						
501	1980	Case 680 Backhoe	14.8	88	1302.4	14.8

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
					\$145,489										

\$125,500

<b>100-299 hp</b>						
2210	1979	Solid Waste - CAT 120 G Grader	13.6	125	1700	
310	1980	CAT 950 Loader	12.5	130	1625	
2311	1981	Solid Waste - CAT 950 Loader	12.5	130	1625	
212	1984	CAT 120G Grader	12.5	125	1562.5	
213	1984	CAT 120G Grader	12.5	125	1562.5	
211	1990	CAT 130G Grader	9.3	148	1376.4	
308	1990	CAT 936 E Loader	9.3	145	1348.5	
304	1990	CAT 936 E Loader	9.3	145	1348.5	
209	1990	CAT 130 G Grader	9.3	148	1376.4	
302	1990	CAT 936 E Loader	9.3	145	1348.5	
788	1996	Sheriff SAR - LMC Snowcat	9.3	170	1581	
309	1978	CAT 950 Loader	13.6	130	1768	
2312	2009	Solid Waste - CAT IT 38 Loader	2.6	160	416	
493	2009	MT Trackless snowblower and mower	2.6	115	299	
RD494	2012	MT Trackless snowblower and mower	2.5	115	287.5	
RD491	2012	MT Trackless snowblower and mower	2.5	115	287.5	
				2171	19512.3	8.98770152

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
					\$391,503										
					\$337,764										
					\$337,764										
					\$391,258										
						\$402,996									
							\$415,086								
								\$414,701							
									\$427,142						
										\$453,576					
											\$453,155				
												\$265,191			
						\$337,764							\$480,752		

\$337,503

\$291,358

\$291,358

\$337,503

\$337,503

\$337,503

\$327,396

\$327,396

\$337,503

\$327,396

\$327,396

\$186,000

\$291,358

\$327,396

<b>175-299 hp</b>						
319	1999	CAT 950 Loader	6.9	204	1407.6	
353	1995	Komatsu D8-5 Dozer	9.3	220	2046	
214	1990	CAT 140 Grader	9.3	192	1785.6	
354	1990	CAT D6 H Dozer	9.3	179	1664.7	
318	1999	CAT 950 Loader	6.9	204	1407.6	
316	1999	CAT 950 Loader	6.9	204	1407.6	
216	1999	CAT 140 H Grader	6.9	179	1235.1	
219	1999	CAT 140 H Grader	6.9	179	1235.1	
215	1999	CAT 140 H Grader	6.9	179	1235.1	
355	1990	CAT D6 H Dozer	9.3	179	1664.7	
317	1999	CAT 950 Loader	6.9	204	1407.6	
217	1999	CAT 140 Grader	6.9	179	1235.1	
315	1999	CAT 950 Loader	6.9	204	1407.6	
218	1999	CAT 140 H Grader	6.9	179	1235.1	
2678	2001	CAT 613 C Scraper	6.9	187	1290.3	
2313	2001	CAT 816 F Compactor	6.9	240	1656	
				3112	23320.8	7.493830334

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
							\$391,503								
					\$942,273										
					\$391,258										
					\$413,268										
							\$427,806								
								\$440,640							
									\$453,576						
										\$467,182					
											\$481,198				
						\$413,268						\$481,499			
													\$495,634		
														\$510,823	
													\$495,634		\$1,216,635
											\$694,138				

\$291,358

\$812,813

\$337,503

\$356,489

\$291,358

\$291,358

\$337,503

\$337,503

\$337,503

\$356,489

\$291,358

\$337,503

\$291,358

\$780,912

\$501,460

<b>300-599 hp</b>						
2352	2001	CAT D8 Dozer	4.2	337	1415.4	4.2
401	2000	Rolba Snowblower				
402	2000	Rolba Snowblower				

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
									\$1,125,123						

\$812,813

Red indicates Benton X-ing LP Equipment

Green indicates dedicated snow removal which is exempt from CARB

Grey indicates Sheriff's Department

\$4,247,098	\$402,996	\$806,589	\$842,507	\$2,046,998	\$1,075,813	\$1,614,475	\$1,227,888	\$1,472,020	\$510,823	\$1,371,779	<b>\$11,677,496</b>	If purchased in 2013
											<b>\$15,618,986</b>	If purchased according to schedule

\* costs include 3% yearly inflation, taxes and delivery

### On-Road Replacement Schedule/Costs\*

Vehicle	Engine Year	Vehicle Type	Dedicated Snow Removal?	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2013 Replacement Cost	Price Includes
111	2009	International 6x6 Dump/Plow	No												\$358,305					\$258,847	Bed, Plow, Sander and Water tank
113	2009	International 6x6 Dump/Plow	No												\$358,305					\$258,847	Bed, Plow, Sander and Water tank
114	2009	International 6x6 Dump/Plow	No												\$358,305					\$258,847	Bed, Plow, Sander and Water tank
116	2010	International 6x6 Dump/Plow	No												\$358,305					\$258,847	Bed, Plow, Sander and Water tank
117	2010	International 6x6 Dump/Plow	No												\$358,305					\$258,847	Bed, Plow, Sander and Water tank
127	1979	International Dump/Plow	No												\$291,881					\$210,861	Bed, Plow, and Sander
145	1990	International Transport Truck	No							\$186,764										\$156,412	
146	1990	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
413	1980	Idaho Norland Blower	Yes																		
112	1985	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
118	1986	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
126	1979	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
147	1990	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
410	1991	Loader Mounted Klauer Blower	Yes																		
411	1991	Loader Mounted Klauer Blower	Yes																		
413	1980	Idaho Norland Blower	Yes																		
412	1980	Idaho Norland Blower	Yes																		
124	1978	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
144	1990	International Transport Truck	No							\$186,764										\$156,412	
149	1990	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
409	1991	Loader Mounted Klauer Blower	Yes																		
133	1997	International Transport Truck	No												\$216,511					\$156,412	
148	1990	International Dump/Plow	No							\$251,779										\$210,861	Bed, Plow and Sander
2677	1998	Chevy C-8500 Water Truck	No												\$236,152					\$170,601	Water tank
415	1983	CAT 966 D Snowblower	Yes																		
100	1990	International Lube Truck	No							\$225,845										\$155,125	
101	2000	International Service Truck	No												\$261,817					\$175,500	
102	1990	International Water Truck	No							\$209,556										\$170,601	Water tank
103	2002	International Lube Truck	No												\$261,817					\$155,125	
115	1990	International Water Truck	No							\$209,556										\$175,500	Water tank

Red indicates BX landfill equipment

Yellow indicates trucks not replaced if slip-in water tanks are purchased

Not CARB required until 2019, but tanks are in need of replacement now @ \$50,000 each

Green indicates dedicated snow removal CARB Exempt - but will require replacement as equipment reaches end of useful life

\$3,032,717

\$3,059,703

**\$4,663,672**

**If purchased in 2013**

**\$6,092,420**

**If purchased according to schedule**

\* costs include 3% yearly inflation, tax and delivery



<b>Small Fleet Targets</b>								
<b>For Use in Calculating Fleet Average Target Rates [g/bhp-hr]</b>								
	<b>Targets for each Max Hp Group</b>							
<b>Compliance Date: January 1 of the Year</b>	<b>25-49 hp</b>	<b>50-74 hp</b>	<b>75-99 hp</b>	<b>100-174 hp</b>	<b>175-299 hp</b>	<b>300-599 hp</b>	<b>600-750 hp</b>	<b>&gt;750 hp</b>
2019	5.8	6.5	7.1	6.4	6.2	5.9	6.1	7.2
2020	5.6	6.2	6.7	6.0	5.8	5.5	5.6	6.8
2021	5.3	5.8	6.2	5.5	5.3	5.1	5.2	6.5
2022	5.0	5.4	5.5	4.9	4.7	4.5	4.6	6.0
2023	4.7	5.0	4.8	4.3	4.1	4.0	4.0	5.5
2024	4.4	4.6	4.1	3.7	3.5	3.4	3.4	5.0
2025	4.1	4.2	3.4	3.1	2.9	2.8	2.9	4.5
2026	3.8	3.8	2.7	2.5	2.3	2.2	2.3	4.0
2027	3.5	3.4	2.0	1.9	1.7	1.7	1.7	3.5
2028	3.3	3.0	1.4	1.3	1.5	1.5	1.5	3.5

**POLICY REQUEST FORM**  
**FISCAL YEAR 2013-14**

Department: Public Works - Road

Description of Program/Equipment:

The Road Division of Public Works is required by the California Air Resource Board (CARB) to comply with their emission reduction rules. As a result Public Works has diesel powered heavy equipment that must be replaced. While Public Works has recently replaced some of these vehicles there are still several remaining vehicles that must be replaced. On May 21, 2013 the Board of Supervisors was presented a priority-based replacement schedule for heavy equipment. As part of that presentation two 1990 International water trucks, a 1991 street sweeper, and a 1990 Caterpillar D-6 dozer were proposed to be sold at auction. In their place four slip-in water tanks (\$33,594 each), a 72" Trackless angle sweeper (\$13,000), and a International dumptruck/plow (\$210,861) were proposed for purchase. The price below reflects the purchase price for the six new pieces of equipment and does not take into account the potential revenue from the sale of the old equipment. It is estimated that revenues would amount to approximately \$71,500 for the sale of old equipment. The costs shown below reflect the most recently available 2013 price quotes for the equipment including tax. Increases in price quotes have affected the final budget total since the May Board presentation and may increase by the time actual purchases are made.

Cost Components

Salary:	_____	(full year cost)
Benefits:	_____	
Supplies:	_____	(includes vehicle, fuel)
Materials:	_____	(cell phones, IT, phones)
Communications:	_____	
Computer:	_____	
Other:	_____	
Total On-Going Cost:	=====	
Vehicle:	<u>358,237</u>	
Equipment:	_____	
Work Space:	_____	
Other:	_____	
Total One-Time Cost:	<u>358,237</u>	
Total Cost:	<u>358,237</u>	

Revenue: Describe any revenue to offset the cost of the policy item  
There is no revenue to offset the cost of the policy item. This will require a General Fund transfer to the Road Fund.

**POLICY REQUEST FORM**  
**FISCAL YEAR 2013-14**

Department: Public Works - Road

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**Description of Program/Equipment:**

The Road Division of Public Works must comply with CARB regulations. CARB requires replacing older diesel powered heavy equipment with new more efficient equipment. Public Works recent priority-based replacement schedule listed four International dump truck/plows as the highest priority in 2014. Each vehicle would have a dump bed, plow and sander. The price for each individual vehicle (\$210,861 including tax) is based on the most recently available price quotes with 3% added for inflation. Revenue from the sale of the old equipment is estimated at \$10,000 for each dumptruck or \$40,000 total.

**Cost Components**

Salary:	_____	(full year cost)
Benefits:	_____	
Supplies:	_____	(includes vehicle, fuel)
Materials:	_____	(cell phones, IT, phones)
Communications:	_____	
Computer:	_____	
Other:	_____	
Total On-Going Cost:	=====	
Vehicle:	_____	
Equipment:	_____	843,444
Work Space:	_____	
Other:	_____	
Total One-Time Cost:	=====	843,444
Total Cost:	=====	843,444

Revenue: Describe any revenue to offset the cost of the policy item  
There is no revenue to offset the cost of the policy item. This will require a General Fund transfer to the Road Fund.



*Official*

**CERTIFICATE OF MEMBERSHIP**

**Mono County/Department of Public Works**

Member # 87,433

This certificate entitles the entity named above the opportunity to purchase off of nationally, competitively bid contracts. The entity will save time by using pre-bid contracts, save money by leveraged volume pricing and obtain quality products from nationally acclaimed vendors.

  
Duff Erholtz, Membership Manager



Competitively Bid National Cooperative Contract Solutions



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	45 minutes (15 minute presentation, 30 minute discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Leslie Chapman
<b>SUBJECT</b>	CARB Financing Workshop		

### AGENDA DESCRIPTION:

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

Presentation by Leslie Chapman regarding financing options for purchasing CARB compliant equipment.

### RECOMMENDED ACTION:

Hear presentation regarding various financing options available to purchase CARB-compliant equipment. Offer feedback and direction to staff.

### FISCAL IMPACT:

None at this time.

**CONTACT NAME:** Leslie Chapman

**PHONE/EMAIL:** 760-932-5494 / lchapman@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

- [Staff Report](#)
- [Brandis Tallman memo](#)
- [CARB Power Pt](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/26/2013 8:56 AM	County Administrative Office	Yes
11/26/2013 9:55 AM	County Counsel	Yes
11/25/2013 10:05 AM	Finance	Yes



# DEPARTMENT OF FINANCE

## COUNTY OF MONO

---

Rosemary Glazier  
Assistant Finance Director  
Treasurer-Tax Collector

Leslie L. Chapman, CPA  
Finance Director

Roberta Reed  
Assistant Finance Director  
Auditor-Controller

P.O. Box 495  
Bridgeport, California 93517  
(760) 932-5480  
Fax (760) 932-5481

P.O. Box 556  
Bridgeport, California 93517  
(760) 932-5490  
Fax (760) 932-5491

To: Honorable Board of Supervisors  
From: Leslie Chapman  
Date: December 5, 2013  
Re: Financing for CARB Compliance

**Subject:**

Analysis of financing options for buying equipment that is in compliance with California Air Resources Board (CARB) standards.

**Recommendation:**

Hear analysis regarding financing options for replacing Mono County's current equipment with new equipment that meets the California Air Quality Board's new regulations as presented in Public Works presentation.

**Background:**

Background regarding CARB regulations and the vehicle replacement impacts will be presented by Jeff Walters, Acting Public Works Director. This presentation will include options for financing that were developed in conjunction with Brandis Tallman LLC, financial advisors and investment bankers. These options include master lease, private placement, Government Obligation bonds and Certificates of Participation. Samples of payment schedules are also included.

**Fiscal Impact:**

None at this time.



**BRANDIS TALLMAN LLC**

22 Battery Street  
Suite 500  
San Francisco, CA 94111

Phone: 415-912-5630  
Fax: 415-912-5636  
[www.brandistallman.com](http://www.brandistallman.com)

November 5, 2013

**TO:** Leslie Chapman, Finance Director  
Roberta Reed, Assistant Finance Director, Auditor-Controller  
Mono County

**FROM:** Jeff Land

**RE: CARB COMPLIANT VEHICLE REPLACEMENT  
FINANCING OPTIONS**

Thank you for the opportunity to provide an analysis for the California Air Resources Board (“CARB”) Compliant Vehicle Replacement Financing (the “Financing”) for Mono County (the “County”). Below is a summary of the County’s options to finance this project, followed by a sample amortization schedule for each option.

**OPTION 1: MASTER LEASE**

A master lease is essentially a line of credit which is established with a borrower after a master lease document is prepared and approved by the borrower’s governing body and the lender. Prior to approval of a master lease document, the borrower will need to receive credit approval from the lender, which is based on a review of the borrower’s last three years of audited financials and current year budget. Once the master lease document is executed, the borrower will have the ability to request funds from the lender for the purchase of specified equipment, as needed. Each disbursement of funds will come with its own amortization schedule set to a fixed interest rate. The interest rate will be priced at the time of disbursement and will be based on the 3-year Treasury Swap plus a spread of 225 basis points (current market example, subject to change).

While the master lease agreement is set up with the borrower’s long-term financing needs in mind, it is re-evaluated on an annual basis. If the interest rate environment is no longer favorable, the borrower will have the ability to pull out of the master lease program. Additionally, every year the lender will re-evaluate the borrower’s credit and funding needs, and determine whether to continue with the master lease program. There is a one-time cost of issuance of \$30,000 for placing the master lease with the lender. There are no other financing costs associated with the master lease.



See Exhibit A for a master lease sample amortization schedule. This amortization is based on a \$1 million project fund draw repaid over seven years. Additional draws would be layered in accordance with need.

## **OPTION 2: PRIVATE PLACEMENT**

A private placement is a sale of a new issue of securities directly to an investor or small group of investors, without a public offering. Privately placed securities do not require SEC registration.

In 1982, the SEC adopted Regulation D, which set forth the guidelines that determine whether an issue is qualified for exemption from registration. The guidelines require that, in general, the securities cannot be offered through any form of general advertising or general solicitation that would prevail for public offerings. Most importantly, the guidelines restrict the sale of securities to “sophisticated” investors. Such “accredited” investors are defined as those who (1) have the capability to evaluate (or who can afford to employ an advisor to evaluate) the risk and return characteristics of the securities, and (2) have the resources to bear the economic risks.

For a municipality, it is the placement of a loan directly to a qualified investor, typically a financial institution such as a bank or a high net worth individual. The loan is structured with one fixed interest rate over the duration of the obligation, with prepayment penalties to be negotiated. An interest rate lock can be obtained from the investor while documents are in progress.

The private placement method of sale requires significantly less staff time than a public offering, and no rating process or official statement. Additionally, it does not require public continuing disclosure throughout the life of the issue (the burden of due diligence lies with the investor in a private placement, not the County).

In selecting a private placement lender, Brandis Tallman recommends the lender who provides the most aggressive interest rate and most favorable financing terms: prepayment provisions, financial covenants, lowest origination fees, etc. Interest rates for a private placement loan are based on risk profile of the borrower, term of the loan, par amount, and the lender’s appetite for the specific type of transaction.

For an equipment replacement program, the cost of issuance could be as low as \$7,500. This streamlined process and low cost of issuance provides the County with the ability to make multiple, smaller loan issuances, as the need for equipment financing arises.

See Exhibit B for a private placement sample amortization. This amortization is based on a \$7 million project fund requirement repaid over 10 years. Additional financing would be issued in accordance with need.

### **OPTION 3: PUBLIC OFFERING CERTIFICATES OF PARTICIPATION**

Under a public offering, an underwriter purchases bonds from an issuer with the intent to resell the bonds to investors. The sale of bonds can be made to large investors such as mutual funds and insurance companies, commonly known as institutional investors, or to individual investors, commonly known as retail investors.

Suitability rules play a role in determining what securities an underwriter can recommend to an investor. Historically, the SEC has deferred to self-regulatory organizations to regulate this conduct. Under suitability rules used by FINRA, the NYSE and the MSRB, the securities dealer must have some basis for believing that any particular security they recommend is suitable for the investor on the basis of facts disclosed by the investor.

As a result, the financing team must design the financing structure to meet the needs of the issuer in context of the investor market for the debt. This includes research and documentation of the credit quality of the bond (credit rating), its term to maturity, its risk of redemption and its potential for sale in the secondary market. Other requirements, such as establishment of a reserve fund or surety bond must be considered.

These requirements and due diligence procedures increase the costs of issuance of the bonds. Additionally, a trustee or paying agent is required to service the debt to the investors of a public offering. However, the institutional or retail investor often provides the issuer with a lower interest rate. The bonds can be serialized so that the interest rate increases each year rather than remaining fixed for the term of the bonds. This can provide an overall lower interest cost. However, the interest rates on the public offering will be set the day of pricing. No rate lock is available.

The public offering mechanism available to the County for the vehicle replacement program is a certificate of participation (“COP”). A typical COP might be structured as follows: A public agency wishing to undertake a lease project enters into a tax-exempt lease with a non-profit corporation. The lessor, with the assistance of the public agency, undertakes the purchase of the equipment and leases the equipment to the public agency pursuant to a financing lease. The lessor’s rights to receive payments under the lease are assigned to a trustee, which executes and delivers to an underwriter, certificates of participation in the lease payments. A portion of each lease payment is designated as tax-exempt interest. The proceeds of the sale of the COPs are used to pay the costs of acquiring the equipment.

A publicly offered COP requires a credit rating, bond insurance and an official statement. The staff time required throughout the process is rather extensive and the costs of issuance can be high. If the County selects a publicly offered COP as its financing option, it could be optimal for the sake of efficiency and economics, to finance the entire vehicle replacement program in one or two issuances rather than multiple smaller issuances. The term of a COP is generally limited to the useful life of the equipment. In addition, the IRS requires that public agencies have the reasonable expectation to expend 85% of all financed proceeds within three years of issuance.

See Exhibit C for a publicly offered COP sample amortization schedule. This amortization is based on a \$21 million project fund requirement repaid over 15 years.

Thank you for the opportunity to provide these financing options. We hope to be of service to the County for this transaction.

