



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Teleconference Only - No Physical Location

Regular Meeting January 11, 2022

TELECONFERENCE INFORMATION

This meeting will be held via teleconferencing with members of the Board attending from separate remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below. If you are unable to join the Zoom Webinar of the Board meeting, you may still view the live stream of the meeting by visiting
http://monocounty.granicus.com/MediaPlayer.php?publish_id=e42e610c-7f06-4b97-b1d6-739b1ff28cf8

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/85604060237>

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 856 0406 0237.

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

To join the meeting by telephone:

Dial (669) 900-6833, then enter Zoom Webinar ID 856 0406 0237.

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

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

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICER

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

4. DEPARTMENT/COMMISSION REPORTS

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

5. CONSENT AGENDA

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

A. Out-of-State Travel Authorization for 2022 National Association of Counties' (NACo) Legislative Conference

Departments: Board of Supervisors

Out-of-state travel request for Supervisors Duggan, Gardner, and Kreitz to attend the 2022 NACo Legislative Conference in Washington D.C.

Recommended Action: Approve out-of-state travel for Supervisors Duggan, Gardner, and Kreitz to attend the 2022 NACo Legislative Conference in Washington, D.C. from February 12-16, 2022.

Fiscal Impact: Up to \$3,000 per Supervisor for conference registration, hotel stay, and air travel, which is included in the Board of Supervisors' budget for FY 2021-22.

B. Resolution Authorizing Virtual Meetings under AB 361

Departments: County Counsel

Proposed resolution authorizing remote teleconference meetings for the period of January 11, 2022 through February 11, 2022, pursuant to AB 361.

Recommended Action: Adopt proposed resolution. Provide any desired

direction to staff.

Fiscal Impact: None.

C. Resolution Adopting Amended Records Retention Policy

Departments: County Counsel

10 minutes

(Stacey Simon) - Proposed resolution adopting amended County-Wide Records Retention & Destruction Policy to update provisions of previously-enacted policy in accordance with current law.

Recommended Action: Adopt proposed resolution. Provide any desired direction to staff.

Fiscal Impact: None.

D. Budget Amendment for Community Development Block Grant (CDBG) CV 1, 2 & 3

Departments: Economic Development

Budget Amendment for Community Development Block Grant (CDBG) CV 1, 2 & 3.

Recommended Action: Approve increasing appropriations in the County's HOME/CDBG fund (#185) by \$299,138 funded with revenues of \$64,484 for CV 1 and \$234,654 for CV 2&3 (requires 4/5ths approval).

Fiscal Impact: If approved, \$299,138 in expenditures will be added to the County's budget for the Economic Development Department to implement these CDBG grants and provide economic resources for the County's business communities.

E. Resolution Declaring County's Intent to Reimburse Itself for Capital Costs Incurred on the new Jail Facility Project

Departments: Finance, County Counsel

Proposed resolution of the Board of Supervisors of Mono County declaring its official intent to reimburse itself for certain capital costs incurred on the new jail facility project from the proceeds of long-term debt

Recommended Action: Adopt proposed resolution #R22-____, Declaring Its Official Intent to Reimburse Itself for Certain Capital Costs from the Proceeds of Long-Term Debt. Provide any desired direction to staff.

Fiscal Impact: Allows for reimbursement to the County of any capital related project costs associated with constructing the new Jail Facility, which are incurred prior to the issuance of the related tax-exempt debt financing.

F. Mono County Statement of Investment Policy

Departments: Finance

Annual approval of the Mono County Statement of Investment Policy pursuant to Section 27133 of the Government Code of the State of California.

Recommended Action: Approve the Mono County Statement of Investment Policy as presented or amended.

Fiscal Impact: None

G. Annual Resolution Delegating Investment Authority to the County Treasurer

Departments: Finance

Resolution Delegating Investment Authority to the County Treasurer.

Recommended Action: Adopt Resolution R22-____, Delegating Investment Authority to the County Treasurer.

Fiscal Impact: None

6. CORRESPONDENCE RECEIVED - NONE

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

7. REGULAR AGENDA - MORNING

A. Ratification of Proclamation of Local Emergency and Request to be Included in Governor's Emergency Proclamation

Departments: Sheriff, CAO

10 minutes

(Sheriff Braun; Robert C. Lawton, CAO) - Proposed resolution ratifying proclamation of local emergency made by the Mono County Sheriff on January 6, 2022.

Recommended Action: Hear update on status of the winter snowstorms impact and, if the Board determines that conditions of local emergency continue to exist, adopt proposed resolution. Provide any desired direction to staff.

Fiscal Impact: The declaration provides access to State funds for emergency response purposes.

B. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

15 minutes

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director, Dr. Caryn Slack, Public Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic.