Sincerely,

Jeff Land

**MONO COUNTY**  
**CARB Compliant Vehicle Replacement**  
**7 Year Master Lease**  
 Debt Service Schedule as of 11-5-2013

Interest Rate: 2.95%  
 Annual Debt Service: \$176,714.45

Pymt #	Pymt Date	Principal Payment	Interest Payment	Total Payment
1	Semi- Annual	\$58,812.98	\$29,544.25	\$88,357.23
2		\$60,547.96	\$27,809.27	\$88,357.23
3		\$62,334.13	\$26,023.10	\$88,357.23
4		\$64,172.98	\$24,184.25	\$88,357.23
5		\$66,066.08	\$22,291.14	\$88,357.23
6		\$68,015.03	\$20,342.19	\$88,357.23
7		\$70,021.48	\$18,335.75	\$88,357.23
8		\$72,087.11	\$16,270.12	\$88,357.23
9		\$74,213.68	\$14,143.55	\$88,357.23
10		\$76,402.98	\$11,954.24	\$88,357.23
11		\$78,656.87	\$9,700.35	\$88,357.23
12		\$80,977.25	\$7,379.98	\$88,357.23
13		\$83,366.08	\$4,991.15	\$88,357.23
14		\$85,825.38	\$2,531.85	\$88,357.23
<b>Totals</b>		<b>\$1,001,500.00</b>	<b>\$235,501.18</b>	<b>\$1,237,001.18</b>

**Financing Summary**

Project Fund	1,000,000.00
Costs of Issuance	1,500.00
<b>Total Financing</b>	<b>1,001,500.00</b>

**MONO COUNTY**  
**CARB Compliant Vehicle Replacement**  
**10 Year Private Placement**  
 Debt Service Schedule as of 11-5-2013

Interest Rate: 3.25%  
 Annual Debt Service: \$963,936.06

Pymt #	Pymt Date	Principal Payment	Interest Payment	Total Payment
1	Semi-Annual	\$254,224.28	\$227,743.75	\$481,968.03
2		\$262,486.57	\$219,481.46	\$481,968.03
3		\$271,017.38	\$210,950.65	\$481,968.03
4		\$279,825.45	\$202,142.58	\$481,968.03
5		\$288,919.77	\$193,048.26	\$481,968.03
6		\$298,309.67	\$183,658.36	\$481,968.03
7		\$308,004.73	\$173,963.30	\$481,968.03
8		\$318,014.88	\$163,953.15	\$481,968.03
9		\$328,350.37	\$153,617.66	\$481,968.03
10		\$339,021.75	\$142,946.27	\$481,968.03
11		\$350,039.96	\$131,928.07	\$481,968.03
12		\$361,416.26	\$120,551.77	\$481,968.03
13		\$373,162.29	\$108,805.74	\$481,968.03
14		\$385,290.06	\$96,677.97	\$481,968.03
15		\$397,811.99	\$84,156.04	\$481,968.03
16		\$410,740.88	\$71,227.15	\$481,968.03
17		\$424,089.96	\$57,878.07	\$481,968.03
18		\$437,872.88	\$44,095.15	\$481,968.03
19		\$452,103.75	\$29,864.28	\$481,968.03
20		\$466,797.12	\$15,170.91	\$481,968.03
<b>Totals</b>		<b>\$7,007,500.00</b>	<b>\$2,631,860.57</b>	<b>\$9,639,360.57</b>

**Financing Summary**

Project Fund	7,000,000.00
Costs of Issuance	7,500.00
<b>Total Financing</b>	<b>7,007,500.00</b>

**Mono County**  
**CARB Compliant Vehicle Replacement**  
**15 Year Public Offering Certificate of Participation**  
**Debt Service Schedule as of 11-5-2013**

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/1/2014			403,310.50	403,310.50	
6/1/2015	1,300,000	1.190%	403,310.50	1,703,310.50	2,106,621.00
12/1/2015			395,575.50	395,575.50	
6/1/2016	1,315,000	1.440%	395,575.50	1,710,575.50	2,106,151.00
12/1/2016			386,107.50	386,107.50	
6/1/2017	1,335,000	1.790%	386,107.50	1,721,107.50	2,107,215.00
12/1/2017			374,159.25	374,159.25	
6/1/2018	1,360,000	2.130%	374,159.25	1,734,159.25	2,108,318.50
12/1/2018			359,675.25	359,675.25	
6/1/2019	1,390,000	2.540%	359,675.25	1,749,675.25	2,109,350.50
12/1/2019			342,022.25	342,022.25	
6/1/2020	1,425,000	2.940%	342,022.25	1,767,022.25	2,109,044.50
12/1/2020			321,074.75	321,074.75	
6/1/2021	1,465,000	3.340%	321,074.75	1,786,074.75	2,107,149.50
12/1/2021			296,609.25	296,609.25	
6/1/2022	1,515,000	3.570%	296,609.25	1,811,609.25	2,108,218.50
12/1/2022			269,566.50	269,566.50	
6/1/2023	1,570,000	3.800%	269,566.50	1,839,566.50	2,109,133.00
12/1/2023			239,736.50	239,736.50	
6/1/2024	1,630,000	4.010%	239,736.50	1,869,736.50	2,109,473.00
12/1/2024			207,055.00	207,055.00	
6/1/2025	1,695,000	4.170%	207,055.00	1,902,055.00	2,109,110.00
12/1/2025			171,714.25	171,714.25	
6/1/2026	1,765,000	4.330%	171,714.25	1,936,714.25	2,108,428.50
12/1/2026			133,502.00	133,502.00	
6/1/2027	1,840,000	4.480%	133,502.00	1,973,502.00	2,107,004.00
12/1/2027			92,286.00	92,286.00	
6/1/2028	1,920,000	4.630%	92,286.00	2,012,286.00	2,104,572.00
12/1/2028			47,838.00	47,838.00	
6/1/2029	2,010,000	4.760%	47,838.00	2,057,838.00	2,105,676.00
	<b>23,535,000</b>		<b>8,080,465.00</b>	<b>31,615,465.00</b>	<b>31,615,465.00</b>

**Financing Summary**

Project Fund	\$21,000,000.00
Costs of Issuance	\$425,527.00
Reserve Fund	\$2,109,473.00
<b>Total Financing</b>	<b>\$23,535,000.00</b>

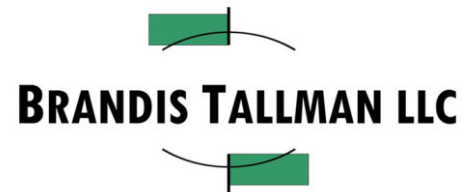


# MONO COUNTY

CALIFORNIA AIR RESOURCES BOARD "CARB"

Compliant Vehicle Replacement Financing Options Presentation

Prepared by



*Investment Banking for  
California's Communities*

November 12, 2013



# Option 1. Master Lease

- A line of credit established with a borrower
- Process to obtain Master Lease:
  1. Prior approval by borrower's governing body and the lender is required
  2. Borrower must receive credit approval from the lender with:
    - review of the borrower's last three years of audited financials
    - current year budget
  3. Master lease document is executed and borrower has ability to request funds from lender for the purchase of specified equipment as needed
- Master Lease Terms
  - Each disbursement of funds comes with its own amortization schedule set at a fixed interest rate.
  - Interest rate will be priced at the time of disbursement off the 3-year Treasury Swap plus a spread of approximately 225 basis points.
  - Master Lease is re-evaluated on an annual basis
  - If interest rate environment is no longer favorable, the borrower has the ability to pull out of the master-lease program
  - The lender will review the credit of the borrower each year.
- There is a one time cost of issuance of \$30,000 for placing the master lease with the lender. There are no other financing costs associated with the master lease.



# Master Lease Sample Amortization

	Interest Rate:		2.95%	
	Annual Debt Service:		\$176,714.45	
<b>Pymt</b>	<b>Pymt</b>	<b>Principal</b>	<b>Interest</b>	<b>Total</b>
<b>#</b>	<b>Date</b>	<b>Payment</b>	<b>Payment</b>	<b>Payment</b>
1	7 years,	\$58,812.98	\$29,544.25	\$88,357.23
2	semi-annual	\$60,547.96	\$27,809.27	\$88,357.23
3	payments	\$62,334.13	\$26,023.10	\$88,357.23
4		\$64,172.98	\$24,184.25	\$88,357.23
5		\$66,066.08	\$22,291.14	\$88,357.23
6		\$68,015.03	\$20,342.19	\$88,357.23
7		\$70,021.48	\$18,335.75	\$88,357.23
8		\$72,087.11	\$16,270.12	\$88,357.23
9		\$74,213.68	\$14,143.55	\$88,357.23
10		\$76,402.98	\$11,954.24	\$88,357.23
11		\$78,656.87	\$9,700.35	\$88,357.23
12		\$80,977.25	\$7,379.98	\$88,357.23
13		\$83,366.08	\$4,991.15	\$88,357.23
14		\$85,825.38	\$2,531.85	\$88,357.23
<b>Totals</b>		<b>\$1,001,500.00</b>	<b>\$235,501.18</b>	<b>\$1,237,001.18</b>
	<b>Financing Summary</b>			
	Project Fund		1,000,000.00	
	Costs of Issuance		1,500.00	
	<b>Total Financing</b>		<b>1,001,500.00</b>	



## Option 2. Private Placement

- Direct loan placement with an institutional investor, such as a bank
- Bare bones version of public offering
- No credit rating required
- No official statement required
- No Trustee required
- No public continuing disclosure required
- Private Placement Lenders
  - Brandis Tallman recommends the lender providing the most aggressive interest rate and most favorable financing terms, including:
    - prepayment provisions, financial covenants, lowest origination fees, etc.
  - Interest rates based on risk profile of the borrower, term of the loan, par amount, and the lender's appetite for the specific type of transaction.
- For an equipment replacement program, the cost of issuance could be as low as \$7,500 per transaction.
- This streamlined process and low cost of issuance provides the County with the ability to make multiple, smaller loan issuances, as the need for equipment financing arises.

# Private Placement Sample Amortization

	Interest Rate:		3.25%	
	Annual Debt Service:		\$963,936.06	
<b>Pymt #</b>	<b>Pymt Date</b>	<b>Principal Payment</b>	<b>Interest Payment</b>	<b>Total Payment</b>
1	10-years	\$254,224.28	\$227,743.75	\$481,968.03
2	semi-annual	\$262,486.57	\$219,481.46	\$481,968.03
3	payments	\$271,017.38	\$210,950.65	\$481,968.03
4		\$279,825.45	\$202,142.58	\$481,968.03
5		\$288,919.77	\$193,048.26	\$481,968.03
6		\$298,309.67	\$183,658.36	\$481,968.03
7		\$308,004.73	\$173,963.30	\$481,968.03
8		\$318,014.88	\$163,953.15	\$481,968.03
9		\$328,350.37	\$153,617.66	\$481,968.03
10		\$339,021.75	\$142,946.27	\$481,968.03
11		\$350,039.96	\$131,928.07	\$481,968.03
12		\$361,416.26	\$120,551.77	\$481,968.03
13		\$373,162.29	\$108,805.74	\$481,968.03
14		\$385,290.06	\$96,677.97	\$481,968.03
15		\$397,811.99	\$84,156.04	\$481,968.03
16		\$410,740.88	\$71,227.15	\$481,968.03
17		\$424,089.96	\$57,878.07	\$481,968.03
18		\$437,872.88	\$44,095.15	\$481,968.03
19		\$452,103.75	\$29,864.28	\$481,968.03
20		\$466,797.12	\$15,170.91	\$481,968.03
<b>Totals</b>		<b>\$7,007,500.00</b>	<b>\$2,631,860.57</b>	<b>\$9,639,360.57</b>
	<b>Financing Summary</b>			
	Project Fund		7,000,000.00	
	Costs of Issuance		7,500.00	
	<b>Total Financing</b>		<b>7,007,500.00</b>	



## Option 3. Public Offering

- Underwriter purchases bonds from an issuer with the intent to resell the bonds to investors.
- The sale of bonds can be made to:
  - Large investors (mutual funds and insurance companies), commonly known as institutional investors, or to individual investors, commonly known as retail investors.
- Requirements for a public offering:
  - Official Statement
  - Credit Rating
  - Bond Insurance
  - Continuing Disclosure
  - Establishment of a reserve fund or surety bond
  - Trustee or paying agent is required to service the debt to the investors
- These requirements and due diligence procedures increase the costs of issuance of the bonds and require significant staff time
- The bonds can be serialized so that the interest rate increases each year rather than remaining fixed for the term of the bonds. This can provide an overall lower interest cost.



## Option 3. Public Offering - COP

- The public offering mechanism available to the County for the vehicle replacement program is a certificate of participation (“COP”).
- Typical COP structuring:
  1. A public agency enters into a tax-exempt lease with a non-profit corporation
  2. The lessor, with the assistance of the public agency, undertakes the purchase of the equipment and leases the equipment to the public agency pursuant to a financing lease
  3. The lessor’s rights to receive payments under the lease are assigned to a trustee
  4. Trustee executes and delivers to an underwriter, certificates of participation in the lease payments
  5. A portion of each lease payment is designated as tax-exempt interest. The proceeds of the sale of the COPs are used to pay the costs of acquiring the equipment.
- If COP is designated as option for the vehicle replacement financing, it’s in the County’s best interest to finance the entire vehicle replacement program in one or two issuances rather than multiple smaller issuances.
- The term of a COP is generally limited to the useful life of the equipment.
- The IRS requires that public agencies have the reasonable expectation to expend 85% of all financed proceeds within 3 years of issuance.

# COP Sample Amortization

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/1/2014			403,310.50	403,310.50	
6/1/2015	1,300,000	1.190%	403,310.50	1,703,310.50	2,106,621.00
12/1/2015			395,575.50	395,575.50	
6/1/2016	1,315,000	1.440%	395,575.50	1,710,575.50	2,106,151.00
12/1/2016			386,107.50	386,107.50	
6/1/2017	1,335,000	1.790%	386,107.50	1,721,107.50	2,107,215.00
12/1/2017			374,159.25	374,159.25	
6/1/2018	1,360,000	2.130%	374,159.25	1,734,159.25	2,108,318.50
12/1/2018			359,675.25	359,675.25	
6/1/2019	1,390,000	2.540%	359,675.25	1,749,675.25	2,109,350.50
12/1/2019			342,022.25	342,022.25	
6/1/2020	1,425,000	2.940%	342,022.25	1,767,022.25	2,109,044.50
12/1/2020			321,074.75	321,074.75	
6/1/2021	1,465,000	3.340%	321,074.75	1,786,074.75	2,107,149.50
12/1/2021			296,609.25	296,609.25	
6/1/2022	1,515,000	3.570%	296,609.25	1,811,609.25	2,108,218.50
12/1/2022			269,566.50	269,566.50	
6/1/2023	1,570,000	3.800%	269,566.50	1,839,566.50	2,109,133.00
12/1/2023			239,736.50	239,736.50	
6/1/2024	1,630,000	4.010%	239,736.50	1,869,736.50	2,109,473.00
12/1/2024			207,055.00	207,055.00	
6/1/2025	1,695,000	4.170%	207,055.00	1,902,055.00	2,109,110.00
12/1/2025			171,714.25	171,714.25	
6/1/2026	1,765,000	4.330%	171,714.25	1,936,714.25	2,108,428.50
12/1/2026			133,502.00	133,502.00	
6/1/2027	1,840,000	4.480%	133,502.00	1,973,502.00	2,107,004.00
12/1/2027			92,286.00	92,286.00	
6/1/2028	1,920,000	4.630%	92,286.00	2,012,286.00	2,104,572.00
12/1/2028			47,838.00	47,838.00	
6/1/2029	2,010,000	4.760%	47,838.00	2,057,838.00	2,105,676.00
	<b>23,535,000</b>		<b>8,080,465.00</b>	<b>31,615,465.00</b>	<b>31,615,465.00</b>
<b>Financing Summary</b>					
	Project Fund			\$21,000,000.00	
	Costs of Issuance			\$425,527.00	
	Reserve Fund			\$2,109,473.00	
	<b>Total Financing</b>			<b>\$23,535,000.00</b>	



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	20 minutes (5 minute presentation, 15 minute discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Garrett Higerd
<b>SUBJECT</b>	Update on County Regional Transportation Improvement Program (RTIP) Submittal		

### AGENDA DESCRIPTION:

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

Update on the 2014 RTIP submittal.

### RECOMMENDED ACTION:

Receive staff report and provide any desired direction to staff.

### FISCAL IMPACT:

None

**CONTACT NAME:** Garrett Higerd

**PHONE/EMAIL:** 760.932.5457 / ghigerd@mono.ca.gov

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

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

[Staff Rpt](#)

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/25/2013 10:12 AM	County Administrative Office	Yes
11/21/2013 10:31 AM	County Counsel	Yes
11/26/2013 1:22 PM	Finance	Yes





# MONO COUNTY DEPARTMENT OF PUBLIC WORKS

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POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517  
760.932.5440 • Fax 760.932.5441 • [monopw@mono.ca.gov](mailto:monopw@mono.ca.gov) • [www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: December 3, 2013  
To: Honorable Chair and Members of the Board of Supervisors  
From: Garrett Higerd, Senior Engineer  
Re: Update on County Regional Transportation Improvement Program (RTIP) Submittal

## **Recommended Action:**

Receive staff report and provide any desired direction to staff.

## **Fiscal Impact:**

There will be no General Fund impact. Projects selected by the Mono Local Transportation Commission (LTC) are funded with state and/or federal funds.

## **2014 RTIP Cycle Background Information:**

Every two years the state starts a STIP funding cycle where new projects can be programmed for future funding by the Mono LTC through adoption of the Regional Transportation Improvement Plan (RTIP). Public Works staff has solicited Board input on project priorities at the September 3<sup>rd</sup> and October 15<sup>th</sup> and is now presenting an update for additional input. This RTIP will be presented, with Board input, to the Mono LTC at its December 9<sup>th</sup> meeting.

Mono County LTC has received good news from the California Transportation Commission regarding phased-out TE funds. Essentially, these funds are being rolled-in to RTIP shares. This increases the total Fund Estimate by approximately \$2.8 million.

The 2014 Fund Estimate is now approximately \$9.2 million. Approximately \$0.4 million needs to go toward the Olancho/Cartago MOU and approximately \$3.3 million is proposed to be set aside in our reserves for future MOU projects. Also, approximately \$0.6 million is proposed to go toward Planning Programming and Monitoring (PPM) and ESTA bus replacements. This means that there is capacity for approximately \$4.9 million in new local projects (between Mono County and the Town of Mammoth Lakes).

## **Previously Discussed 2014 STIP Projects:**

Given data from our updated Pavement Management System (PMS), the available funds for the 2014 STIP cycle, and previous direction from the Board of Supervisors and the Mono LTC, the following projects have been revised and refined for your consideration:

1. **Rehabilitation of Airport Road & a portion of Hot Creek Hatchery Road** – Approximately 1.6 miles of road costing approximately \$1.3 million. This project includes widening to add two four-foot wide bike lanes and a minor re-configuration of the intersection. Final project costs could be affected by new environmental requirements for sage grouse and fluctuations in the price of asphalt.

2. **Convict Lake Road FLAP Match** – This project would provide an 11.47% local match (approximately \$653,000) for the Federal Lands Access Program (FLAP) project that would rehabilitate 2.75 miles of Convict Lake Road and add bicycle lane improvements. The project would be administered by the FHWA and therefore would require relatively minor staff resources to administer. The total cost for the project is estimated at \$5.7 million including complete replacement of retaining walls.
  
3. **Preventative Maintenance Program based on Pavement Management System (PMS) and Utilizing Best Management Practices (BMPs)** – This project would invest approximately \$1.15 million to protect roads that were rehabilitated between five and fifteen years ago using our updated 2013 Pavement Management System. Examples of roads in this category include Benton Crossing Road, Crowley Lake Drive, Lower Rock Creek Road, and Eastside Lane. This approach will stretch funding to treat four to twelve times more road area than a traditional rehabilitation project. Deferring maintenance for ten years is expected to cost approximately 53% more, not including increases to labor and construction costs. Our maintenance strategy is currently missing this important category of treatments to preserve the significant investments we have made in our streets and roads in the last five to fifteen years.

Please see an updated DRAFT Mono 2014 RTIP table attached for more details regarding the proposed timing of these projects and for details on proposed Town of Mammoth Lakes projects.

Please contact me at 760.932.5457 or by email at [ghigerd@mono.ca.gov](mailto:ghigerd@mono.ca.gov) if you have any questions regarding this report.

Respectfully submitted,



Garrett Higerd, PE  
Senior Engineer

Attachment: Exhibit A – DRAFT Mono 2014 RTIP

## Draft - MONO 2014 RTIP

MCLTC program priorities for 2014	Draft - MONO 2014 RTIP																
	Agency	Rte	PPNO	Project	Total	Prior	FY Totals					Component Totals					
							14-15	15-16	16-17	17-18	18-19	ROW	Const	PA & ED	PS & E	R/W sup	Con sup
<b>PROPOSED 2014 RTIP PROGRAMMING</b>																	
	Caltrans	14	8042A	Kern, 4-lane, Freeman Gulch (RIP 10%), segment 1	4,489	250	1,130	0	3,109	0	0	950	2799	0	250	180	310
	Caltrans	14	8042B	Kern, 4-lane, Freeman Gulch (RIP 30%), segment 2	3,258	0	0	975	2,283	0	0	1653	0	0	975	630	0
	Caltrans	395	170	Olancha-Cartago 4-lane expressway (RIP 10%)	11,018	513	1,655	0	0	8,850	0	1352	8040	0	513	303	810
	Caltrans	395	8539	Kern, Inyokern 4-lane (RIP 10%)	310	310	0	0	0	0	0	0	0	310	0	0	0
	Caltrans	395	260B	SBd, Rt 15-Farmington, widen (RIP)	2,000	2,000	0	0	0	0	0	0	0	2000	0	0	0
	Mammoth Lakes	loc	2546	Canyon Blvd, Forest Trail-Hillside Dr rehab	3,685	3,685	0	0	0	0	0						
	Mammoth Lakes	loc	2595	Meridian Roundabout & signal relocation to Sierra Park	2,645	35	0	2,610	0	0	0						
<b>New</b>	<b>Mammoth Lakes</b>	<b>203</b>		<b>West Minaret Road (SR 203) Sidewalk &amp; Safety Project</b>	<b>700</b>	<b>0</b>	<b>25</b>	<b>165</b>	<b>0</b>	<b>510</b>	<b>0</b>	<b>115</b>	<b>585</b>	<b>25</b>	<b>50</b>	<b>10</b>	
<b>New</b>	<b>Mammoth Lakes</b>	<b>203</b>		<b>North Main St. (SR 203) North main St. Sidewalk and Safety Impr Project Phase 2a</b>	<b>1,170</b>	<b>0</b>	<b>30</b>	<b>90</b>	<b>1,050</b>				<b>1050</b>	<b>30</b>	<b>90</b>		
	Mono County	loc	2561	June Lake streets rehab	3,657	3,657	0	0	0	0	0	0	0	0	242	0	0
	Mono County	loc	2563	Chalfant streets rehab	1,419	1,419	0	0	0	0	0	0	1,419	0	0	0	0
<b>New</b>	<b>Mono County</b>			<b>Airport Road Rehabilitation Project</b>	<b>1,273</b>	<b>0</b>		<b>31</b>	<b>52</b>	<b>1,190</b>			<b>1,190</b>	<b>31</b>	<b>52</b>		
<b>New</b>	<b>Mono County</b>			<b>Convict Lake Road FLAP Match</b>	<b>653</b>		<b>69</b>	<b>584</b>					<b>584</b>		<b>69</b>		
<b>New</b>	<b>Mono County</b>			<b>County-wide Preventative Maintenance Program</b>	<b>1,150</b>	<b>0</b>	<b>50</b>	<b>100</b>	<b>1,000</b>				<b>1,000</b>	<b>50</b>	<b>100</b>		
	Mono LTC		2003	Planning, programming, and monitoring	435	0	130	130	175	0	0						
<b>New</b>	<b>Mono LTC</b>		<b>2003</b>	<b>PPM</b>	<b>360</b>					<b>180</b>	<b>180</b>		<b>360</b>				
<b>Rail and Transit Project Proposals:</b>																	
	Mono LTC	bus	2566	Replacement buses, Eastern Sierra Transit Authority (ESTA) <small>assumes these buses are federalized</small>	180	90	90	0	0	0	0		180				
<b>New</b>				<b>Bus replacement for ESTA</b>	<b>270</b>			<b>90</b>	<b>90</b>	<b>90</b>			<b>270</b>				
	Mammoth Lakes	te	2597	Mammoth Creek gap closure (TE \$1.916k)	69	69						204	1514	69	129	0	0
	Mammoth Lakes	te	2597	Mammoth Creek gap closure (TE \$1.916k)	-1,847	0	-333		-1514			-204	-1514	69	-129	0	0

				Balance of STIP Shares	8439
				New programming or STIP shares for 2014 (6331k includes lapses of 165k)	6496
				old TE reserve 954k & 1847k for TE ppno 2597	2801
				<b>subtotal</b>	<b>17736</b>
<b>New \$</b>	Caltrans	395	170	Olancha-Cartago 4-lane expressway (RIP 10%)	8850
	Mono LTC			New Local Projects	4946
	Mono LTC			Replacement buses for ESTA	270
	Mono LTC			Planning, Programming & Monitoring	360
				<b>subtotal</b>	<b>14426</b>
	<b>Mono LTC</b>			<b>Reserve for future MOU project needs</b>	<b>3310</b>



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	30 minutes (10 minute presentation, 20 minute discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Supervisors
<b>SUBJECT</b>	Mono County Fisheries Commission Appointments		

**AGENDA DESCRIPTION:**

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

The Mono County Fisheries Commission currently has four (4) vacancies. The terms of office for these volunteer positions will commence upon appointment and expire on April 1, 2017. The vacancies must be filled by a Mono County resident with an interest or background in fishing and wildlife. This vacancy was properly listed in the newspaper and a total of five (5) applications have been received for consideration of these appointments.

**RECOMMENDED ACTION:**

Consider appointing four (4) individuals from the packet of five applications to the Mono County Fisheries Commission, terms to expire April 1, 2017.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

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

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download

[MCFC Staff](#)

 [MCFC resolution](#)

 [MCFC applications](#)

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### History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/18/2013 8:08 AM	County Administrative Office	Yes
11/21/2013 10:58 AM	County Counsel	Yes
11/18/2013 7:25 PM	Finance	Yes



Larry Johnston  District One    Fred Stump  District Two    Tim Alpers  District Three  
Tim Fesko  District Four    Byng Hunt  District Five

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## BOARD OF SUPERVISORS COUNTY OF MONO

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Lynda Roberts, Clerk of the Board*

To:            Honorable Board of Supervisors  
From:         Shannon Kendall, Sr. Deputy Clerk  
Date:         October 15, 2013

**Subject:**

Mono County Fisheries Commission Appointments.

**Discussion:**

The Mono County Fisheries Commission currently has four (4) vacancies. The terms of office for these volunteer positions will commence upon appointment and expire on April 1, 2017. The vacancies must be filled by a Mono County resident with an interest or background in fishing and wildlife. This vacancy was properly listed in the newspaper and a total of five (5) applications have been received for consideration of these appointments.

**Recommended Action:**

Consider appointing four (4) individuals from the packet of five applications to the Mono County Fisheries Commission, terms to expire April 1, 2017.

**Fiscal Impact:**

None.



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**RESOLUTION NO. R02- 107**

**RESOLUTION TO CREATE THE MONO COUNTY  
FISHERIES COMMISSION**

**WHEREAS**, the Mono County Board of Supervisors acknowledges the critical importance of recreational fishing as a primary component of the County's tourism and economic health; and

**WHEREAS**, the Conway Ranch property was purchased by Mono County for, among other uses, the Fish Enhancement Program (rearing of trout) to augment the ongoing fish stocking program of the California Department of Fish and Game (CDFG); and

**WHEREAS**, the Mono County Board of Supervisors has expressed the importance of community-based, multi-disciplinary input on the species, quantity and stocking locations for the Fish Enhancement Program and for the CDFG Fish Stocking Program; and

**WHEREAS**, representation for such input from a wide geographical base within the County is desired;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Mono that:

1. The Mono County Board of Supervisors formally establishes the Mono County Fisheries Commission which shall consist of seven members appointed by the Board of Supervisors. Each Supervisor shall be entitled to nominate one Commission member. The other two Commissioners may, but need not, be nominated by a Supervisor.

The members shall serve at the will and pleasure of the Board of Supervisors in staggered four-year terms, with four members initially appointed for four years and three members initially appointed for two years and then may be subsequently re-appointed for an additional four years.

2. The primary purpose of the Commission shall to be advise the Mono County Board of Supervisors on matters relating to the rearing and stocking of various trout species in Mono

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County waters. In addition, upon request by the Board of Supervisors, the Commission may also assist in any of the following activities:

- a. Provision of oversight of Conway Ranch aquaculture activities.
- b. Provision of oversight for the planning and implementation of the Mono County Fish Management Study.
- c. Coordination of County Fish Enhancement Activities (*i.e.* Sierra Trout Foundation; Alpers Trout) and Department of Fish and Game stocking. Review on an annual basis all stocking plans including, but not limited to, stocking sites, quantity and quality of fish, species of trout stocking, etc.
- d. Adequate research, necessary consultation with individuals of expertise, and necessary communication with elected officials and agencies at all levels of government.
- e. *Preparation of recommendations regarding research and promotional projects* which may require funding. Such recommendations may include determinations as to the scope of the project, the cost thereof, and the methods of obtaining adequate funding.

3. The Commission is not authorized to financially obligate the county without prior approval of the Mono County Board of Supervisors.

4. The Commission shall remain in existence until dissolved by formal action of the Board of Supervisors.




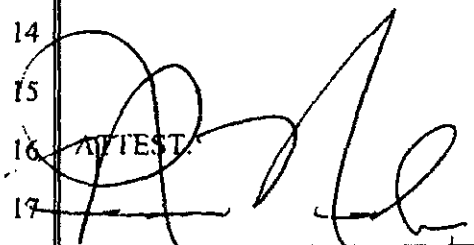
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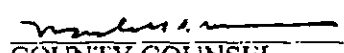
5. The Commission may adopt by-laws, elect offices, and carry out other organizational functions not inconsistent with this Resolution.

**PASSED, APPROVED and ADOPTED** this 10th day of December, 2002, by the following vote, to wit:

- AYES: Supervisors Cecil, Farnetti, Hunt & Pipersky
- NOES: NONE
- ABSENT: Supervisor Ronci
- ABSTAIN: NONE

  
TOM FARNETTI, Chair  
Mono County Board of Supervisors

ATTEST:  
  
RENN NOLAN, Clerk of the Board

APPROVED AS TO FORM:  
  
COUNTY COUNSEL

**MONO COUNTY  
APPLICATION FOR APPOINTMENT  
TO BOARDS/COMMISSIONS/COMMITTEES**

DATE	8-12-13
NAME	ROBERT DUNN
POSITION APPLIED FOR:	
MONO COUNTY FISHERIES COMMISSION	
RESIDENCE ADDRESS	721 PINEHURST RD COLDVILLE, CA 96107
PHONE	530-495-2239
BUSINESS ADDRESS	721 PINEHURST RD COLDVILLE, CA 96107
PHONE	530-495-0023
OCCUPATION	BUSINESS CONSULTANT

How did you learn of the opening? LETTER FROM  
MONO COUNTY

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: MEMBER OF MCFC  
SINCE MARCH 2008

Other information may be submitted by resume if desired.

Summary of background and skills: \_\_\_\_\_

SEE ATTACHED

**RECEIVED**

AUG 14 2013

**OFFICE OF THE CLERK**

Professional experience: \_\_\_\_\_

SELF ATTACHED

Education: SELF ATTACHED

Professional and/or community organizations: \_\_\_\_\_

SELF ATTACHED

Personal interests and hobbies: SELF ATTACHED

Have you ever been convicted of a felony, which would disqualify you from appointment? If you are appointed and cannot be bonded as required, your appointment will be revoked. NO

If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5533.

Please return application to:

Clerk of the Board  
County of Mono  
P. O. Box 715  
Bridgeport, CA 93517

Robert Owen

Signature

8-12-13

Date

# **Robert Dunn**

## **Commissioner - Mono Co. Fish Commission**

### Education

BS – Business Management

MBA – Business Education

### Professional/community Organizations

Commissioner – Antelope Valley Fire District

Member Northern Mono County Chamber of Commerce

Member Antelope Valley Lions Club

Past Director of Institute of Supply Management (ISM)

### Professional Experience

45 years in the field of procurement, logistics and supply management

Former Director of Procurement for Bank of America

Principal and Founder of Strategic Procurement Solutions, LLC - consulting firm

Over 25 years as college instructor, business courses

### Personal Interests

Fishing in Eastern Sierra since 1962



MONO COUNTY  
APPLICATION FOR APPOINTMENT  
TO BOARDS/COMMISSIONS/COMMITTEES

DATE	8/27/13
NAME	R. GARY JONES
POSITION APPLIED FOR:	MONO COUNTY FISHERIES COMMISSION
RESIDENCE ADDRESS	300 GRINDEL WALD / P.O. Box 7122 MAMMOTH LAKES, CA 93546
PHONE	760) 937-7295
BUSINESS ADDRESS	6957 HWY. 158 / P.O. Box 116 JUNE LAKE, CA 93529
PHONE	760) 648-7525
OCCUPATION	FISHING RESORT OWNER

How did you learn of the opening? I AM CURRENTLY ON THE FISHERIES COMMISSION AND MY TERM HAS EXPIRED

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: MY TIME OPERATING A FISHING RESORT AND MY TIME ON THE FISHERIES COMMISSION WILL BRING EXPERIENCE TO THE TABLE

Other information may be submitted by resume if desired.

Summary of background and skills: I HOLD A BACHELOR SCIENCE DEGREE IN ENGINEERING AND A CALIF. GENERAL CONTRACTORS LICENSE. I HAVE OWNED AND OPERATED BUSINESSES FOR 45 YEARS.

Professional experience: OWNED AND OPERATED  
AN ENGINEERING FIRM IN SO. CALIF.  
FOR MANY YEARS AND HAVE OWNED AND  
OPERATED SILVER LAKE RESORT IN  
JUNE LAKE FOR 35 YEARS.

Education: B.S. IN ENGINEERING

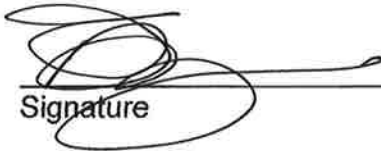
Professional and/or community organizations: \_\_\_\_\_  
MONO COUNTY FISHERIES COMMISSION  
JUNE LAKE CHAMBER

Personal interests and hobbies: \_\_\_\_\_

Have you ever been convicted of a felony, which would disqualify you from appointment? If you are appointed and cannot be bonded as required, your appointment will be revoked.

If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5533.

Please return application to: Clerk of the Board  
County of Mono  
P. O. Box 715  
Bridgeport, CA 93517

  
Signature

8/27/13  
Date

# MONO COUNTY APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES

DATE	9-6-2013
NAME	Steve Marti
	POSITION APPLIED FOR:
	Fisheries Commission
RESIDENCE ADDRESS	10316 Twin Lakes Rd Bridgeport CA.
PHONE	760 932 7751
BUSINESS ADDRESS	SAME
PHONE	
OCCUPATION	Resort Owner

How did you learn of the opening? \_\_\_\_\_

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: I have served as  
A Commissioner for 4 yrs and Chairman  
for 2 yrs.

Other information may be submitted by resume if desired.

Summary of background and skills: \_\_\_\_\_

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RECEIVED

Professional experience: \_\_\_\_\_  
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Education: \_\_\_\_\_  
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Professional and/or community organizations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal interests and hobbies: \_\_\_\_\_  
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\_\_\_\_\_

Have you ever been convicted of a felony, which would disqualify you from appointment? If you are appointed and cannot be bonded as required, your appointment will be revoked.

If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5533.

Please return application to: Clerk of the Board  
County of Mono  
P. O. Box 715  
Bridgeport, CA 93517

  
\_\_\_\_\_  
Signature

9/6/2013  
\_\_\_\_\_  
Date





MONO COUNTY APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES OFFICE OF THE CLERK

DATE September 9, 2013
NAME GAYE MUELLER

POSITION APPLIED FOR:

Mono County Fisheries Commission

RESIDENCE ADDRESS

315 A East Pine St. Bishop, CA - 93514

PHONE

(760) 937-2942 fax (760) 557-1060

BUSINESS ADDRESS

PO Box 50 Mammoth Lakes, CA - 93546

PHONE

same

OCCUPATION

EXECUTIVE DIRECTOR Mono Council for the Arts

How did you learn of the opening? I am already a Commissioner, am re-applying for position

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: Have experience serving on

MCCF for 3 years; liaison with Inyo Co. Fish + Wildlife Commission

Other information may be submitted by resume if desired.

Summary of background and skills: Because of MCA launching Trail of the Trout 6 years ago, I have relationships with mostly all organizations in the Eastern Sierra. I also work as a volunteer for Mono Co. Tourism representing the county at fishing trade shows - Fred Hall (Chico) + DSB Sacramento. I also work with Mammoth Lakes Tourism.

Professional experience: I produce the Mammoth Lakes Kids Fishing Festival for 5 years. I have a wonderful relationship with DFW (outside our District) and with Pure Fishing Berkeley, also American Sportfishing Assn. (Bart Hall)

Education: BA - Art History  
MA - Art History

Professional and/or community organizations: Mammoth Lakes Events Coalition, Eastern Sierra Fishing Coalition

Personal interests and hobbies: Promoting + marketing the Eastern Sierra.

Have you ever been convicted of a felony, which would disqualify you from appointment? If you are appointed and cannot be bonded as required, your appointment will be revoked. NO

If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5533.

Please return application to:

Clerk of the Board  
County of Mono  
P. O. Box 715  
Bridgeport, CA 93517

Gaye Mueller  
Signature

9/9/2013  
Date

WHEN I WAS APPOINTED PREVIOUSLY, IT WAS NOT A REQUIREMENT THAT I RESIDE IN MONO COUNTY. I AM ASKING YOU TO RECONSIDER AS I HAVE LIVED IN INYO COUNTY FOR 33 YEARS. I FEEL THIS MAKES ME A GOOD LIASON WITH THE INYO COUNTY FISH + WILDLIFE COMMISSION, THE BISHOP CHAMBER OF COMMERCE, ALL SPORTING GOOD/FISHING STORES IN INYO CO. DEPT. OF FISH: WILDLIFE, AND THE COUNTY SCHOOLS.

# MONO COUNTY APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS/COMMITTEES

DATE 11-13-13  
 NAME Don Morton  
 POSITION APPLIED FOR:  
Fisheries Commission

RESIDENCE ADDRESS 4838 Highway 158 June Lake  
PO Box 237 93529  
 PHONE

BUSINESS ADDRESS 2784 Highway 158 S.L. 93529

PHONE 760-914-2594

OCCUPATION General Contractor  
Office Manager June Lake Accommodations

How did you learn of the opening? Jeff Simpson

Please state briefly any experience of which you feel will be helpful when you serve in this appointment: avid fly fisherman, Hunting,  
Mountain Biker, lover of our outdoors.

Other information may be submitted by resume if desired.

Summary of background and skills: General Contractor 35 years  
Board On the Board of Directors of the following  
June Lake Loop Chamber of Commerce - Treasurer  
June Lake Real Estate Inc. Sierra Crest Real Estate  
June Lake CAC  
June Lake Construction

Professional experience: Journeyman Carpenter, General Contractor  
for over 35 yrs. Started & Manager of Snow  
Lake Accommodations. ROE of Real Estate Company  
Property Manager, Developer of Real Estate.

Education: Life - 2 yrs Community College

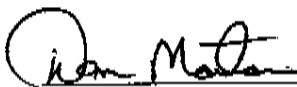
Professional and/or community organizations: See Above

Personal interests and hobbies: Fly Fishing, Hunting, snowmobile  
SKI, Hike, Mountain Bike Riding

Have you ever been convicted of a felony, which would disqualify you from appointment? If you are appointed and cannot be bonded as required, your appointment will be revoked. No

If you desire a personal interview or wish to address the Board, you may contact the Board of Supervisor's Office directly at (760) 932-5533.

Please return application to: Clerk of the Board  
County of Mono  
P. O. Box 715  
Bridgeport, CA 93517

  
Signature

11-13-13  
Date



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	20 minutes (5 minutes presentation; 15 minutes discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Jim Leddy/Sarah Messerlian
<b>SUBJECT</b>	Mono County Volunteer Service Event		

**AGENDA DESCRIPTION:**

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

This is continued discussion from a Board item on October 15<sup>th</sup>, at the request of Supervisor Larry Johnston. The concept is to host a special event to recognize and thank citizens who serve on Board appointed committees or commissions.

No taxpayer funds would be utilized, as this event would be paid for by those invited to attend through ticket sales. Items for consideration include invitations, postage, venues and catering. All of those items would be included in the cost of the ticket so that no taxpayer funds would be utilized. Staff time would not be included.

**RECOMMENDED ACTION:**

Review additional cost information on hosting a volunteer recognition event or "Commissioner's Ball"; Direct Staff

1. January 24<sup>th</sup> be the date of the "Commissioner's Ball" aka the Mono County Volunteer Services Recognition Event in south county;
2. March 11<sup>th</sup> be the date of the event for north county and again all volunteers are invited. This allows flexibility for all invited and the chance to network with people at both;
3. Staff work with the Board to develop a program that acknowledges and thanks all volunteers.

**FISCAL IMPACT:**

Hard costs of event to be covered by tickets and staff administrative time of approximately 50 hours to coordinate.

**CONTACT NAME:** Jim Leddy

**PHONE/EMAIL:** (760) 932-5414 / jleddy@mono.ca.gov

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

**SEND COPIES TO:**

## MINUTE ORDER REQUESTED:

YES  NO

---

## ATTACHMENTS:

Click to download

[Mono County Volunteer Recognition Event Cover Memo](#)

---

### History

Time	Who	Approval
11/25/2013 9:19 AM	County Administrative Office	Yes
11/26/2013 9:43 AM	County Counsel	Yes
11/25/2013 12:02 PM	Finance	Yes



# COUNTY OF MONO

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

Jim Leddy  
County Administrative Officer

Bill Van Lente  
Director of HR/Risk Management

December 3, 2013

To: Honorable Chair and Members of the Board of Supervisors  
From: Jim Leddy, County Administrative Officer  
Sarah Messerlian, Office Manager

**SUBJECT**

Volunteer Service Event

**RECOMMENDATION**

Provide direction to staff regarding potential volunteer service event.

**FISCAL IMPACT**

Staff time. Approximately 50 hours which includes 34 hours of administrative preparation and planning and 8 hours of staff work on each event date which is not recommended for recapture by tickets sales.

**DISCUSSION**

This is continued discussion from a Board item on October 15<sup>th</sup>, at the request of Supervisor Larry Johnston. The concept is to host a special event to recognize and thank citizens who serve on Board appointed committees or commissions. No taxpayer funds would be utilized, as this event would be paid for by those invited to attend through ticket sales. Items for consideration include invitations, postage, venues and catering. All of those items would be included in the cost of the ticket so that no taxpayer funds would be utilized. Staff time would not be included.

Staff emailed out 842 emails utilizing existing email addresses to gauge support. 30 responses were received. Based on those responses, there is support for an event and there were requests to have an event in north as well as south county. It is hard to accurately estimate attendance but the event(s) could expect from 50-100 given volunteers who attend and significant others, guests and staff who chose to attend.

As noted above, for the north county event in the spring venues and options are more limited in Bridgeport compared to Mammoth, but staff is providing those options that are available and believe this is a great way to encourage local economy by either hosting the event at the Bridgeport Memorial Hall using a local catering business or having the event at a local restaurant. The Board could present them with certificates of appreciation for their service to Mono County.

The potential ticket price range for a south county event (except staff time) would be \$30-\$50 :

South County Venues:	<u>Convict Lake Resort</u>	<u>Westin Mammoth</u>	<u>Crowley Lake CC</u>	<u>Mammoth Mountain</u>
South County Total:	\$2,981.25	\$3,750.00	\$3,450.00	\$4,966.00
Per person:	\$29.81	\$37.50	\$34.50	\$49.66

For a north county event, the range would be \$13-\$35 per person:

North County Venues:	<u>Settlement (on-site)</u>	<u>Settlement (at hall)</u>	<u>Memorial Hall</u>	<u>Rhinos Bar &amp; Grille</u>
North County Total:	\$1,225.00	\$1,225.00	\$3,450.00	\$1,450
Per person:	\$12.25	\$12.25	\$34.50	\$14.50

Staff recommends the Board consider establishing:

1. January 24<sup>th</sup> be the date of the “Commissioner’s Ball” aka the Mono County Volunteer Services Recognition Event in south county;
2. March 11<sup>th</sup> be set as the date of the event for north county and again all volunteers are invited. This allows flexibility for all invited and the chance to network with people at both;
3. Staff work with the Board to develop a program that acknowledges and thanks all volunteers.

If you have any questions please contact me at (760) 932-5410 or [jleddy@mono.ca.gov](mailto:jleddy@mono.ca.gov).