Recommended Action: None, informational only.

Fiscal Impact: None.

C. 2022 Broadband Policy and Strategy Update

Departments: Information Technology

1 hour (30 minute presentation; 30 minutes discussion)

(Nate Greenberg, IT Director) - This item will provide a high-level overview of the current state of broadband throughout the County, discuss the most significant aspects of legislation impacting broadband development in the area, and begin to chart the course for some local policy decisions which will need to be made in the coming year to take advantage of emerging opportunities.

Recommended Action:

- 1) Receive update from staff
- 2) Authorize signature of letter to Louis Fox
- 3) Provide direction or feedback as appropriate

Fiscal Impact: None at this time.

D. Status of County Membership in the Owens Valley Groundwater Authority (OVGA)

Departments: Community Development

30 minutes

(Wendy Sugimura, Community Development Director; Stacey Simon, County Counsel, Michael Draper, Planning Analyst) - Potential withdrawal from membership in the Owens Valley Groundwater Authority (OVGA) Joint Powers Agency which is the current groundwater sustainability agency for the Owens Valley Groundwater Basin.

Recommended Action: Consider OVGA membership options; if withdrawing, approve the draft letter (Attachment 1) notifying the Owens Valley Groundwater Agency (OVGA) of the County's intention to withdraw from the OVGA Joint Powers Agency pursuant to Article VI, Section 1.1 of the joint powers agreement and authorize the Board Chair to sign.

Fiscal Impact: The OVGA reimburses Mono County for staff time. In addition, the County previously made a financial contribution to fund OVGA operations until a Groundwater Sustainability Plan (GSP) was completed. Contributions of \$75,514 is budgeted for FY 2021-22. If Mono County withdraws, this contribution covers the time period up until membership is terminated (June 30, 2022) and no further financial obligation will be incurred. If the County remains in the OVGA, the expected fiscal impact is an equal percentage share of the total

budget (determined in March) for the upcoming year, plus an additional contribution to gain more voting shares, if unclaimed votes are available and if desired by the County.

E. Road Closure, Bridgeport Valley Winter Trail Grooming Pilot Program

Departments: Public Works - Roads

15 minutes

(Kevin Julian, Road Operations Superintendent) - Proposed Resolutions authorizing seasonal closure of Buckeye Road and Buckeye Creek Road in support of the Bridgeport Valley Winter Trail Grooming Pilot Program

Recommended Action:

- 1) Adopt proposed resolution R22-___ "A resolution of the Mono County Board of Supervisors authorizing the seasonal closure of Buckeye Road and Buckeye Creek Road for the Bridgeport Valley Winter Trail Grooming Pilot Program."
- 2) Approve hold harmless agreement between Jimmy and Brinn Little and the County and authorize Chair to sign
- 3) Find the activity is Categorically Exempt from review under the California Environmental Quality Act and direct staff to file a Categorical Exemption (section 15301 – existing facilities) for the project

Fiscal Impact: None.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

9. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Anne Frievalt, Ryan Roe, and Oliver Yee. 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). Unrepresented employees: All.

B. Closed Session - Public Employee Evaluation

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

10. BOARD MEMBER REPORTS

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

ADJOURN



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Board of Supervisors

TIME REQUIRED

SUBJECT Out-of-State Travel Authorization for
2022 National Association of
Counties' (NACo) Legislative
Conference

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Out-of-state travel request for Supervisors Duggan, Gardner, and Kreitz to attend the 2022 NACo Legislative Conference in Washington D.C.

RECOMMENDED ACTION:

Approve out-of-state travel for Supervisors Duggan, Gardner, and Kreitz to attend the 2022 NACo Legislative Conference in Washington, D.C. from February 12-16, 2022.

FISCAL IMPACT:

Up to \$3,000 per Supervisor for conference registration, hotel stay, and air travel, which is included in the Board of Supervisors' budget for FY 2021-22.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 7609325534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Conference Schedule](#)

History

Time	Who	Approval
1/6/2022 12:31 PM	County Counsel	Yes
1/6/2022 8:59 AM	Finance	Yes
1/7/2022 3:04 PM	County Administrative Office	Yes

2022 NACo Legislative Conference

Schedule as of: 01/03/2022

Friday, February 11, 2022

Feb. 11
8:00 am to 11:00 am
EST

IT Advisory Council Meeting

By invitation only

Feb. 11
1:00 pm to 8:00 pm
EST

CIO Forum

Separate registration is required. You can choose to attend the CIO Forum only or add it to your conference registration during the registration process. The cost to attend this program is \$100.