South County Venues:	<u>Convict Lake Resort</u>	<u>Westin Mammoth</u>	<u>Crowley Lake CC</u>	<u>Mammoth Mountain</u>
Certificates	\$200.00	\$200.00	\$200.00	\$200.00
Invitations	\$400.00	\$400.00	\$400.00	\$400.00
Postage	\$150.00	\$150.00	\$150.00	\$150.00
Venue	n/a	\$1,000 waived	n/a	Mill Café \$600 Eagle Lodge \$850 Mountainside Conference Ctr \$700
Catering	\$2,231.25	\$1,500 - \$4,000 \$250 bartender fee	\$2,200-\$3,200 Alcohol not an option	\$3,000-\$4,000
Availability Friday Evenings	January 10, 17 and 24	All Fridays in January and February with the exception of 1/24, 2/7 and 2/28.	All Fridays in January and February with the exception of 1/31	All Fridays in January and February with the exception of 1/17 at Mountainside venue
<b>Total:</b>	\$2,981.25	\$3,750.00	\$3,450.00	\$4,966.00
<b>Per person:</b>	\$29.81	\$37.50	\$34.50	\$49.66

North County Venues:	<u>Settlement (on-site)</u>	<u>Settlement (at hall)</u>	<u>Memorial Hall</u>	<u>Rhinos Bar &amp; Grille</u>
Certificates	\$200.00	\$200.00	\$200.00	\$200.00
Invitations	\$400.00	\$400.00	\$400.00	\$400.00
Postage	\$150.00	\$150.00	\$150.00	\$150.00
Venue	n/a	n/a	n/a	n/a
Catering	\$475.00 Beer/Wine only	\$475 Alcohol not an option	\$2,200-\$3,200 Alcohol not an option	\$700
<b>Total:</b>	\$1,225.00	\$1,225.00	\$3,450.00	\$1,450
<b>Per person:</b>	\$12.25	\$12.25	\$34.50	\$14.50





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	Board of Supervisors
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>	
<b>SUBJECT</b>	Closed Session--Human Resources		

**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): Marshall Rudolph, John Vallejo, Leslie Chapman, Bill Van Lente and Jim Leddy. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/13/2013 4:36 PM	County Administrative Office	Yes
11/21/2013 10:30 AM	County Counsel	Yes
10/30/2013 6:29 PM	Finance	Yes



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Closed Session - Conference with Legal Counsel	

**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: Inland Aquaculture Group, LLC v. Mono County et al.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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No Attachments Available

**History**

Time	Who	Approval
11/21/2013 6:51 AM	County Administrative Office	Yes
11/21/2013 11:00 AM	County Counsel	Yes
11/22/2013 3:07 PM	Finance	Yes



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>
<b>ADDITIONAL DEPARTMENTS</b>		
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>
<b>SUBJECT</b>	Closed Session - County Counsel Performance Evaluation	

**AGENDA DESCRIPTION:**

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

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

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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No Attachments Available

**History**

Time	Who	Approval
11/22/2013 2:19 PM	County Administrative Office	Yes
11/21/2013 4:34 PM	County Counsel	Yes
11/22/2013 3:13 PM	Finance	Yes



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

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>		<b>PERSONS APPEARING BEFORE THE BOARD</b>	Bill Van Lente
<b>SUBJECT</b>	Closed Session - Public Employment, Public Works Director		

**AGENDA DESCRIPTION:**

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

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Public Works Director.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Bill Van Lente

**PHONE/EMAIL:** (760) 932-5413 / bvanlente@mono.ca.gov

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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No Attachments Available

**History**

Time	Who	Approval
11/26/2013 8:56 AM	County Administrative Office	Yes
11/26/2013 9:56 AM	County Counsel	Yes
11/26/2013 1:24 PM	Finance	Yes



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

**REGULAR AGENDA REQUEST**

Print

<b>MEETING DATE</b>	December 3, 2013	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	2 hours; 2 - 4 pm - NOTE: THIS ITEM WILL ADJOURN ACROSS THE STREET TO MEMORIAL HALL IN BRIDGEPORT. BE ADVISED THAT THERE WILL BE NO VIDEOCONFERENCING AVAILABLE. MEMORIAL HALL IS LOCATED ON THE WEST SIDE OF SCHOOL STREET.	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Steve Abele and Ted Koch, US Fish and Wildlife Service
<b>SUBJECT</b>	U.S. Fish and Wildlife Service Sage-Grouse Listing Workshop		

**AGENDA DESCRIPTION:**

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

Presentation and workshop by Ted Koch, State Supervisor, and Steve Abele, Wildlife Biologist, U.S. Fish and Wildlife Service, regarding proposed designation of critical habitat in Mono County and listing of the Bi-State Distinct Population Segment of the Greater Sage-Grouse as a threatened species under the Endangered Species Act.

**RECOMMENDED ACTION:**

1. Conduct workshop with the USFWS regarding its proposal to designate critical habitat and list the Bi-State Distinct Population Segment of Greater Sage-Grouse as a threatened species under the Endangered Species Act (ESA);
2. Request that the USFWS grant a 90-day extension of the comment period, and implore citizens and other agencies to request the same; and
3. Provide any other desired direction to staff.

**FISCAL IMPACT:**

Potentially significant long-term economic impact, particularly when cumulative impacts of the proposed listing action are considered with those of the Yosemite toad and yellow-legged frog proposed action. The U.S. Fish and Wildlife Service must still prepare the required economic studies. The Board of Supervisors has requested that the USFWS address these cumulative economic impacts.

**CONTACT NAME:** Scott Burns, Courtney Weiche

**PHONE/EMAIL:** 924.1807; 924.1803 / sburns@mono.ca.gov; cweiche@mono.ca.gov

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

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

---

**ATTACHMENTS:**

Click to download

- [Staff Report](#)
  - [Grouse Map](#)
  - [Grouse, F & T Map](#)
  - [Listing Notice](#)
  - [FAQ](#)
  - [Nov 5 staff rep](#)
  - [Sept 17 BOS ltr](#)
  - [Aug 6 CDD](#)
  - [Nov 15 Ext](#)
  - [Nov 21 Ext](#)
  - [Ext Response](#)
  - [RPAC Notice](#)
- 

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/26/2013 12:33 PM	County Administrative Office	Yes
11/26/2013 9:43 AM	County Counsel	Yes
11/26/2013 1:23 PM	Finance	Yes

# Mono County Community Development Department

---

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

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

---

December 3, 2013

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

**FROM:** Courtney Weiche, Associate Planner  
Scott Burns, Director

**RE:** U.S. Fish and Wildlife Service (USFWS) Sage Grouse Workshop

## **RECOMMENDATION**

1. Conduct workshop with the USFWS regarding its proposal to designate critical habitat and list the Bi-State Distinct Population Segment of Greater Sage-Grouse as a threatened species under the Endangered Species Act (ESA);
2. Request that the USFWS grant a 90-day extension of the comment period, and implore citizens and other agencies to request the same; and
3. Provide any other desired direction to staff.

## **FISCAL IMPACT**

Potentially significant long-term economic impact, particularly when cumulative impacts of the proposed action are considered with those of the Yosemite toad and yellow-legged frog proposed action. The USFWS must still prepare the required economic studies. The Board of Supervisors has requested the USFWS address these cumulative economic impacts.

## **DISCUSSION**

### **Background**

In response to your Board's request, the USFWS is scheduled to provide an overview of its proposal to designate critical habitat and list the Bi-State Distinct Population Segment of Greater Sage-Grouse as a threatened species under the ESA. A notice of the proposed action was published in the Federal Register, providing a 60-day review period ending December 27, and announcing public meetings in Bishop and Smith Valley, Nevada, both of which were held and attended by County staff.

The USFWS proposes to designate 1,868,017 acres of critical habitat within the Carson City, Lyon, Douglas, Mineral and Esmeralda counties in Nevada, and Alpine, Inyo and Mono in California. As the attached maps prepared by analyst Brent Calloway illustrate, over 82% of private property in unincorporated Mono County is within the proposed critical habitat area. A second map illustrates the cumulative coverage of proposed critical habitat of sage grouse, yellow-legged frog and Yosemite toad. These maps graphically summarize why the proposed action is of critical importance to Mono County, its landowners and citizens.

### **Past Position**

Mono County's previous position opposed such a listing, most recently in a September 17, 2013, Board of Supervisors letter (attached), which was delivered again to USFWS at the November 5



Bishop meeting. The County's position recognizes the remarkable coordination by multiple entities over a number of years in developing the *2004 Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California* and more recently the *2012 Bi-State Action Plan*. Mono County views these efforts as having the same practical effect as a recovery plan, but with the added value of voluntary collaboration on the part of local landowners, local government, regional agencies, state departments and federal agencies. As documented by the County's consulting biologist, ample evidence supports Mono County's position that these efforts have assured species recovery and that listing is not warranted.

### **Extension Request**

In light of the proposed USFWS listing action, Mono County will be preparing new comments, but has requested a 90-day extension of the comment period deadline. The comment extension is sought to address the obvious conflicts with holidays and the need for more time to understand the complexity of the proposal, such as the proposed 4(d) special rule for the conservation actions of the Bi-State Action Plan and the NRCS Sage-Grouse Initiative. Specific reasons for the 90-day extension request include:

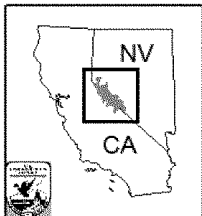
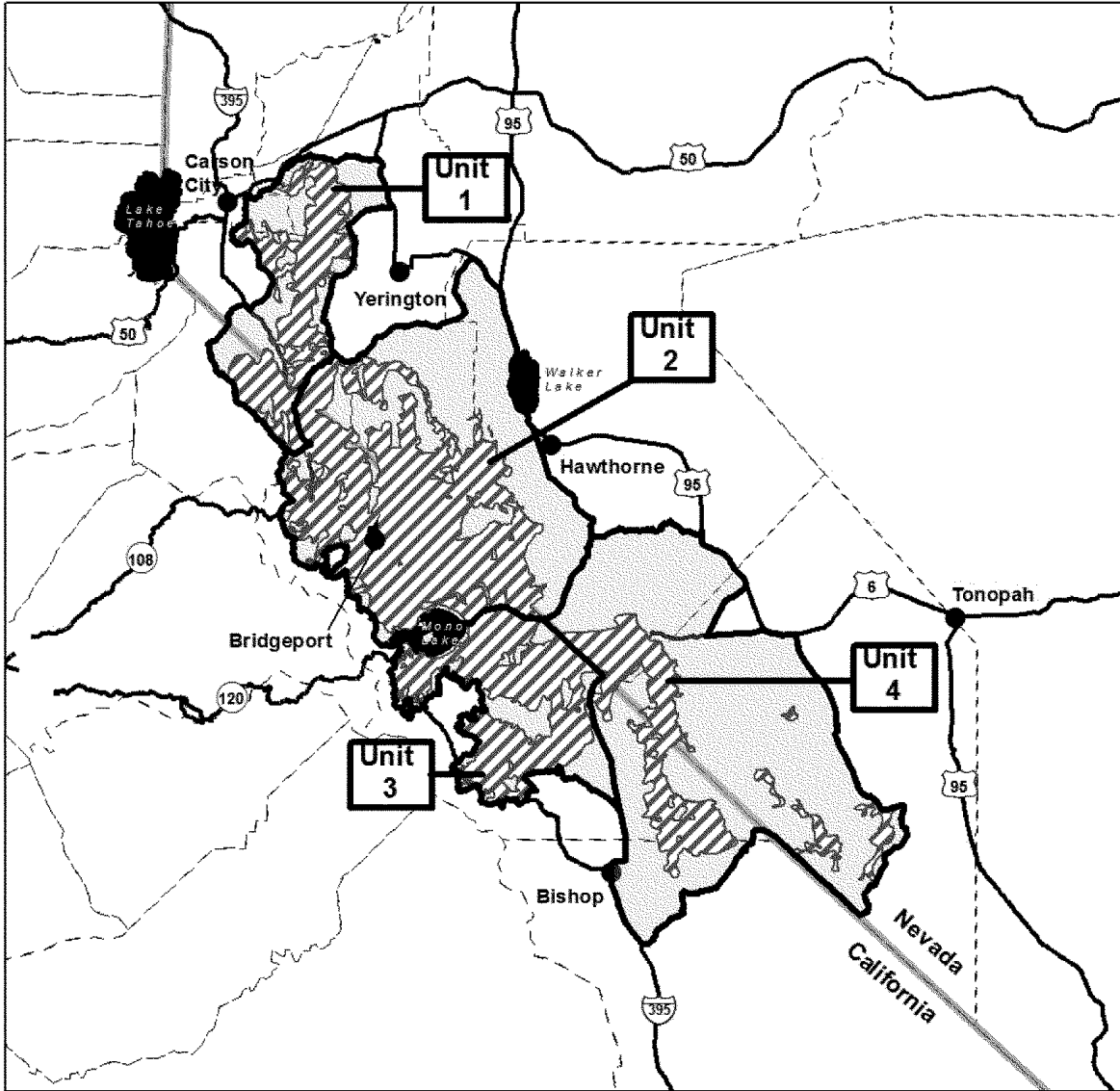
- The current 60-day comment period provides a very limited amount of time compressed over the hectic holiday season (Veterans Day, Thanksgiving and Christmas) to respond on an extremely significant and potentially far-reaching federal action impacting Mono County and its citizens. It is unreasonable to expect Mono County and its citizens to set aside holiday activities and prepare comments over Christmas. The timing appears to suppress comment.
- The timing overlaps with the review period of the proposed listing actions regarding the Yosemite toad and Sierra Nevada yellow-legged frog. More time is needed for affected entities such as Mono County to assess the multiple listing actions and specifically consider cumulative impacts. It is unreasonable to expect Mono County and its citizens to comprehend and comment on the three species listing proposals within such a limited time frame.
- The lack of prior notice of the USFWS public meetings caused by the October federal government shutdown resulted in low attendance by Mono County representatives and its citizens. As an example, the first time our Board of Supervisors had an opportunity to discuss the Federal Register notice in a regular meeting was the same day as the USFWS Bishop meeting.
- More time is needed by citizens and agencies to:
  - Understand the scientific basis for the listing action;
  - Research the consequences of the action on local government and the private property rights of landowners;
  - Gain clarity on proposed agricultural and Bi-State Plan exemptions and how they will affect land use and permit processes;
  - Understand exemption proposals, such as the one proposed for the City of Los Angeles properties, and examine potential exemptions for other lands in Mono County; and
  - Review the proposed critical habitat maps, which currently include a number of Mono County communities.
- The USFWS will be opening another but more limited comment period on its economic study of the proposed action, so the sense of urgency to close off this broader comment period seems less than genuine.

The Service granted a 90-day extension for the recent proposed listing of the Yosemite toad and yellow-legged frog, which was appreciated and needed to adequately respond. An extension of at least the same amount of time should be granted to respond on this much-more-critical potential federal action impacting over 82% of the privately owned lands in Mono County.

## **ATTACHMENTS**

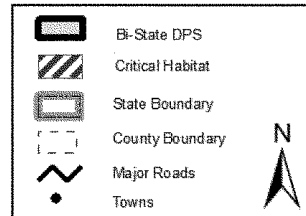
- Federal Register Maps
- Grouse Map
- Grouse, Frog & Toad Map
- USFWS News Release
- Frequently Asked Questions
- November 5, 2013 staff report
- September 17, 2013, Board of Supervisors letter
- August 6, 2013, Community Development letter
- November 15, 2013, Extension Request
- November 21, 2013, Extension Request
- November 21, 2013, USFWS Email Response
- RPAC Notice

**Index Map: Critical Habitat for Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse;  
Alpine, Inyo, and Mono Counties, California; and  
Carson City, Douglas, Esmeralda, Lyon, and  
Mineral Counties, Nevada**

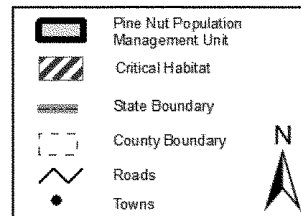
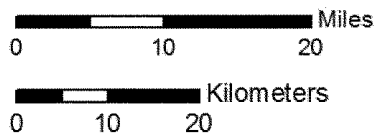
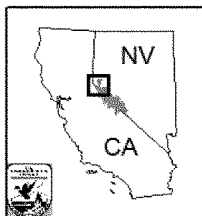
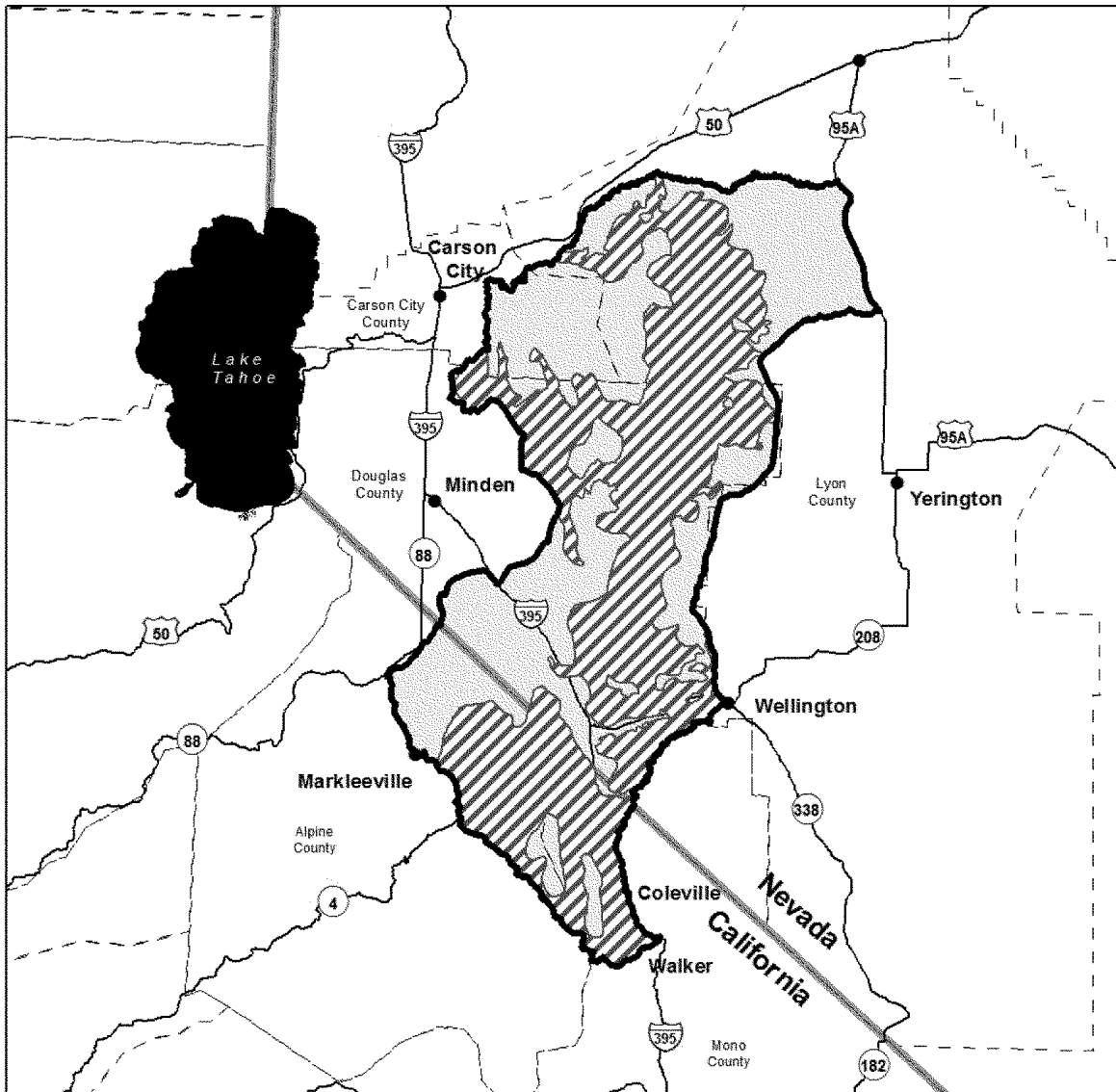


0 30 60 Miles

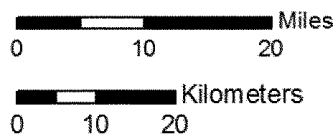
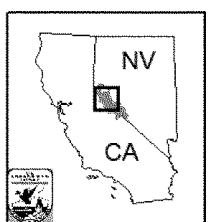
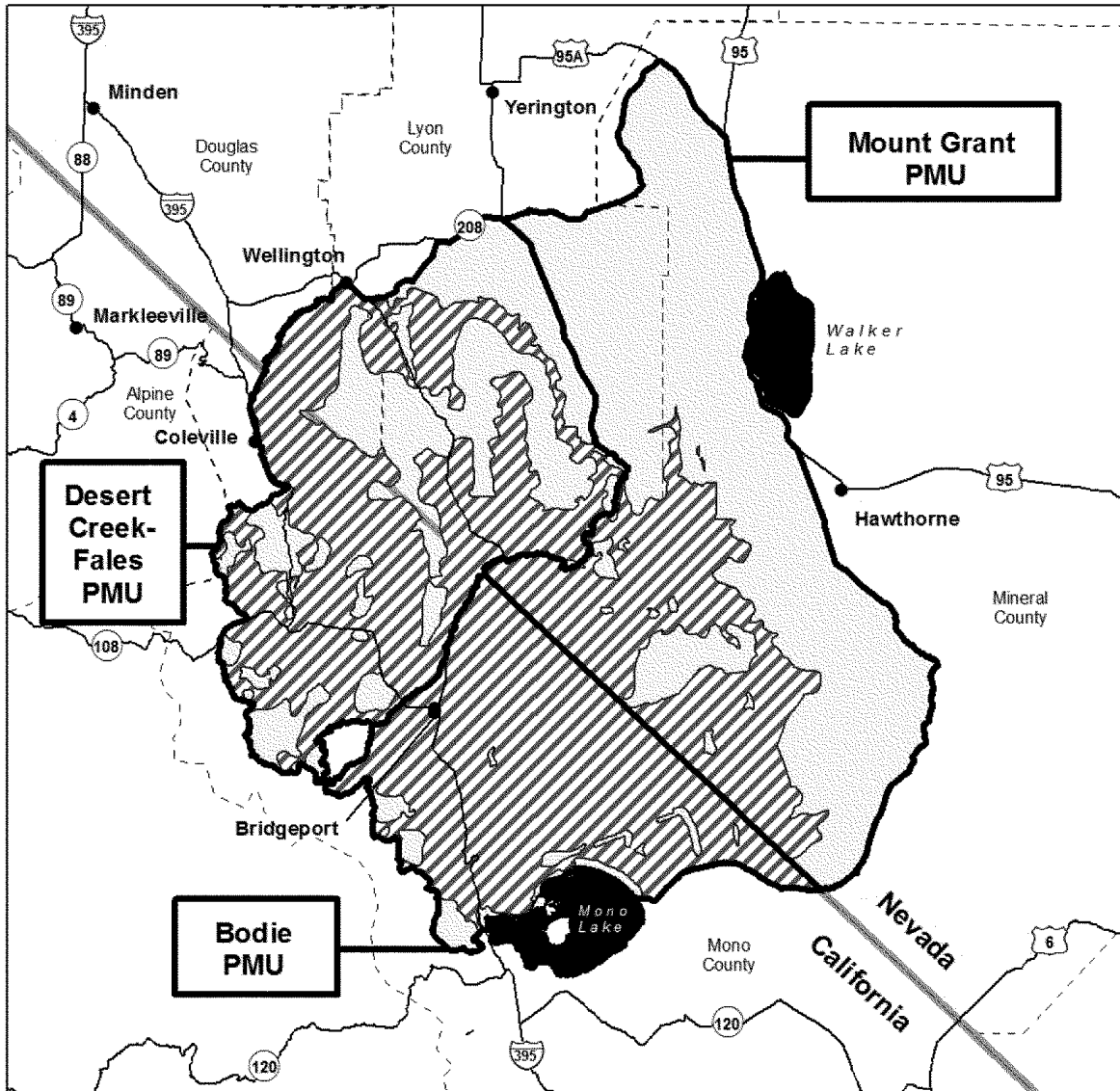
0 30 60 Kilometers



**Unit 1: Critical Habitat for Bi-State Distinct Population  
Segment of Greater Sage-Grouse;  
Carson City, Douglas, and Lyon Counties, Nevada; and  
Alpine and Mono Counties, California**



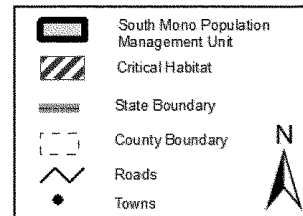
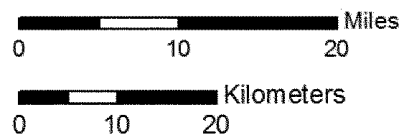
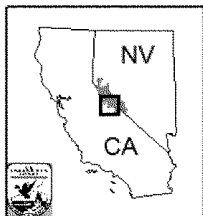
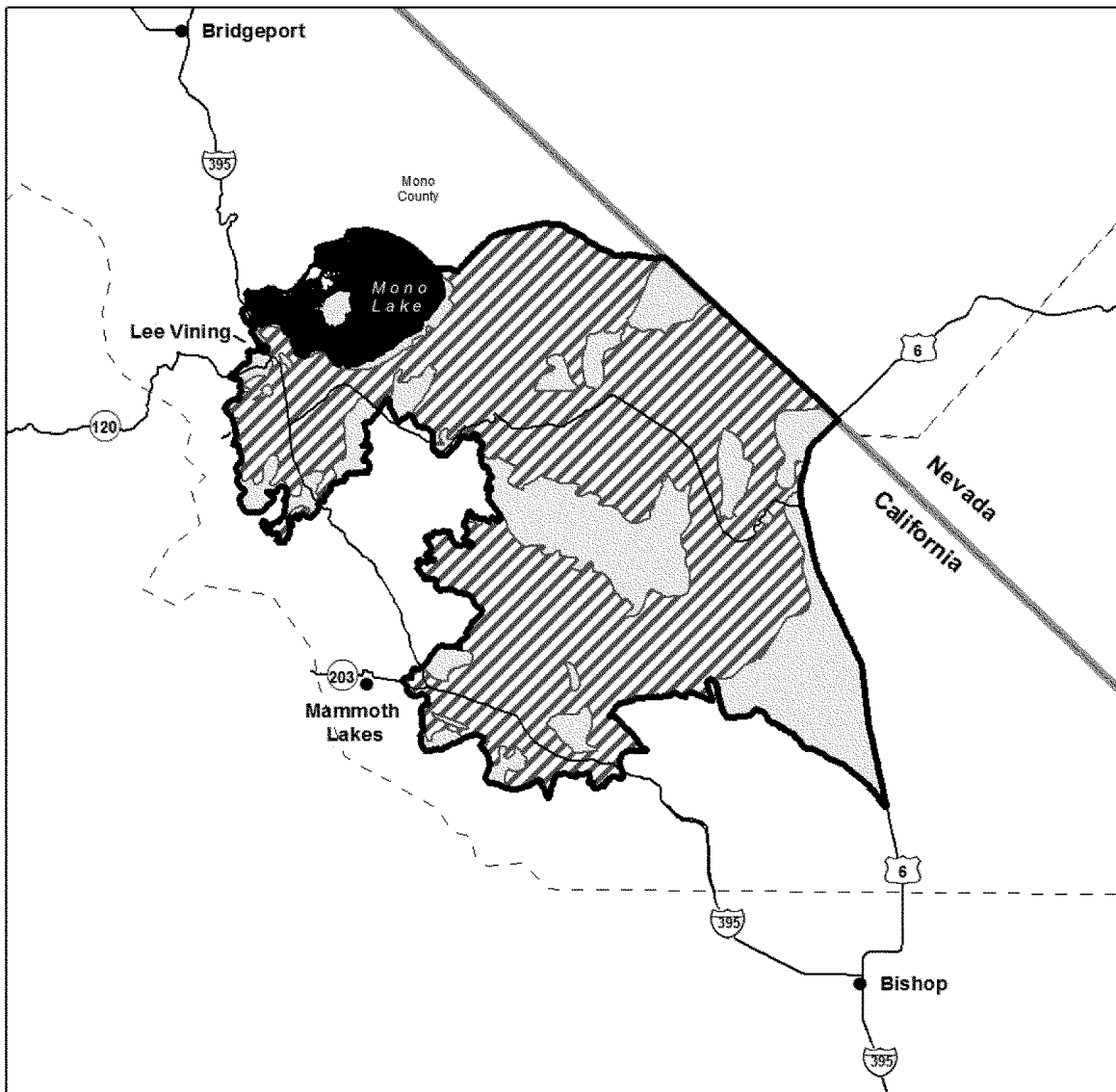
**Unit 2: Critical Habitat for Bi-State Distinct Population Segment  
of Greater Sage-Grouse;  
Douglas, Lyon, and Mineral Counties, Nevada; and  
Alpine and Mono Counties, California**



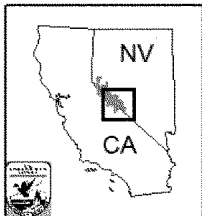
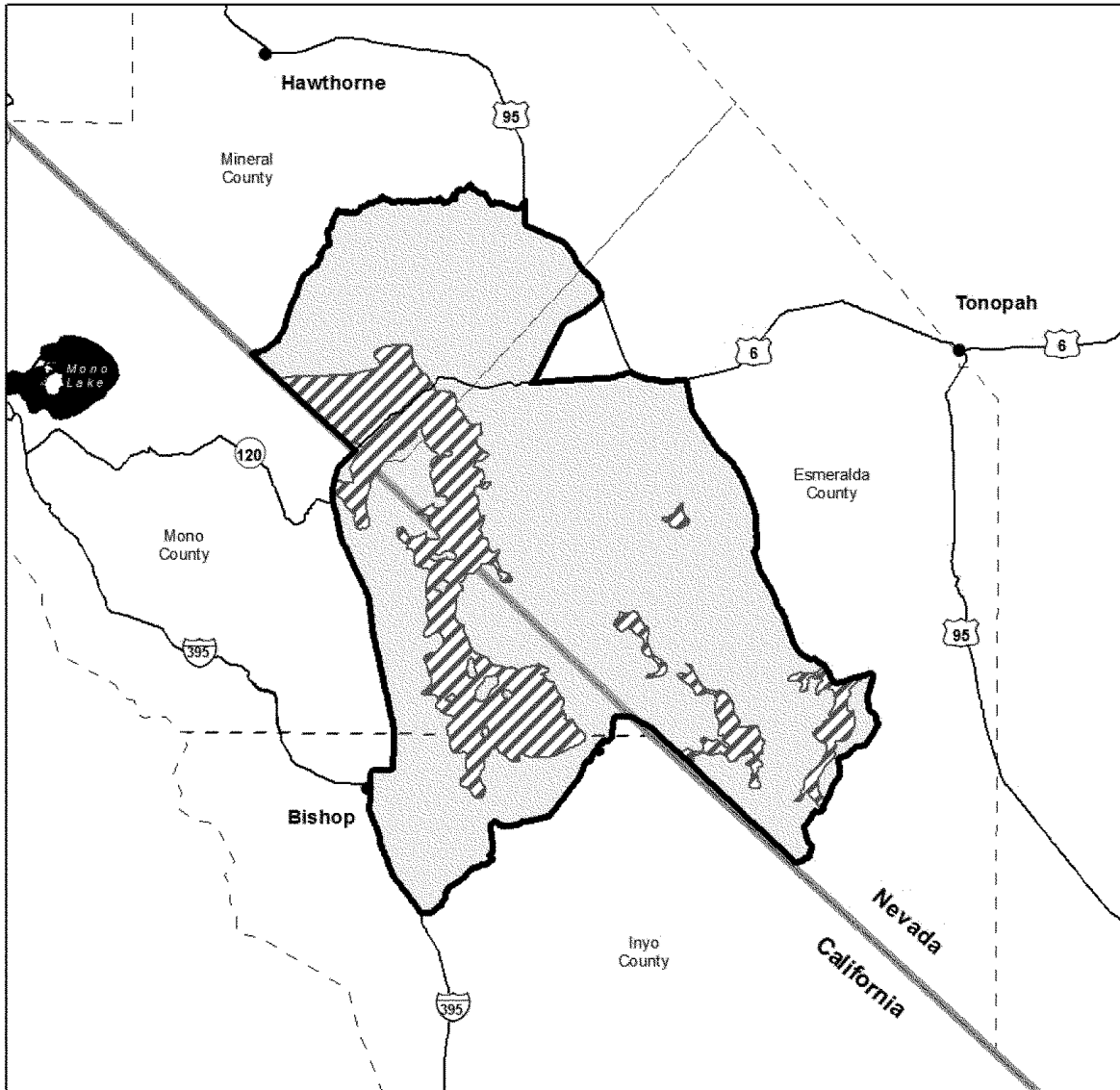
	Population Management Unit (PMU)
	Critical Habitat
	State Boundary
	County Boundary
	Roads
	Towns

N

### Unit 3: Critical Habitat for Bi-State Distinct Population Segment of Greater Sage-Grouse; Mono County, California

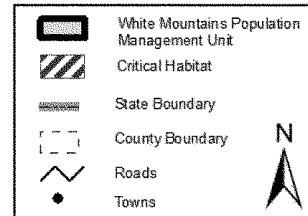


**Unit 4: Critical Habitat for Bi-State Distinct Population  
Segment of Greater Sage-Grouse;  
Esmeralda and Mineral Counties, Nevada; and  
Inyo and Mono Counties, California**



0 10 20 Miles

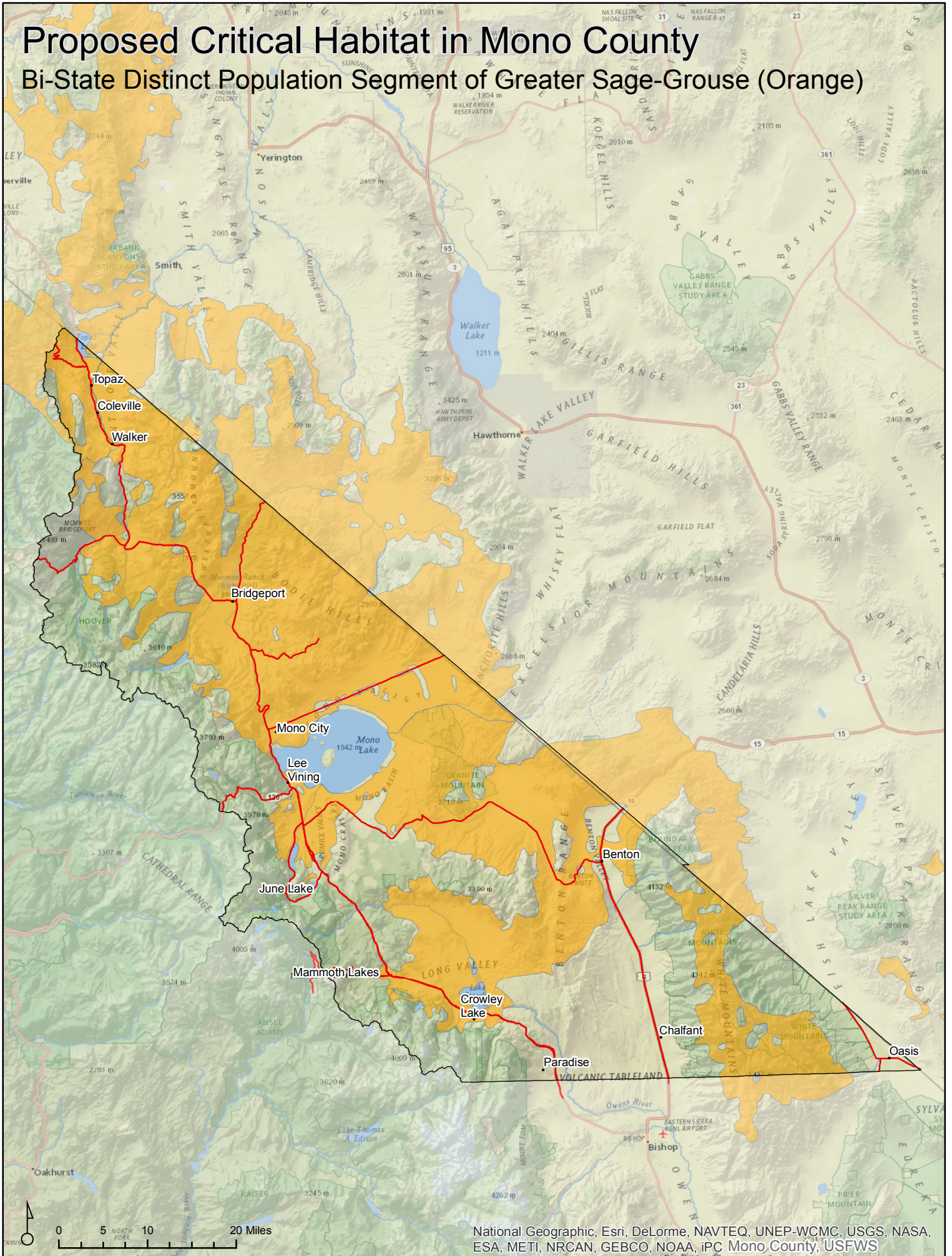
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# Proposed Critical Habitat in Mono County

## Bi-State Distinct Population Segment of Greater Sage-Grouse (Orange)

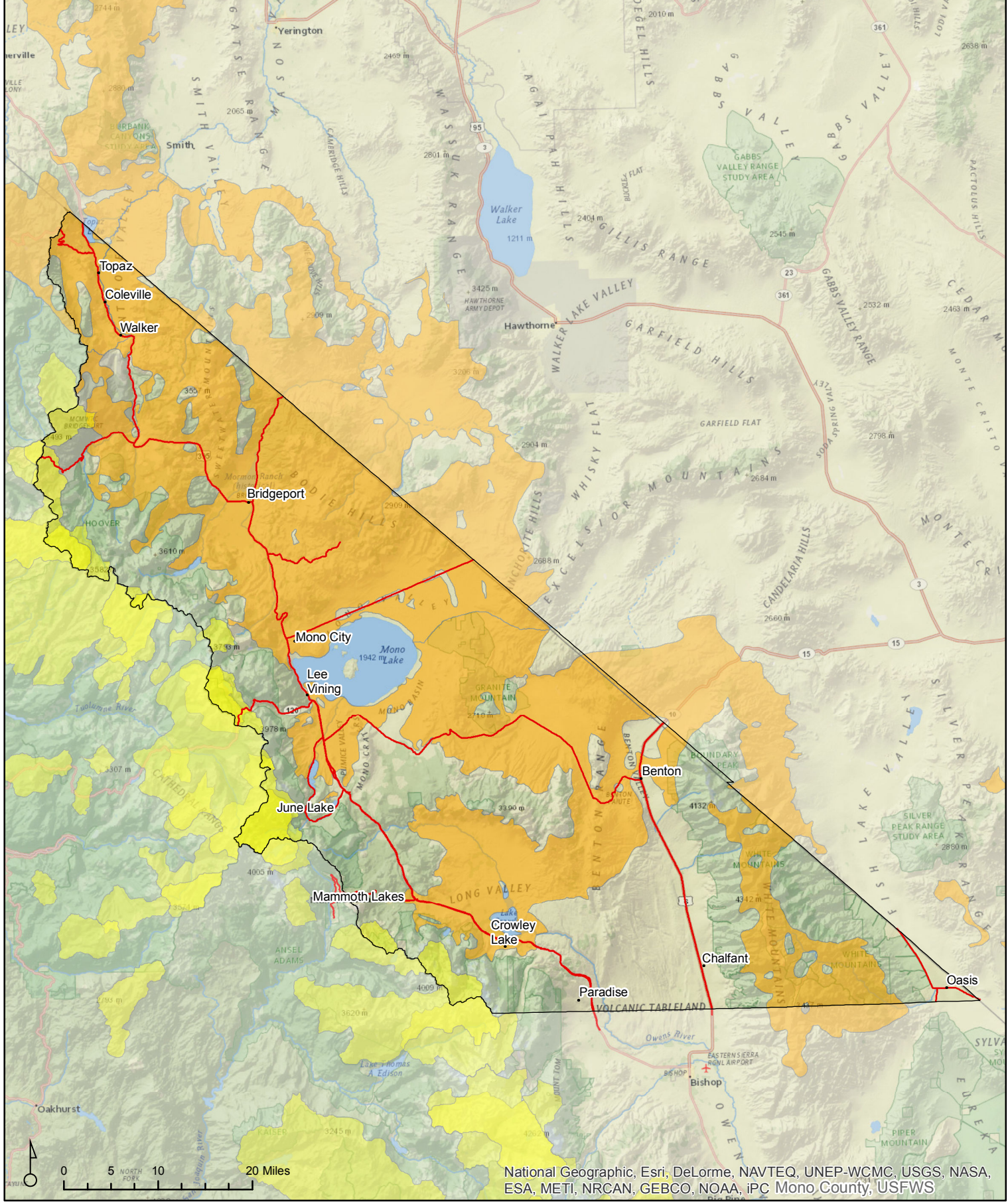




# Proposed Critical Habitat in Mono County

## Bi-State Distinct Population Segment of Greater Sage-Grouse (Orange)

## Yosemite Toad & Sierra Nevada Yellow Legged Frog (Yellow)



National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC Mono County, USFWS



# News Release

Nevada Fish and Wildlife Office

1340 Financial Way, Suite 234

Reno, Nevada 89502

Tel: 775-861-6300; Fax 775-813-4546

<http://fws.gov/nevada>



Date: October 25, 2013

Contact: Jeannie Stafford (775) 861-6300

[Jeannie\\_Stafford@fws.gov](mailto:Jeannie_Stafford@fws.gov)

FOR IMMEDIATE RELEASE

## **Bi-State Distinct Population Segment of Greater Sage-Grouse Proposed for Protection under Endangered Species Act**

*Special rule would allow flexibility for beneficial land management practices*

RENO, Nev. – The U.S. Fish and Wildlife Service today proposed to protect the Bi-State Distinct Population Segment (DPS) of greater sage-grouse along the California-Nevada border as a threatened species under the Endangered Species Act (ESA). The proposal includes a special rule that would provide increased flexibility for land management practices that are intended to benefit the sage-grouse.

“We applaud the combined efforts of our federal, state and local partners, as well as private landowners across the species’ range, to address the significant challenges faced by the Bi-State DPS of greater sage-grouse,” said Ren Lohofener, Regional Director of the Service’s Pacific Southwest Region. “These efforts are essential to the recovery of the species. Today’s proposal, based on the best available science, should not deter us from continuing our work on behalf of the Bi-State DPS and its important sage brush habitat.”

The DPS’s current range is limited to six population management units (PMUs) along the California and Nevada border, which is less than 50 percent of its historical range. Scientists predict that four of the six PMUs could be lost in the foreseeable future.

Today’s Bi-State DPS proposal is being considered separately from the petition for protection of the greater sage-grouse and will have no bearing on the future evaluation of the wider-ranging populations of greater sage-grouse. The sage-grouse is a large, ground-nesting bird known for elaborate courtship displays on its breeding grounds.

The special rule proposed for the Bi-State would allow increased flexibility in implementing actions that will help conserve sage grouse. For example, the Service will consider whether to exempt from ESA take prohibitions land management practices consistent with the Bi-State Sage Grouse Local Area Working Group Action Plan, which was finalized in 2012, thus removing the need for any additional regulatory review.

Signatories to this plan include the Bureau of Land Management, U.S. Forest Service, Natural Resource Conservation Service, U.S. Geological Survey, Nevada Department of Wildlife, California Department of Fish and Wildlife, and the Service.

While the 2012 Action Plan is non-regulatory, it provides a general strategic path toward conservation, provides stakeholders a degree of confidence in implementation, and will serve as a good framework for development of a species recovery plan.

The Service also is proposing to designate approximately 1.86 million acres of critical habitat for the DPS. This habitat encompasses federal, state, tribal and private lands on four separate units in Carson City, Douglas, Lyon, Mineral and Esmeralda Counties in Nevada, and in Alpine, Mono, and Inyo Counties in California.

Critical habitat is a term defined in the ESA and identifies geographic areas containing features essential to the conservation of a threatened or endangered species and that may require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, and has no impact on private landowners taking actions on their land that do not require federal funding or permits.

The Service will open a 60-day comment period to provide the public an opportunity to comment on the proposed listing, special rule and designated critical habitat. During the public comment period, the agency will also seek peer review from qualified members of the scientific community to ensure that the final decision is based on the best available science. A copy of the finding and other information about the bi-state DPS of the greater sage-grouse is available at <http://www.fws.gov/nevada> or by contacting the Nevada Fish and Wildlife Office at 775-861-6300.

The Endangered Species Act provides a critical safety net for America's native fish, wildlife and plants. This landmark conservation law has prevented the extinction of hundreds of imperiled species across the nation and promoted the recovery of many others.

The agency will hold two informational public meetings regarding the proposals at the following times and locations:

November 5, 2013

4 to 6 p.m.

Tri-County Fairgrounds, Home Economics Building

Sierra Street and Fair Drive

Bishop, CA 93514

November 6, 2013

1 to 3 p.m.

Smith Valley Community Center

2783 State Route 208

Wellington, NV 89444

Scientific information regarding these proposals will be accepted until December 27, 2013, and may be submitted by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal:

<http://www.regulations.gov>. In the Search box, enter FWS-R8-ES-2013-0042 and FWS-R8-ES-2013-0072, which are the docket numbers for these rulemakings. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Comment Now!"