Feb. 11
4:00 pm to 5:00 pm
EST

NACo Ambassador's Meeting

By invitation only

Saturday, February 12, 2022

Feb. 12
7:00 am to 8:30 am
EST

First-Time Attendee Orientation

By invitation only

Feb. 12
8:00 am to 9:00 am
EST

Policy Coordinating Meeting #1

Feb. 12
9:00 am to 11:30 am
EST

Human Services Policy Steering Committee Meeting - Pt. 1

Feb. 12
9:00 am to 11:45 am
EST

Finance, Pensions and Intergovernmental Affairs (FPIGA) Policy Steering Committee - Pt. 1

Feb. 12 **Agriculture & Rural Affairs Policy Steering Committee Meeting**
9:00 am to 12:00 pm
EST

Feb. 12 **Health Policy Steering Committee Meeting - Pt. 1**
9:00 am to 12:00 pm
EST

Feb. 12 **Public Lands Policy Steering Committee Meeting - Pt. 1**
9:00 am to 12:00 pm
EST

Feb. 12 **Community, Economic & Workforce Development (CEWD) Policy Steering Committee Meeting**
12:30 pm to 5:00 pm
EST

Feb. 12 **Environment, Energy and Land Use (EELU) Policy Steering Committee Meeting**
12:30 pm to 5:00 pm
EST

Feb. 12 **Justice & Public Safety Policy Steering Committee Meeting**
12:30 pm to 5:00 pm
EST

Feb. 12 **Transportation Policy Steering Committee Meeting**
12:30 pm to 5:00 pm
EST

Feb. 12 **Public Lands Policy Steering Committee Meeting - Pt. 2**
1:30 pm to 4:30 pm
EST

Feb. 12 **Telecommunications & Technology Policy Steering Committee Meeting**
1:45 pm to 4:15 pm
EST

Feb. 12 **Finance, Pensions and Intergovernmental Affairs (FPIGA) Policy Steering Committee - Pt. 2**
1:45 pm to 4:30 pm
EST

Feb. 12 **Health Policy Steering Committee Meeting - Pt. 2**
2:00 pm to 4:30 pm
EST

Feb. 12 **Human Services Policy Steering Committee Meeting - Pt. 2**
2:00 pm to 4:30 pm
EST

Feb. 12 **Policy Coordinating Meeting #2**
5:00 pm to 5:45 pm
EST

Feb. 12 **Affiliate & State Association Events**
5:00 pm to 8:00 pm
EST

Sunday, February 13, 2022

Feb. 13 **Affiliate & State Association Events**
7:00 am to 7:45 am
EST

Feb. 13 **Non-Denominational Worship Service**
7:00 am to 8:00 am
EST

Feb. 13 **Healthy Counties Business Meeting**
8:00 am to 9:30 am
EST

Feb. 13 **Gulf States Counties and Parishes Caucus Meeting**
8:00 am to 10:00 am
EST

Feb. 13 **Resorts, Tourism and Gateway Counties Working Group**
9:00 am to 10:30 am
EST

Feb. 13 **GIS Subcommittee Meeting**
9:30 am to 10:45 am
EST

Feb. 13 **Large Urban County Caucus (LUCC) Meeting**
10:00 am to 12:00 pm
EST

Feb. 13 **Rural Action Caucus (RAC) Meeting**
10:00 am to 12:00 pm
EST

Feb. 13 **IT Standing Committee Meeting**
11:00 am to 12:30 pm
EST

Feb. 13 **Healthy Counties & Arts & Culture Joint Workshop**
12:00 pm to 1:30 pm
EST

Feb. 13 **Membership Standing Committee Meeting**
12:00 pm to 1:30 pm

- EST**
Feb. 13 **Veterans and Military Services Committee Meeting**
1:00 pm to 3:00 pm
EST
- Feb. 13* **Western Interstate Region (WIR) Board of Directors Meeting**
1:00 pm to 3:15 pm
EST
- Feb. 13* **Immigration Reform Task Force (IRTF) Meeting**
1:15 pm to 3:00 pm
EST
- Feb. 13* **Programs and Services Committee Meeting**
1:30 pm to 3:00 pm
EST
- Feb. 13* **The Power of the Arts: Arts as an Economics Driver**
2:00 pm to 3:30 pm
EST
This meeting is hosted by the NACo Arts & Culture Commission and open to all.
- Feb. 13* **NACo Board of Directors Forum**
3:15 pm to 4:45 pm
EST
- Feb. 13* **Affiliate & State Association Events**
5:00 pm to 8:00 pm
EST
- Feb. 13* **NACo LUCC/RAC Reception (Invitation Only) - Tentative**
7:00 pm to 9:00 pm
EST
This is a ticketed event. We regret that we cannot accommodate guests without an invitation.