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R8-ES-2013-0042 and FWS-R8-ES-2013-0072; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

*The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit <http://www.fws.gov/cno>. Connect with our [Facebook page](#), follow our [tweets](#), watch our [YouTube Channel](#), and download photos from our [Flickr page](#).*

-FWS-

*Editors: photos to support this story are available on our Flickr page [at http://www.flickr.com/photos/usfws\\_pacificsw](http://www.flickr.com/photos/usfws_pacificsw).*

# **Proposed Listing, Special 4(d) Rule, and Critical Habitat Bi-State Distinct Population Segment of Greater Sage-Grouse**

## **Frequently Asked Questions**

### **What is the Bi-State Distinct Population Segment (DPS) of greater sage-grouse and where does it occur?**

The Bi-State DPS of greater sage-grouse (*Centrocercus urophasianus*), which in the past has been referred to as the Mono Basin area population of greater sage-grouse, includes sage-grouse that occur in portions of Carson City, Lyon, Mineral, Esmeralda, and Douglas Counties in Nevada. It also includes sage-grouse in portions of Alpine, Inyo, and Mono Counties in California.

### **Why did the U. S. Fish and Wildlife Service determine that Bi-State greater sage-grouse population is a Distinct Population Segment (DPS)?**

The Bi-State greater sage-grouse population qualifies as a DPS because genetic analysis shows it has been separated from other greater sage-grouse for thousands and perhaps tens of thousands of years and is discrete. It is significant to the remainder of the greater sage-grouse population because of these genetic differences.

The Service and the National Oceanic and Atmospheric Administration-National Marine Fisheries Service, developed the Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS Policy) (61 FR 4722), to help determine what constitutes a DPS. The DPS Policy identifies three elements to be considered in a decision regarding the status of a possible DPS. These elements include (1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs. If a population satisfies the above two elements, it is a DPS and then the third element is applied: (3) the population segment's conservation status in relation to the Endangered Species Act (ESA) standards for listing, delisting or reclassification (is the population segment threatened or endangered). Our policy further recognizes it may be appropriate to assign different classifications (i.e., threatened or endangered) to different DPSs of the same vertebrate taxon.

### **What is the Service's determination regarding the status of Bi-State DPS of the greater sage-grouse?**

After evaluating the best available scientific information regarding the Bi-State DPS of greater sage-grouse, including an analysis of the threats to the species and its habitat, the Service has determined that protection under the ESA is warranted, and the species is proposed for listing as threatened. If the Service finalizes the rule as proposed, it would extend the ESA's protections to this species.

### **What is the purpose of the special rule? What will it do?**

The special rule will increase flexibility in implementing actions that will help conserve sage grouse. For example, any actions consistent with the Bi-State Sage Grouse Local Area Working

Group Action Plan will be recognized as helping to conserve sage grouse, and will not require additional regulatory review to ensure they would not jeopardize the species.

The proposed 4(d) special rule provides that any take of the Bi-State DPS of greater sage-grouse incidental to agricultural activities that are included within a conservation plan developed by the NRCS for private agricultural lands and consistent with NRCS's Sage Grouse Initiative (SGI), as specified in this proposed rule, is not a prohibited action under the ESA.

**What threat analysis did the Service complete in making this determination?**

Under the ESA, the Service can determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

We have determined that the primary threats to the Bi-State DPS of greater sage-grouse are urbanization and habitat conversion (Factor A); infrastructure (Factors A and E); mining (Factors A and E); renewable energy development and associated infrastructure (Factors A and E); non-native and native invasive species (e.g., cheatgrass, pinyon-juniper encroachment) (Factors A and E); wildfires and altered fire regime (Factors A and E), and small population size and population structure (Factor E). Other threats impacting the DPS are climate change, including drought (Factors A and E); recreation (Factors A and E); disease and predation (Factor B); and inadequacy of existing regulatory mechanisms (Factor D).

The DPS is experiencing multiple, interacting impacts (i.e., synergistic effects) to sage-grouse populations and sagebrush habitats that are ongoing (and expected to continue into the future) in many areas throughout the species' range.

Bi-State DPS of greater sage-grouse occur as small, local populations that are relatively isolated from each other. Small populations are inherently at greater risk than larger populations from events such as disease epidemics, or environmental catastrophes. Together, the Bodie and South Mono PMUs (which harbor the two stronghold populations), located mainly in California, represent less than 20 percent of the historical range for the Bi-State DPS.

**Why did the Service make a determination on the Bi-State DPS of greater sage-grouse?**

The Service received two petitions to list the Bi-State DPS of greater sage-grouse, one from the Institute for Wildlife Protection (dated December 28, 2001), and the other from the Stanford Law School Environmental Law Clinic (dated November 10, 2005) on behalf of the Sagebrush Sea Campaign, Western Watersheds Project, Center for Biological Diversity, and Christians Caring for Creation. A series of actions by the Service was taken in response to the petitions, which included publication (in 2006) of a 90-day finding that these petitions did not present substantial scientific or commercial information indicating that the petitioned actions were warranted.

There also have been legal challenges, and the Service voluntarily remanded its 2006 90-day finding. Based on reevaluation, the Service published a 90-day finding on April 29, 2008, concluding the petitions presented substantial scientific or commercial information indicating

that listing this population may be warranted, initiated an in-depth status review, and made a warranted but precluded 12-month finding, placing the species on the candidate list.

**What is being done to conserve the Bi-State DPS of greater sage-grouse?** The Service acknowledges its state, federal and local working group partners as well as private landowners for their ongoing and proposed conservation efforts across the range of the Bi-State DPS of greater sage-grouse. A Bi-State Local Area Working Group has been meeting regularly to discuss projects, issues, and opportunities, and developed a Local Area Working Group Action Plan in 2004. In 2012, the Bi-State Action Plan was finalized. Similar in nature to the 2004 Plan, it updated the current understanding of the population and apparent stressors and includes a series of actions needed to alleviate impacts. Signatories to this plan include the Bureau of Land Management, U.S. Forest Service, Natural Resource Conservation Service, U.S. Geological Survey and the Service, and the plan was vetted through participants associated with the 2004 Plan.

While the 2012 Action Plan remains non-regulatory, it provides a general strategic path forward toward conservation and affords a degree of confidence in implementation among stakeholders. It will also serve as a good framework for development of a species recovery plan.

**Does the proposed listing of the Bi-State DPS of greater sage-grouse mean that the wider ranging greater sage-grouse will also be proposed for listing?**

No. The Service's decision on the Bi-State DPS of greater sage-grouse is based on the best available science and is unique to this DPS. It was considered for protection as a separate entity and will have no bearing on the future evaluation of the wider-ranging population of greater sage-grouse.

There is still time to make conservation progress prior to the 2015 settlement date for the wider-ranging greater sage-grouse. Our proposed listing of the Bi-State DPS of greater sage-grouse should not deter implementation of actions for either the Bi-State DPS of greater sage-grouse or the wider-ranging greater sage-grouse.

**What activities could be affected by the proposed listing and proposed critical habitat?**

If a species is proposed for listing, under Section 7(a)(4) of the ESA, federal agencies are required to confer with the Service on any actions that are likely to jeopardize the continued existence of Bi-State greater sage-grouse or destroy or adversely modify proposed critical habitat. Also, if there is a project with a federal nexus (authorized, funded, or carried out by a federal agency) on non-federal lands, conferencing with the Service may be required. Federal agencies may also request conferencing with the Service on any program or activity that may affect a proposed species or proposed critical habitat.

**What is the Service's determination regarding critical habitat for the Bi-State DPS of greater sage-grouse?**

As part of the listing proposal, the Service has identified 1,868,017 acres of proposed critical habitat. This habitat is encompassed within federal, state, tribal, and private lands on four

separate units in Carson City, Douglas, Lyon, Mineral and Esmeralda Counties in Nevada, and in Alpine, Mono, and Inyo Counties in California. Consistent with the definition of “critical habitat,” the four units are the specific areas within the geographical area occupied by the species at the time of listing on which are found those physical and biological features essential to the conservation of the species. Land ownership in the four units is: 86 percent federal; 1 percent state; 9 percent private; 2 percent tribal; and 2 percent local.

**What is critical habitat?**

“Critical habitat” is a term in the ESA that identifies geographic areas of particular importance to the conservation of a threatened or endangered species. The ESA defines “conservation” as the actions leading towards the eventual recovery of a species to the point where it is no longer threatened or endangered.

The ESA requires federal agencies to consult with the Service on any of their actions that may affect designated critical habitat. The Service can then recommend ways to minimize any adverse effects. It imposes no requirements on state or private actions on state or private lands where no federal funding, permits, or approvals are required.

**Does a critical habitat designation mean an area is considered a wildlife refuge or sanctuary?**

No. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands.

**Will the Bi-State DPS of greater sage-grouse only be protected in places where critical habitat is designated?**

No. All other protections afforded by the ESA apply both on and off designated critical habitat. Listed species, both inside and outside critical habitat, are protected from “take” (e.g., shooting, killing, trapping, and collecting). “Take” can be intentional or incidental. And “take” includes harming and harassing individual animals. However, take may be allowed with a permit from the Service.

**How was critical habitat determined for the Bi-State DPS of greater sage-grouse?**

The Service used the best available science and reviewed all available information pertaining to the habitat requirements of the species. In determining which lands to include in the critical habitat proposal, we identified the physical or biological features essential to the conservation of this species. First, we identified sagebrush plant communities that contain herbaceous vegetation consisting of a diversity and abundance of forbs, insects, and grasses that fulfill all of the seasonal dietary requirements of the Bi-State DPS of greater sage-grouse. Second, we identified non-sagebrush habitats located adjacent to sagebrush plant communities used by the Bi-State DPS of greater sage-grouse for foraging during seasonally dry periods. These habitats are generally more mesic (containing moderate amounts of moisture) than surrounding habitat, and include wet meadows, riparian areas, and irrigated pastures.



**Does everything within the critical habitat boundary get treated as critical habitat?**

No. The Service cannot map critical habitat in sufficient detail to exclude all developed areas and other lands unlikely to contain “primary constituent elements” essential for sage-grouse conservation. Within the critical habitat boundaries, only lands containing some or all of the primary constituent elements are designated as critical habitat. Existing man-made features and structures within critical habitat, such as buildings; roads; residential landscaping; residential, commercial, and industrial developments; and other features, do not contain the primary constituent elements. Therefore, these areas are not critical habitat and are specifically excluded from the designation.

In addition, we are not including 13,397 acres of land within the proposed critical habitat designation because the Department of Defense, Hawthorne Army Depot, has a completed, Service-approved Integrated Natural Resources Management Plan (INRMP). An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

**What are Primary Constituent Elements (PCEs)?**

According to 50 CFR 424.12(b), the Service is required to identify the physical or biological features essential to the conservation of the Bi-State DPS of greater sage-grouse in areas occupied at the time of listing, focusing on the features’ primary constituent elements. We consider primary constituent elements to be those specific elements of the physical or biological features that provide for a species’ life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species’ life-history processes, the Service determined that the primary constituent elements specific to the Bi-State DPS of greater sage-grouse are:

PCE 1: Areas with vegetation composed primarily of sagebrush plant communities of sufficient size and configuration to encompass all seasonal habitats for a given population of greater sage-grouse, or facilitate movements within and among populations.

PCE 2: Breeding habitat composed of sagebrush plant communities with structural characteristics within the ranges described below. Habitat structure values are average values.

<u>Vegetation Variable</u>	<u>Amount of Occurrence in the Habitat</u>
Sagebrush Canopy Cover	>20 percent
Non-sagebrush Canopy Cover	>20 percent
Total Shrub Canopy Cover	>40 percent
Sagebrush Height	>30 cm (12 in)
Perennial Grass Cover	No less than 5 percent but >10 percent if total shrub cover <25 percent
Annual Grass Cover	<5 percent
Forb Cover	>10 percent

Grass/Forb Height >18 cm (7 in)

PCE 3: Brood-rearing habitat composed of sagebrush plant communities and alternative, mesic habitats used primarily in the summer-late fall season. These sites include, but are not limited to: riparian communities, springs, seeps, mesic meadows, and irrigated hay pastures with structural characteristics within the ranges described below.

<u>Vegetation Variable</u>	<u>Amount of Occurrence in the Habitat</u>
Sagebrush Canopy Cover	10 - 25 percent
Total Shrub Canopy Cover	14 - 25 percent
Sagebrush Height	> 30 cm (12 in)
Perennial Grass Cover	> 7 percent
Perennial Forb Availability	> 5 species present
Forb Cover	> 7 percent
Grass/Forb Height	18 cm (7 in)
Meadow Edge (ratio perimeter to area)	> 0.015
Species Richness	> 5 species

PCE 4: Winter habitat composed of sagebrush plant communities with sagebrush canopy cover greater than 10 percent and sagebrush height of greater than 25 cm (9.8 in) above snow level.

**Is an economic analysis being prepared for the proposed critical habitat designation?**

Yes. The Service is preparing an analysis of the economic impacts of the proposed critical habitat designations and related factors and will announce the availability of the draft economic analysis as soon as it is completed. At that time, the Service will seek additional public review and comment.

**How can I find out more information about the proposals?**

Two public meetings have been scheduled at the following locations and times:

November 5, 2013

4 to 6 p.m.

Tri-County Fairgrounds, Home Economics Building

Sierra Street and Fair Drive

Bishop, CA 93514

November 6, 2013

1 to 3 p.m.

Smith Valley Community Center

2783 State Route 208

Wellington, NV 89444

Information about the proposals is available on the web at <http://www.fws.gov/Nevada> or at <http://www.regulations.gov>, or by calling the U.S. Fish and Wildlife at 775-861-6300.

**How can I provide comments on the proposals?**

Scientific information regarding these proposals will be accepted until December 27, 2013 and may be submitted by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal:

<http://www.regulations.gov>. In the Search box, enter FWS–R8–ES–2013–0072 and FWS–R8–ES–2013–0042, which are the docket numbers for these rulemakings. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on “Comment Now!”

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# Mono County Community Development Department

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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

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Bridgeport, CA 93517  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

November 5, 2013

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

**FROM:** Courtney Weiche, Associate Planner  
Scott Burns, Director

**RE:** Sage Grouse Listing Proposal by U.S. Fish and Wildlife Service (USFWS)

## **RECOMMENDATION**

Review listing proposal notice and provide any desired direction to staff, including:

- Prepare letter requesting a 90-day extension of the comment period and also a public hearing in Mono County;
- Consult the Bi-State Working Group, Inyo and Alpine counties, other affected agencies, and the County's consulting biologist in preparing comments for future Board consideration;
- Direct staff and/or a Board representative to share the Board's September 17, 2013, comments at either the November 5 (Bishop) or November 6 (Smith Valley) USFWS meetings; and
- Direct staff to engage Mono County congressional representatives to advocate on our behalf.

## **FISCAL IMPACT**

Potentially significant long-term economic impact, particularly when cumulative impacts of the proposed action are considered with those of the Yosemite toad and yellow-legged frog proposed action. The U.S. Fish and Wildlife Service must still prepare the required economic studies.

## **DISCUSSION**

On October 25, 2013, the Board of Supervisors received the attached notice that the USFWS proposes to list the Bi-State Distinct Population Segment of Greater Sage-Grouse as a threatened species under the Endangered Species Act (ESA). The notice also proposes to designate 1,868,017 acres of critical habitat within the Carson City, Lyon, Douglas, Mineral and Esmeralda counties in Nevada, and Alpine, Inyo and Mono in California. As the attached notice maps illustrate, the majority of Mono County is within the proposed critical habitat area.

Mono County has previously taken a position opposing such a listing, most recently in a September 17, 2013, Board of Supervisors letter (attached). Staff is currently reviewing the 112-page Federal Register notice, consulting with USFWS staff, and seeking supporting maps and documents to assist in preparing future County comments. The notice provides a 60 day review period, ending December 27, and announces two public meetings, one November 5 from 4–6 p.m. in Bishop and the second on November 6 from 1-3 p.m. in Smith Valley. It is

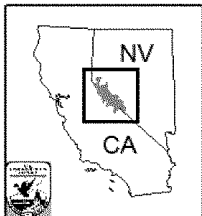
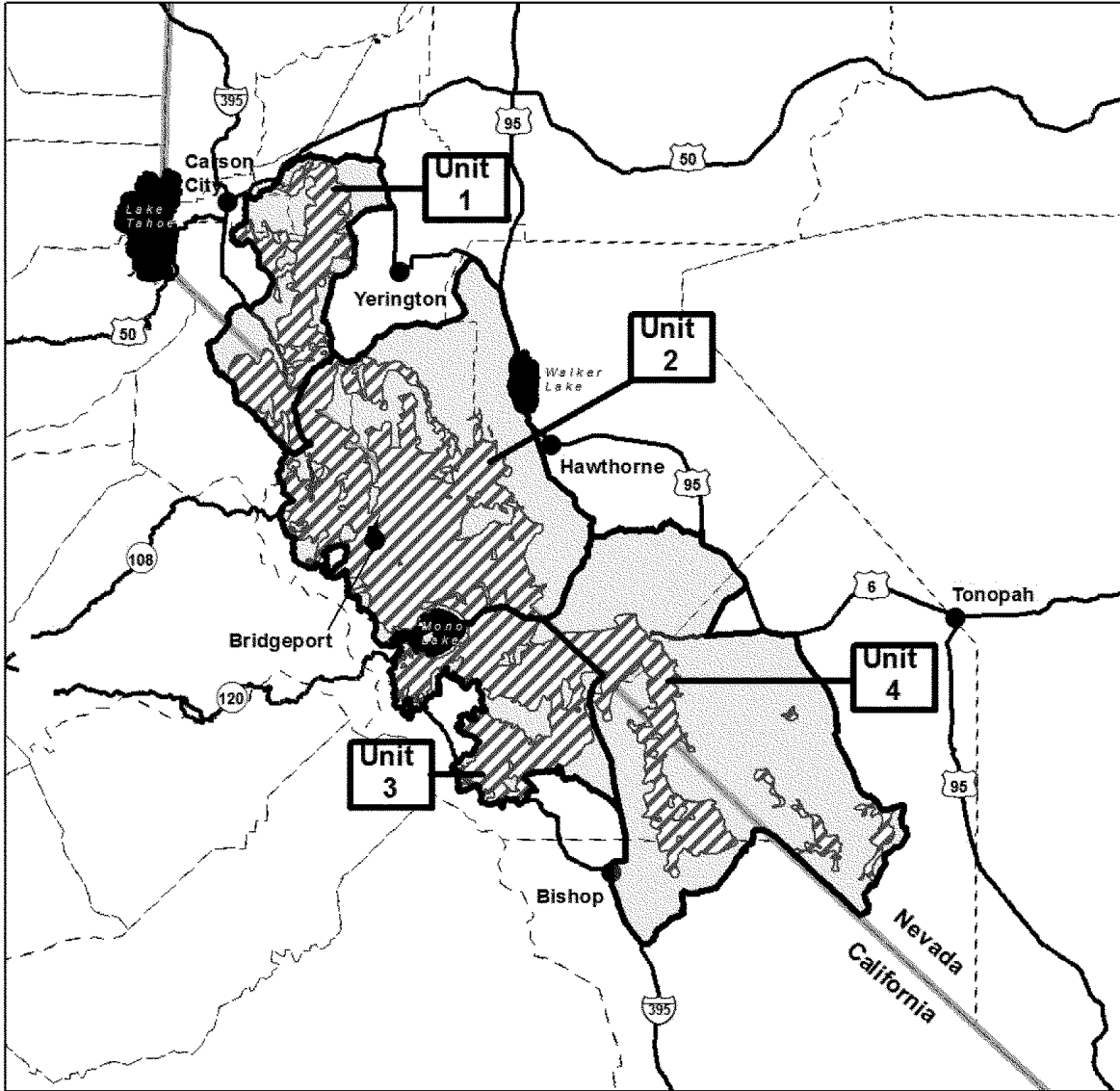
recommended that we share the Board's recent position that the listing is not warranted at one of these meetings.

Consistent with direction taken on the proposed listing of the yellow-legged frog and Yosemite toad, it is recommended that a 90-day extension of the comment period be requested to provide time to consult with other agencies, Dr. James Paulus, our contract biologist, and Mono County citizens in preparing a Board response. Also, since Mono County appears to be the most severely impacted local government, it is recommended that a public hearing be requested specifically for Mono County.

#### **ATTACHMENTS**

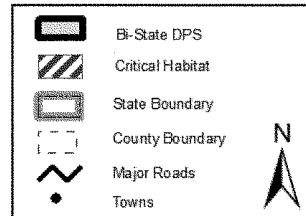
- Federal Register Notice Map Excerpt
- USFWS News Release
- Frequently Asked Questions
- September 17, 2013, Board of Supervisors letter
- August 6, 2013, Community Development letter

**Index Map: Critical Habitat for Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse;  
Alpine, Inyo, and Mono Counties, California; and  
Carson City, Douglas, Esmeralda, Lyon, and  
Mineral Counties, Nevada**

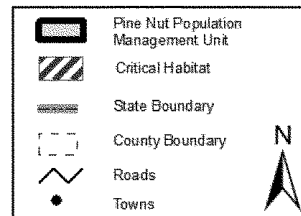
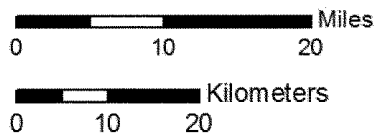
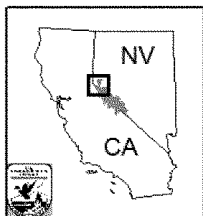
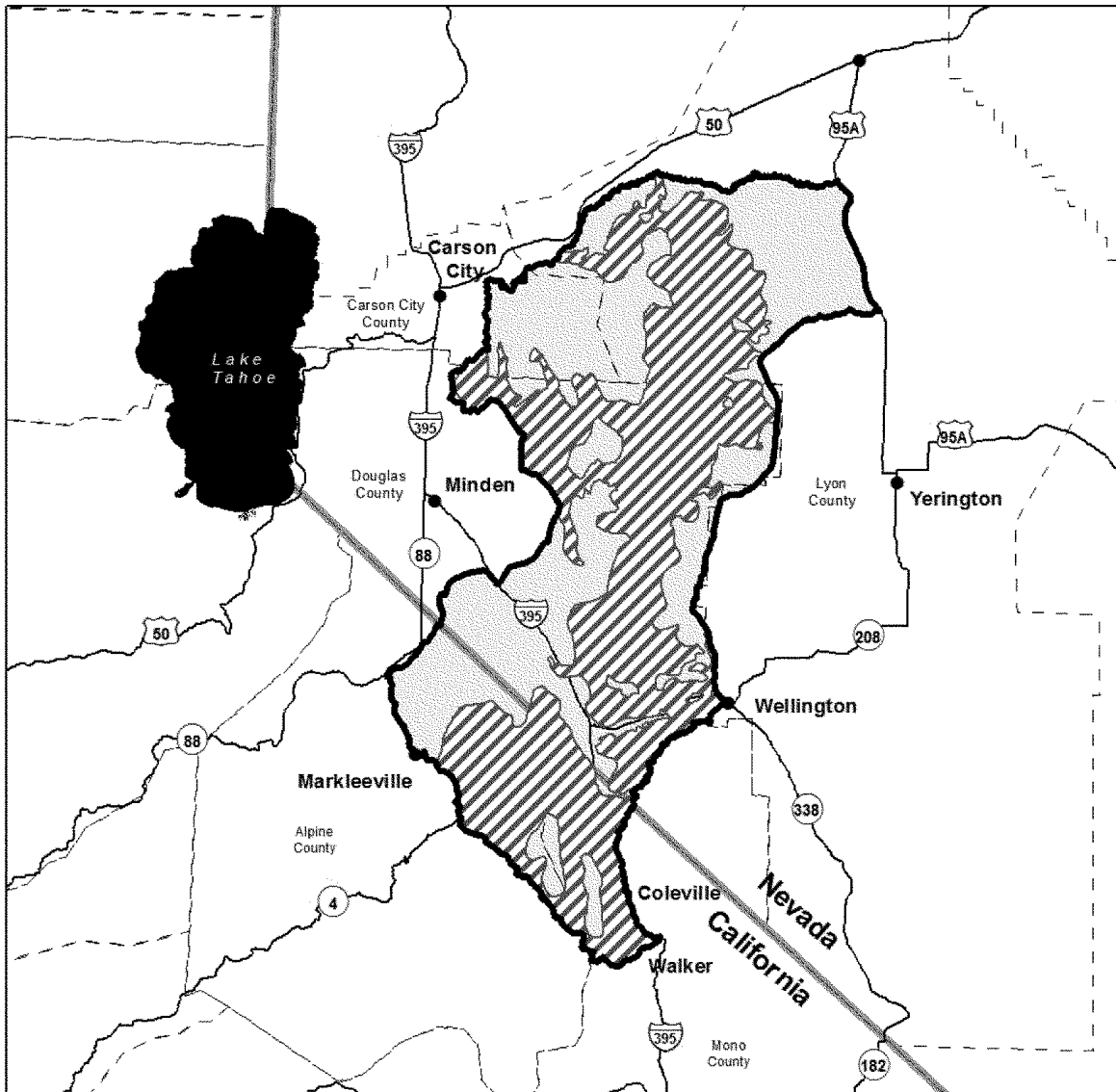


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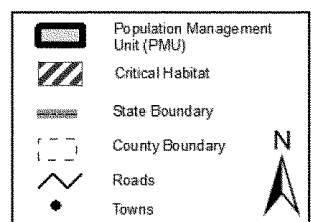
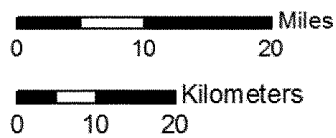
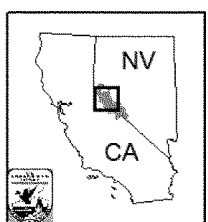
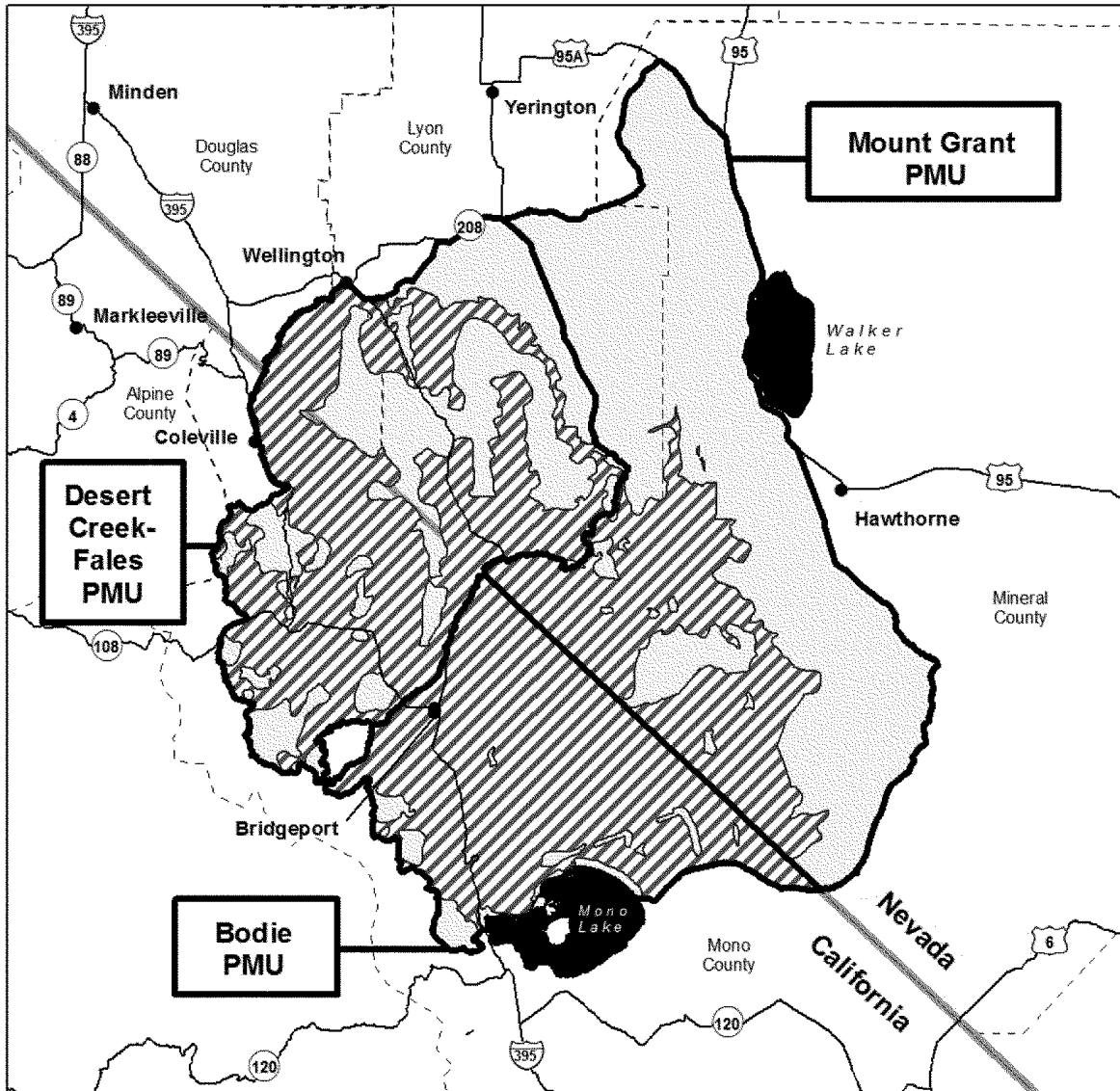
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**Unit 1: Critical Habitat for Bi-State Distinct Population  
Segment of Greater Sage-Grouse;  
Carson City, Douglas, and Lyon Counties, Nevada; and  
Alpine and Mono Counties, California**

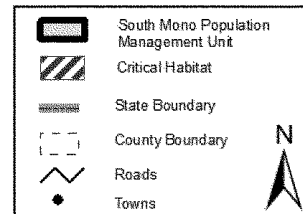
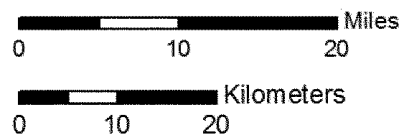
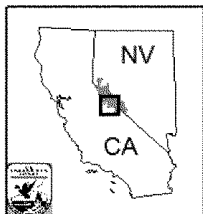
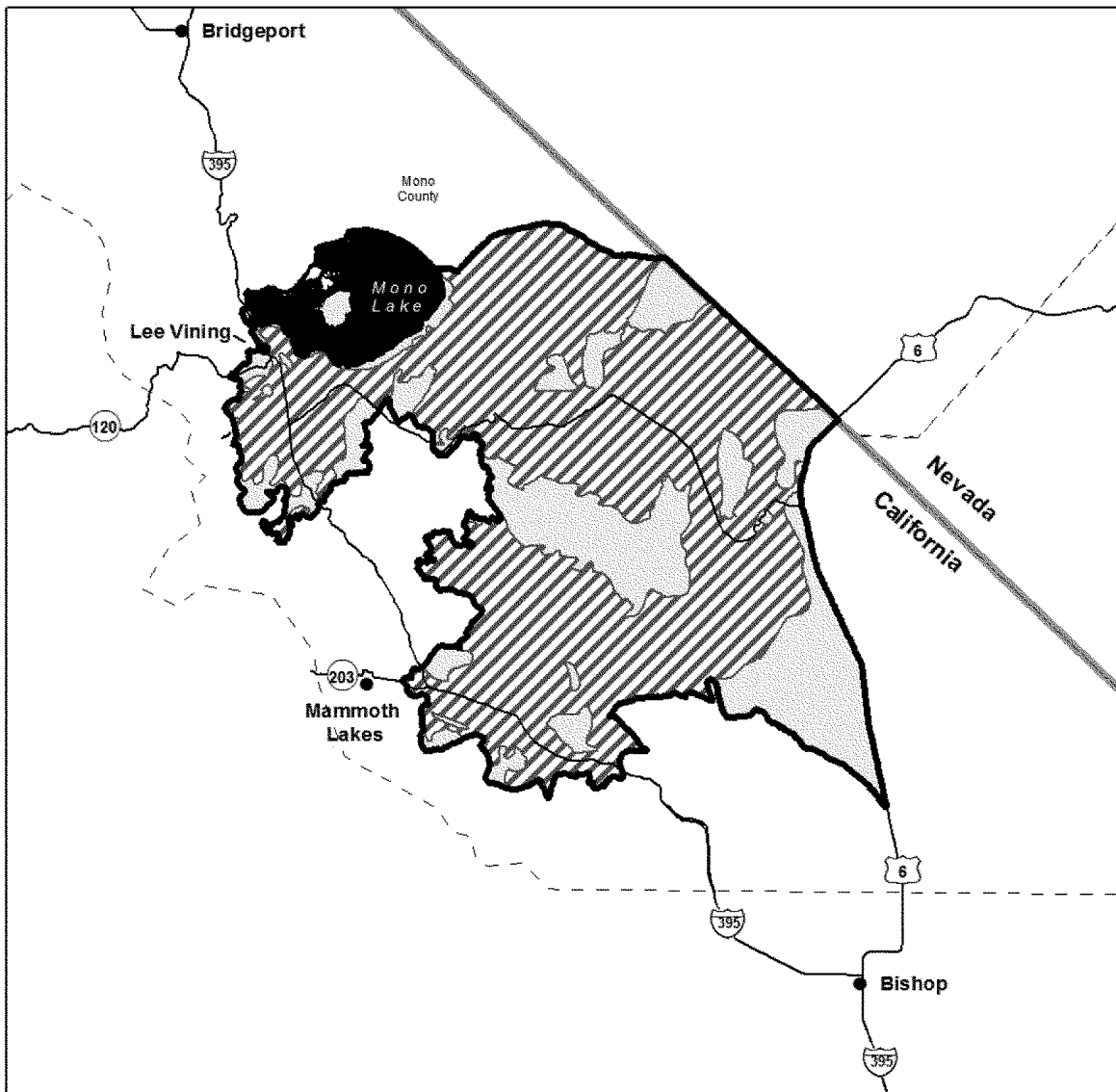


**Unit 2: Critical Habitat for Bi-State Distinct Population Segment  
of Greater Sage-Grouse;  
Douglas, Lyon, and Mineral Counties, Nevada; and  
Alpine and Mono Counties, California**

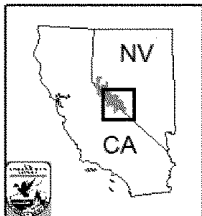
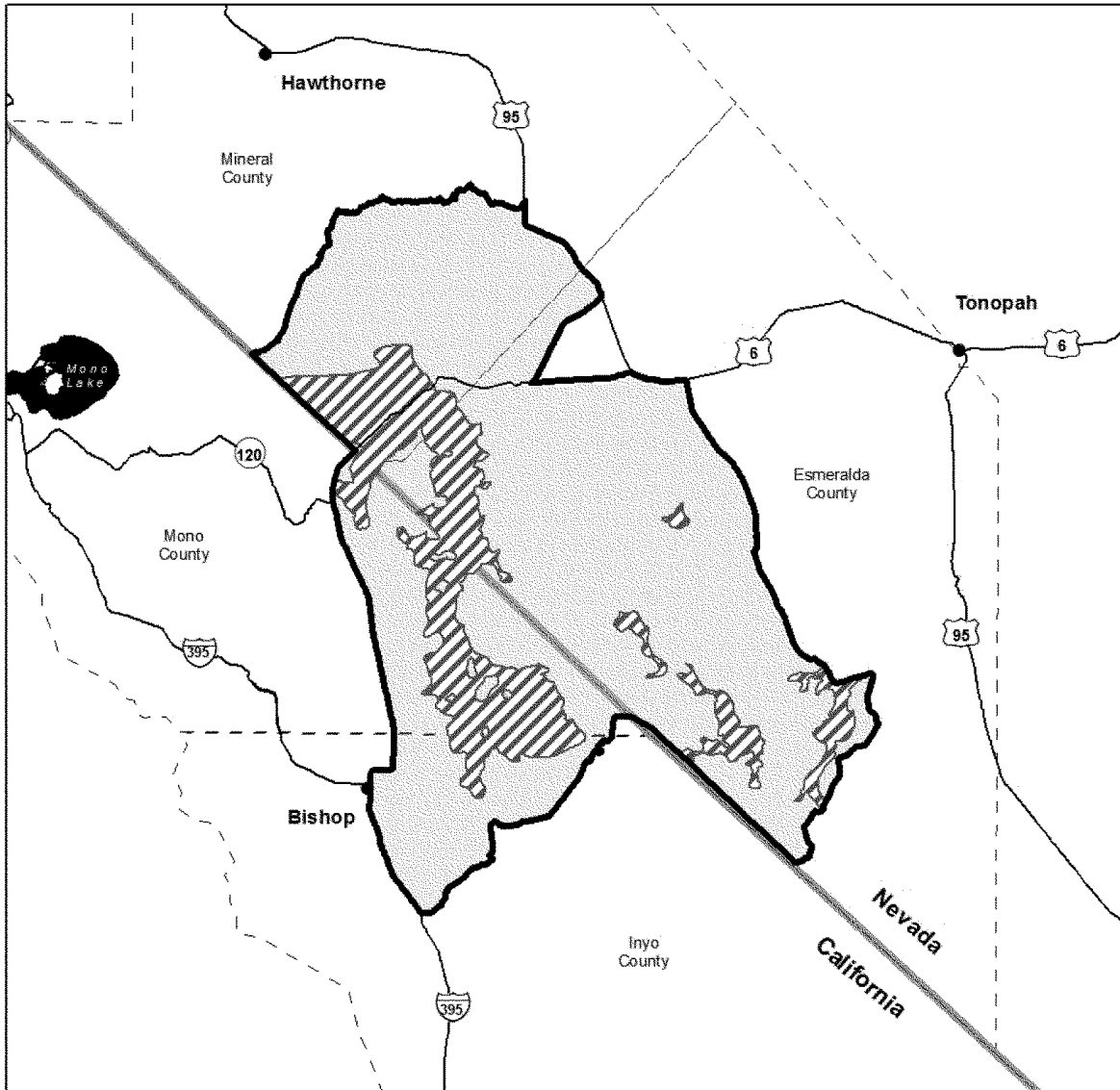




### Unit 3: Critical Habitat for Bi-State Distinct Population Segment of Greater Sage-Grouse; Mono County, California

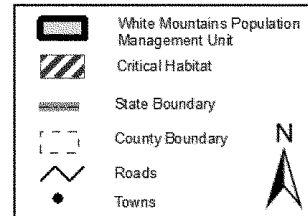


**Unit 4: Critical Habitat for Bi-State Distinct Population  
Segment of Greater Sage-Grouse;  
Esmeralda and Mineral Counties, Nevada; and  
Inyo and Mono Counties, California**



0 10 20 Miles

0 10 20 Kilometers





Larry Johnston ~ District One    Fred Stump ~ District Two    Tim Alpers ~ District Three  
Tim Fesko ~ District Four    Byng Hunt ~ District Five

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

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Lynda Roberts, Clerk of the Board*

September 17, 2013

Steve Abele, Wildlife Biologist  
Nevada Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
1340 Financial Blvd., Suite 234  
Reno, Nevada 89502-7147

Dear Mr. Abele:

As the U.S. Fish and Wildlife Service (USFWS) examines the status of the Bi-State Sage-Grouse Distinct Population Segment (DPS) for any proposed listing action, the Mono County Board of Supervisors requests that the past and current efforts of the Bi-State Local Area Working Group (LAWG) be carefully considered. It is the position of our Board that the efforts of the LAWG, including the *2004 Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California* and the *2012 Bi-State Action Plan*, have the same practical effect as a recovery plan, but with the added value of voluntary collaboration on the part of local landowners, local government, regional agencies, state departments and federal agencies. This remarkable coordination by multiple entities over a number of years should be commended and the value of their actions accepted by the USFWS as evidence that a listing proposal is not warranted at this time.

Mono County, which has been regularly attending the LAWG, has also obtained a Sustainable Communities Grant from the California Strategic Growth Council specifically to further support the Bi-State effort via the development of mitigation measures and policies as a part of our general plan update. A letter recently sent by our community development department (attached) reports on this progress and provides science-based support for accepting the equivalent of a recovery plan provided by the LAWG planning and implementation efforts.

Please note that Mono County finds itself in an unenviable position regarding potential cumulative listing actions under the Endangered Species Act (ESA). If the current Yosemite toad and Sierra Nevada yellow-legged frog potential listing is taken together with the Bi-State Sage Grouse DPS potential listing, the cumulative impact of subsequent associated restrictions could cripple our recreation and agricultural economies and severely impact the livelihood of our citizens. The impact of these

multiple ESA actions on the Mono County region should be considered in the USFWS findings regarding the Bi-State Sage Grouse DPS.

Your favorable consideration of Mono County's position regarding the Bi-State Sage Grouse DPS is appreciated. Please contact Jim Leddy, County Administrative Officer, at (760) 932-1703 if you have any questions concerning these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Byng Hunt', written over a horizontal line.

Byng Hunt  
Chair

**Attachment**

- Mono County Community Development Letter dated August 23, 2013

# Mono County Community Development Department

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P.O. Box 347  
Mammoth Lakes, CA 93546  
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August 23, 2013

Carl Benz, Assistant Field Supervisor  
U.S Fish and Wildlife Service  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, CA 93003

Dear Carl:

As the U.S. Fish and Wildlife Service (FWS) is considering the Bi-State sage grouse listing, we wish to follow up prior conversations and provide an update on Mono County progress. As noted previously, in addition to our participation in the past and more recent Bi-State planning effort, Mono County has obtained a Sustainable Communities Grant from the Strategic Growth Council to update sections of the Mono County General Plan, including policies and mitigation requirements pertaining to sage grouse. The General Plan Update is under way with consulting biologist Dr. James Paulus assisting in the assessment and mitigation strategy development for the Bi-State population in Mono County.

With the Bi-State listing decision under the Endangered Species Act (ESA) approaching, this letter summarizes and updates our local efforts, and includes Dr. Paulus's opinions on the potential listing from a Mono County perspective. We request that this summary be considered in the impending decision, as whatever choice is made will surely have significant impact upon the activities and the prosperity of the people who live and work in Mono County. We have gained considerable knowledge of the ecology and management of grouse through this process, as the known range of the population encompasses nearly the entirety of all lands below 10,000 ft elevation in Mono County.

There is concern that the consequences of a decision to list the Bi-State as Threatened or Endangered will be harmful to the overall health of Mono County and that significant social and economic damage will result if listing occurs. The current and future welfare of Mono County citizens is a major consideration of our General Plan Update. We recognize this update is a significant opportunity to create new protections for sustaining the Bi-State sage grouse in Mono County. Meanwhile, as the following demonstrates, intervention in the form of federal listing intended to remove the danger of species extinction will not add benefits of offsetting magnitude; programs and working groups are already in place, and federal land management agencies' local exercise of regulatory power will be sufficient to attain the goal of saving the species from potential extinction even if federal listing is determined to be unwarranted at this time.

Genetic separation of Bi-State grouse as a Distinct Population Segment (DPS) of the greater sage-grouse species (Oyler-McCance, et al., 2005, Oyler-McCance and Casazza, 2011) provides the basis for evaluating the Bi-State population separately when making regulatory decisions. Proof of separation from the larger taxa known from six states outside California likewise confirms that the threats thought to underlie declines in the Bi-State population must be considered separately. The Bi-State's ecological status with regard to identification of significant threats, threat causes and effective remediation must be treated as unique to the DPS. Furthermore, current successes in stabilizing grouse sub-populations in the Bi-State must be evaluated separately from general trends established with other populations elsewhere.

The identified threat that is most relevant to this distinction is the actual and functional loss of grouse habitat. While often given as the "highest priority threat" for greater sage-grouse at large (e.g., USFWS representative Ted Cooke, presentation at the March 18, 2013, meeting of the Bi-State Local Area Working Group), the available evidence shows that the Bi-State DPS has experienced no significant contraction of its historical range in Mono County (Hall, et al., 2008). Contractions of the range that have been documented are small and localized, and can be attributed to specific, manageable factors that naturally fall under the jurisdiction and interest of local agencies and managers. Another example of a potential listing factor (i.e., threat) identified for greater sage-grouse at large is the inadequacy of the existing regulatory mechanisms (U.S. Fish and Wildlife Service, 2013). This also appears to be largely irrelevant to the Bi-State situation. The state and local regulatory efforts described herein, including some that are currently funded by federal grants, in combination with DPS-specific ecological research, effective site mitigations (many ongoing), development restrictions of Mono County, aggressive application of the California Environmental Quality Act by Mono County, and existing and in-process Conservation Easements, Conservation Plans and programmatic threat controls currently in development at the local level, will be sufficient to remove the real danger of extinction.

Listing Bi-State grouse under ESA unfortunately may cause re-prioritization of effective current and future efforts to conserve the population, and instead may emphasize the actual but lesser threats of habitat loss or inadequacy of the existing regulatory mechanisms. There is concern that risk for Bi-State extinction will be increased dangerously if our locally developed recognition of primary threats or our commensurate concrete and enthusiastic local efforts are superseded, replaced, or interfered with by mandated new, currently undefined federal actions subsequent to listing under ESA.

Bi-State habitat loss is precluded in large part by the expansiveness of federal land holdings across the DPS' known range in Eastern California and Western Nevada. Grouse predominantly use undeveloped lands that are and will continue to be administered by the U.S. Forest Service and Bureau of Land Management. We believe this existing federal jurisdiction explains why the range of the DPS has not significantly contracted from its historic (pre-European settlement) extent (Hall, et al., 2008). Furthermore, these lands are inherently more accessible for ecological researchers. Funding or other agency support for research has been and likely will continue to be available. This preponderance of federal landholdings has already fostered a greater scientific understanding of grouse of the Bi-State than anywhere else within the range of the species at large. Research to date has helped to offset the rush to conclude that

habitat loss and fragmentation are primary threats underlying historical declines in abundance. While this threat may be significant for greater sage-grouse in Wyoming (USFWS, 2013) or elsewhere, Bi-State population maintenance is now thought to be controlled mainly by its predators, whose presence has been on the increase. Cassaza, et al. (2007) concluded that avian and mammalian predation was the greatest threat to Bi-State nest success, brood survival, and even adult survival in every Population Management Unit studied. Most notable among these predators are golden eagles (predation of adults), common ravens (nest and brood predation), and coyotes (nests, broods and adults).

In contrast to habitat loss as a perceived primary threat, one which arguably may be difficult to address effectively without the federal power granted by listing under ESA, increased predation due to greater predator presence may be effectively ameliorated through control strategies that are available to local regulators. In Mono County, the Planning Division now requires that all projects that could provide predatory perches for raptors such as golden eagles or for ravens must implement deterrents to perching (e.g., “raptor spikes”), and also requires follow-up monitoring to ensure effectiveness. Perch deterrence requirement exemplifies the County’s self-imposed mandate (as specified in the General Plan – see County of Mono, 2013) that potential impacts to wildlife habitat quality must be quantified by a scientific study funded by the project proponent and assessed in consultation with the California Department of Fish and Wildlife, so as to meet the further requirement that all potential impacts must be brought to below the level of significance for project approval (2012 Conservation/Open Space Element, Biological Resources Objective A).

Revisions recommended for the 2014 General Plan Update include strictly applied Conditions of Approval reducing trash and other attractants for ravens and coyotes and avoiding creation of new nest sites for ravens in grouse habitat. The County’s Benton Crossing Landfill, located within the South Mono Population Management Unit in Long Valley, is scheduled to close no later than 2023, at which time existing anthropogenic subsidies will be eliminated. The operation currently implements a mitigation plan to deter ravens and gulls from the site, but the effort does not eliminate ravens or gulls entirely. Since Bi-State listing under ESA would not provide additional support or expansion of mitigation efforts, we believe funding spent on listing would be more effective if granted in support of state/local predator research and control programs, or if the FWS were to exercise its regulatory power to make it easier to reduce raven and coyote population sizes within and near critical Bi-State habitats.

Mono County has been collaborating in the current Forest Plan Amendment of the Humboldt-Toiyabe National Forest, including presentations before local planning committees, the Mono County Collaborative Planning Team and Board of Supervisors. The draft Plan Amendment includes specific goals, objectives standards, guidelines and monitoring indicators to conserve, enhance and/or restore habitats of the Bi-State population in northern Mono County. The intent of the amendment is to provide the regulatory mechanisms needed to respond to the U.S. Fish and Wildlife Service’s publishing of a “warranted, but precluded” Endangered Species Act listing petition 12-month finding for the Bi-State sage-grouse. The amendment will improve the ability of land management agencies to conserve, enhance, and/or restore sagebrush and associated habitats to provide for the long-term viability of the Bi-State sage-grouse.

The amendment responds to priority risks such as increasing raven and coyote populations, increasing recreational access to prime habitats, and livestock grazing impacts on habitat. A draft Environmental Impact Statement for the amendment has been released for public review.

Similarly, the Bureau of Land Management/Bishop Field Office, which will be updating its Resource Management Plan, intends to include specific language to add regulatory certainty regarding Bi-State conservation. The Bishop District has a strong track record regarding grouse conservation, due in part to the passion of its staff. But this outcome has been and will continue to be guided by a Resource Management Plan that states very broadly, "Do not adversely affect grouse habitat" (Colleen Stevens, personal communication 3/18/13). This conservative policy powerfully imparts regulatory certainty for ongoing preservation of Bi-State habitat quality and connectivity. We encourage this trend, and believe that local federal agency offices have and will continue to improve and enforce the types of regulatory mechanisms that will effect preservation. Additional, imposed U.S. Fish and Wildlife Service actions that may be intended to bolster federal regulatory power are not needed.

The Bi-State grouse are faced with landscape-level changes in their environment, in addition to increasing raven and coyote populations. These include: creeping sagebrush scrub habitat degradation due to the encroachment of pinyon-juniper woodland trees and non-native cheat grass; loss of meadow habitat as historically established irrigated pastures are withdrawn; the presence of a significant disease threat (West Nile Virus); and the depredative effects of barbed-wire fencing and roads where they cross through remaining habitat. Implementation of the Bi-State 2004 Conservation Plan (Bi-State Local Area Working Group, 2004) and 2012 Action Plan (Bi-State Technical Advisory Committee, 2012) will result in effective remediation of these known threats. Actions already implemented under this guidance have resulted in significant progress in the understanding of these aspects of grouse ecology at the local level and in concrete progress toward conservation. Restoration of prime sagebrush habitat (pinyon-juniper removal) has occurred on more than 14,000 acres of public lands. Nearly 13,000 acres of private lands within the Bi-State's range have come under recorded conservation easements that target grouse habitat preservation and enhancement, with an additional 7,240 acres of easement applications currently in the process of being finalized. Modified livestock grazing allotments totaling more than 1 million acres now include grouse-sensitive seasonal use and stocking limits. Anti-collision marking of fences already accomplished under NRCS direction has resulted in an 83% reduction in post-treatment mortality.

The Bi-State Local Area Working Group has implemented or is currently implementing 293 separate projects in response to specific needs pursuant to preservation as identified in the 2012 Action Plan. The many partners and stakeholders who participated in developing the 2004 Bi-State Conservation Plan sought to prioritize risks, identify strategies for conservation, and specify projects to address the risks as they were understood. But this knowledge and administration have not been static. The emergence of the 2012 Action Plan has occurred because the interest and dedication to Bi-State preservation has continued to grow. Current Action Plan partners include the Natural Resource Conservation Service, U.S. Geological Survey, Bureau of Land Management, U.S. Forest Service, California Department of Fish and Wildlife, Nevada



Department of Wildlife, University of Nevada, The Nature Conservancy, Los Angeles Department of Water and Power, and many other local landowners and land administrators. Meetings of the Local Area Working Group consistently overflow the room, and these are the people who can make and have made preservation happen. It is clear that the local administrative structure for the Bi-State DPS has matured and is today a strong and balanced approach to preservation.

These important policy developments, outreach efforts to secure conservation easements, and on-the-ground habitat enhancement works that add to the quality and extent of available habitat will not be affected should the FWS determine that listing under ESA is currently unwarranted. The trend toward effective population stabilization and away from potential extinction is already established and growing – statistically significant increases have been observed for both number of leks and number of males observed at leks within the Bi-State's range during the period 1995 to 2012 (BLM representative Steve Nelson, 3/5/13 presentation to the Mono County Board of Supervisors). It seems unlikely that the as-yet undefined programs that may be eventually established as a result of listing under the ESA would justifiably render a more effective trend. We believe it more likely that efforts on the part of the FWS to ease the NEPA requirements (specifically, cultural resource clearance) for the existing Bi-State Local Area Working Group programs – for example, local meadow habitat restoration and removal of encroaching conifers and junipers from sagebrush scrub habitat – would go much farther and faster toward preservation of the Bi-State.

Mono County is committed to the 2012 Action Plan goal of stabilizing grouse populations through preservation and enhancement of their habitat. County policy and ongoing involvement in the Bi-State effort reflects this commitment, and we are taking advantage of the General Plan Update to bring grouse to the forefront in future planning decisions. Lands outside existing communities are now largely subject to Resource Management designation, as specified in the Land Use Element of the General Plan. This designation specifically calls for preservation of the habitat of sensitive species “permanently” (County of Mono, 2013). Increased recreation, and development outside existing communities, are unequivocally identified as threats to wildlife habitat sustainability, with established policy calling for the protection and enhancement of these habitats as a basic guideline for regulating such activities where the County has jurisdiction, and calling for cooperation with federal and state agencies toward the goal of preservation of the extensive grouse habitats where these agencies have jurisdiction. Policies also direct County facilitation of habitat acquisition as a result of land exchanges with federal or state land management agencies or by the purchase by land preservation organizations (Policy 6 of the Mono County Conservation/Open Space Element). It is anticipated that the update of the General Plan currently under way and scheduled for adoption in 2014 will provide new lek setbacks, requirements for fence collision-avoidance markers on all new fencing, escape ramps for new troughs and ponds, revegetation standards for restoration of disturbed sagebrush habitat, and new restrictions on road building in grouse habitat for projects on private lands.

We believe that this intensity of local preservation effort is unprecedented for any Candidate species. It reflects our shared concern for our environment, a stewardship which naturally arises from the realization that we are fortunate to live and work in such a bountiful place. In Mono County, efforts now under way to preserve the Bi-State will

continue, and will continue to expand, even should the FWS decide against listing under ESA. Listing would surely impose another gauntlet for the Bi-State's sustainability – administrative confusion, as federal and local experience and priority actions will differ. Even if listing is well-meaning for the species, delay or setback while a new administrative layer is integrated would deal a serious blow to the Bi-State DPS, possibly even to the point of allowing the current threats to extirpate the DPS or some of the sub-populations from their current range. As an alternative to listing, U.S. Fish and Wildlife Service assistance in implementing the locally crafted set of programs, especially help in institutionalizing new, effective predator control and help with burdensome cultural resource requirements under NEPA, would be more justifiable in the case of the Bi-State DPS.

To summarize, we sincerely believe the available evidence supports our position that recovery has already been assured by positive changes in the sentiments of the populace, by the policies we have adopted and are updating, and by the current and planned actions of landowners, volunteers, and agency personnel acting under the guidance of the 2012 Action Plan.

Your favorable consideration of these comments is appreciated. Please call me at (760) 924-1807 if you have questions concerning this matter; technical questions can be directed to consulting biologist, Dr. James Paulus at (760) 937-7177.

Respectfully submitted,



Scott Burns  
Director

cc Jim Leddy, County Administrative Officer  
Dr. James Paulus, Consulting Biologist  
Tony Dublino, Solid Waste Superintendent

#### ATTACHMENTS

- Evaluation of Genetic Distinctiveness
- Multilocus Population Genetic Survey
- California Bird Species of Special Concern
- Ecology of Greater Sage-Grouse.

## REFERENCES

- Bi-State Local Area Working Group, 2004. Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California. Nevada Governor's Sage Grouse Conservation Team.
- Bi-State Technical Advisory Committee, 2012. Bi-State Action Plan: Past, Present and Future Actions for Conservation of the Greater Sage-Grouse Bi-State Distinct Population Segment. Bi-State Executive Oversight Committee for Conservation of Greater Sage-Grouse. Report date March 15, 2012.
- Casazza, ML, Overton, CT, Farinha, MA, Torregrosa, A, Fleskes, JP, Miller, MM, Sedinger, JS, and E. Kolada. 2007. Ecology of Greater Sage-Grouse in the Bi-State Planning Area Final Report, September 2007. USGS Open File Report 2009-1113.
- County of Mono, 2013. General Plan. <http://monocounty.ca.gov/planning/page/general-plan>.
- Hall, FA, Gardner, SC, and DS Blankenship, 2008. Greater sage-grouse (*Centrocercus urophasianus*), pp. 96-101 in Shuford, WD and T Gardali (Eds.), California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. California Department of Fish and Wildlife, Sacramento.
- Oyler-McCance, SJ, Taylor, SE, and TW Quinn, 2005. A multilocus population genetic survey of the greater sage-grouse across their range. *Molecular Ecology* 14:1293-1310.
- Oyler-McCance, SJ, and ML Casazza, 2011. Evaluation of the genetic distinctiveness of greater sage-grouse in the Bi-State Planning Area. USGS Open File Report 2011-1006.
- U.S. Fish and Wildlife Service, 2013. Greater sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report (February 2013). USFWS, Denver.



# Mono County Community Development Department

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P.O. Box 347  
Mammoth Lakes, CA 93546  
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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

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[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

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November 15, 2013

**SENT VIA EMAIL**

Steve Abele  
Wildlife Biologist  
Nevada Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
1340 Financial Blvd., Suite 234  
Reno, Nevada 89502-7147

Carl Benz  
Assistant Field Supervisor  
Ventura Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

RE: SAGE GROUSE LISTING WORKSHOP AND COMMENT PERIOD EXTENSION

Gentlemen:

Thank you for agreeing to conduct a workshop in Mono County regarding the proposed critical habitat designation and listing of the Bi-State Distinct Population Segment (DPS) of greater sage-grouse as a threatened species under the Endangered Species Act (ESA). As we discussed at the Bishop public meeting, the intent of the Mono County meeting is to provide information on the proposed listing actions as part of the regularly scheduled Mono County Board of Supervisors meeting. The 2-4 pm meeting, which will be presided over by Chairman Byng Hunt, will be in a workshop format with the focus on disseminating information and responding to questions, rather than taking testimony in a formal hearing format.

As we discussed, the Mono County Board of Supervisors has also directed that a 90 day extension of the public comment period be requested. The reasons expressed by our Board members for this extension include:

- The lack of prior notice of the public meetings, resulting in low attendance by Mono County representatives and its citizens. We understand that the federal government shutdown in October caused delay in the Federal Register publication of the proposed listing action and thus very little public notice prior to the two public meetings was provided. As an example, the first time our Board of Supervisors had an opportunity to discuss the notice in a regular meeting was the same day and time as the Bishop meeting, which was the only public meeting scheduled in California on the proposed actions.
- The timing of the 60-day comment period includes the three holidays of Veterans Day, Thanksgiving, and Christmas. This is an extremely hectic time often characterized by snowstorms, agency staff time off, and the typical diversions of the holiday season. This

is certainly not an opportune time to mobilize citizens, consultants and agency technical staff to thoughtfully consider and respond to a proposed action with significant consequences covering over 82% of the unincorporated privately owned property in Mono County.

- The timing also overlaps with the review period of the proposed listing actions regarding the Yosemite toad and Sierra Nevada yellow-legged frog. More time is needed for affected entities such as Mono County to assess the multiple listing actions and specifically consider cumulative impacts. This cumulative impact, which the attached map graphically illustrates, is of particular concern to Mono County.

Your favorable consideration of Mono County's request for a 90-day extension of the comment period for the proposed actions regarding the Bi-State Sage Grouse DPS is appreciated.

Also, thank you again for scheduling the workshop with our Board of Supervisors. Please call me at 760.924.1807 if you have questions concerning this extension request or the logistics for the December 3 meeting in Bridgeport.

Respectfully,

A handwritten signature in black ink, appearing to read "S. Burns", written over a light blue horizontal line.

Scott Burns  
Director

cc Jim Leddy, CAO  
Mono County Board of Supervisors

# Mono County Community Development Department

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November 21, 2013

Ted Koch  
State Supervisor  
Nevada Fish and Wildlife Office  
1340 Financial Blvd., Suite 234  
Reno, NV 89502

RE: EXTENSION REQUEST

Dear Mr. Koch:

Thanks for discussing the upcoming workshop on the potential listing of the Bi-State DPS before the Mono County Board of Supervisors and the Board's request for an extension of the comment period on the proposed listing. The County's hope is that with the requested extension, the December 3 Board workshop can focus on a sharing of information, a USFWS presentation and a question and answer period with our Board of Supervisors and the public. Armed with this workshop knowledge, our decision-makers, staff, consultants and citizens will be better able to prepare informed comments on the proposed sage grouse listing actions. If an extension is not anticipated, however, the meeting tone may change, with more of a focus on extension requests and citizen opinion statements, as this is their last chance to weigh in on this critical Mono County issue.

As we discussed, Mono County has sent an official extension request to ensure sufficient time for public outreach and understanding of this significant proposed federal action that could include designating critical habitat on over 82% of the private land base in unincorporated Mono County (see attached map). The current 60-day comment period provides a very limited amount of time compressed over the hectic holiday season (Veterans Day, Thanksgiving and Christmas) to respond on an extremely significant and potentially far-reaching federal action impacting Mono County and its citizens. It seems inappropriate to expect Mono County and its citizens to set aside holiday activities and prepare comments over Christmas. Some could view the timing as a subtle attempt to suppress comment.

As you noted, another but more limited comment period will follow on an economic study of the proposed action, so the sense of urgency to close off this broader comment period seems less than genuine. Other reasons for extending the comment period include the need for time to:

- Understand the scientific basis for the listing action;
- Research the consequences of the action on local government and the private property rights of landowners;
- Gain clarity on proposed agricultural and Bi-State Plan exemptions and how they will affect land use and permit processes;
- Understand exemption proposals and options in Mono County; and
- Review the proposed critical habitat maps, which currently include a number of Mono County communities.

The Service granted a 90-day extension for the recent proposed listing of the Yosemite toad and yellow-legged frog, which was appreciated and needed to adequately respond. An

extension of at least the same amount of time should be granted to respond on this much more critical and significant potential action to Mono County citizens.

To ensure that the December 3 workshop is appropriately structured, it would be extremely helpful if we could receive word on our extension request, at least by Thanksgiving. Thanks for your assistance in this matter. Please give me a call at 760.924.1807 if you have any questions concerning this request.

Respectfully,

A handwritten signature in cursive script, appearing to read "Scott Burns".

Scott Burns  
Community Development Director

cc Board of Supervisors  
Jim Leddy, CAO



## Scott Burns

---

**From:** Ted Koch [ted\_koch@fws.gov]  
**Sent:** Thursday, November 21, 2013 12:03 PM  
**To:** Scott Burns  
**Cc:** Jim Leddy; Shannon Kendall; Courtney Weiche; Wendy Sugimura; James Paulus; Carl Benz  
**Subject:** RE: Extension Request

Scott-

We're evaluating your extension request. Thanks for submitting it.

As you and I just discussed, we're uncertain about our ability to accommodate the request, although we acknowledge the potential value for all.

Perhaps this can be a last topic for discussion when we meet December 3?

Ted

Ted Koch  
Nevada State Supervisor  
U.S. Fish and Wildlife Service  
1340 Financial Boulevard  
Reno, Nevada 89502  
775-861-6300

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**From:** Scott Burns [mailto:[sburns@mono.ca.gov](mailto:sburns@mono.ca.gov)]  
**Sent:** Thursday, November 21, 2013 11:06 AM  
**To:** [ted\\_koch@fws.gov](mailto:ted_koch@fws.gov)  
**Cc:** Jim Leddy; Shannon Kendall; Courtney Weiche; Wendy Sugimura; James Paulus; Carl Benz  
**Subject:** Extension Request

Ted:

Please find attached a follow-up to our conversation this morning. The letter attempts to emphasize the importance of the comment period extension to Mono County and its citizens, and how the granting of the extension may lead to a more productive workshop with our Board of Supervisors December 3. Thank you for your assistance in this matter.

Scott Burns  
Community Development Director  
Mono County  
760.924.1807

The Mono County Board of Supervisors will host a workshop with the US Fish & Wildlife Service (Service) on the proposed listing and critical habitat designation for the Bi-State Distinct Population Segment of Greater Sage Grouse on

**Tuesday, December 3, 2013**  
**2 to 4 pm**  
**Memorial Hall, Bridgeport**

The workshop will include a presentation by the Service, followed by a question-and-answer session by the Board and public. Unless an extension is granted, the public comment period closes **Dec. 27, 2013**.

### **CITIZEN CALL TO ACTION**

**We are urging local residents to send requests to extend the comment period by 90 days to the US Fish & Wildlife Service and Congressman Paul Cook.**

Mono County has sent an official comment extension request to ensure sufficient public outreach and understanding of this significant proposed federal action that could designate critical habitat on over 82% of the private land base in unincorporated Mono County (see attached map). The current 60-day comment period provides a very limited amount of time compressed over the hectic holiday season (Veterans Day, Thanksgiving and Christmas) to respond on an extremely significant and potentially far-reaching federal action impacting Mono County and its citizens. It appears inappropriate to expect Mono County and its citizens to set aside holiday activities to prepare comments over Christmas. The timing seems to suppress comment.

Other reasons for extending the comment period include the need for time to:

- Understand the scientific basis for the listing action;
- Research the consequences of the action on local government and the private property rights of landowners;
- Gain clarity on proposed agricultural and Bi-State Plan exemptions and how they will affect land use and permit processes;
- Understand exemption proposals and options, such as the one proposed for City of Los Angeles properties, and examine potential exemptions for other lands in Mono County; and
- Review the proposed critical habitat maps, which currently include a number of Mono County communities.

The Service granted a 90-day extension for the recent proposed listing of the Yosemite toad and yellow-legged frog, which was appreciated and needed to adequately respond. An extension of at least the same amount of time should be granted to respond on this critical potential federal action affecting the majority of privately owned lands in Mono County. We urge you to inspect the attached map and pass this notice along to any neighbors or other citizens who would be affected by critical habitat designation.

Send your extension request to:

### **US Fish and Wildlife Service**

Electronically: Go to <http://www.regulations.gov> and enter "FWS-R8-ES-2013-0072" in the search box.

### **Click on "Comment Now!"**

By mail: Public Comments Processing  
Attn: FWS-R8-ES-2013-0072  
Division of Policy & Directives Management  
US Fish & Wildlife Service  
4401 N. Fairfax Dr., MS 2042 – PDM  
Arlington, VA 22203

### **Congressman Cook**

Electronically: Go to <https://cook.house.gov/contact/email-me>, enter your zip code, and write your message.

By mail: The Honorable Congressman Cook

Apple Valley District Office  
14955 Dale Evans Parkway  
Apple Valley, CA 92307