Monday, February 14, 2022

- Feb. 14* **Central Region Caucus Meeting**
7:30 am to 8:30 am
EST
- Feb. 14* **Northeast Region Caucus Meeting**
7:30 am to 8:30 am
EST
- Feb. 14* **South Region Caucus Meeting**
7:30 am to 8:30 am
EST

- Feb. 14* **West Region Caucus Meeting**
7:30 am to 8:30 am
EST
- Feb. 14* **Meet and Greet with Federal Agency Representatives**
8:00 am to 12:00 pm
EST
- Feb. 14* **General Session**
9:00 am to 10:30 am
EST
- Feb. 14* **Workshop Block #1**
10:45 am to 11:45 am
EST
- Feb. 14* **Credentials Committee Meeting**
11:00 am to 12:00 pm
EST
- Feb. 14* **Attendee Lunch**
12:15 pm to 1:30 pm
EST
- Feb. 14* **Workshop Block #2**
1:45 pm to 3:00 pm
EST
- Feb. 14* **NACo Board of Directors Meeting**
1:45 pm to 4:30 pm
EST
- Feb. 14* **Workshop Block #3**
3:15 pm to 4:30 pm
EST
- Feb. 14* **Affiliate & State Association Events**
5:00 pm to 8:00 pm
EST
- Feb. 14* **NACo Board of Directors Reception (Invitation Only) -
Tentative**
6:30 pm to 8:30 pm
EST

This is a ticketed event. We regret that we cannot accommodate guests without an invitation.

Tuesday, February 15, 2022

- Feb. 15* **Affiliate & State Association Events**
7:00 am to 7:45 am

EST

Feb. 15

8:00 am to 9:15 am

EST

Workshop Block #4

Feb. 15

9:30 am to 11:15 am

EST

General Session

Feb. 15

12:30 pm to 4:30 pm

EST

Capitol Hill Event

Advance county priorities at the federal level by scheduling appointments with lawmakers or joining NACo for a Capitol Hill briefing designed to engage policymakers, staff members and leadership. The schedule is still under development, stay tuned for more information.

Feb. 15

7:00 pm to 9:00 pm

EST

NACo President's Reception

Connect with fellow conference participants at our closing reception and wind down from a busy week with good food, friends and dancing.

Wednesday, February 16, 2022

Feb. 16

8:00 am to 3:00 pm

EST

NACo Open House & Luggage Storage

NACo Offices

Need a place to store your luggage while on the Hill? Please bring it to the lobby of the first-floor conference center at NACo HQ and ask for a tour of our headquarters, your office away from home!

Feb. 16

8:00 am to 5:00 pm

EST

Capitol Hill & Federal Agency Visits

Advocate for county priorities at the federal level by scheduling appointments on Capitol Hill. Engage policymakers, staff members and leadership, and let them know that federal policies matter to counties, and counties matter to America.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: County Counsel

TIME REQUIRED

SUBJECT Resolution Authorizing Virtual Meetings under AB 361

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed resolution authorizing remote teleconference meetings for the period of January 11, 2022 through February 11, 2022, pursuant to AB 361.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff report
Resolution
Recommendation

History

Time	Who	Approval
1/5/2022 9:19 AM	County Counsel	Yes
12/29/2021 8:50 AM	Finance	Yes
1/7/2022 8:53 AM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Anne L. Frievault

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**

Mono County

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

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors
From: Stacey Simon
Date: January 11, 2022
Re: Resolution Authorizing Virtual Meetings Under AB 361

Recommended Action

Adopt proposed resolution authorizing remote meetings of the Board of Supervisors for the period of December 14, 2021, through January 13, 2022, pursuant to AB 361.

Strategic Plan Focus Areas Met

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

Discussion

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021.

In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either: measures to promote social distancing have been imposed or recommended by local health officials; or the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is included in your agenda

materials. The proposed resolution would therefore make the required findings that the Board has reconsidered the circumstances of the emergency and that local health officials have recommended measures to promote social distancing. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through February 10, 2022.

In order to continue to meet under those modified rules after February 10, 2022, the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1700.



R22-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
CONTINUING REMOTE TELECONFERENCE MEETINGS
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO FOR THE
PERIOD OF JANUARY 11, 2022 THROUGH FEBRUARY 13, 2022,
PURSUANT TO AB 361**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, modifying the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the modifications would remain in place through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, providing that a legislative body subject to the Brown Act may continue to meet under modified teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings of legislative bodies of the County of Mono, a copy of that recommendation is attached as an exhibit and incorporated herein; and

WHEREAS, in the interest of public health and safety, and in response to the local recommendation for measures to promote social distancing, the Mono County Board of Supervisors deems it necessary to invoke the provisions of AB 361 related to teleconferencing for such legislative bodies;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO FINDS AND RESOLVES that:

SECTION ONE: The recitals set forth above are true and correct and are adopted as findings of the Legislative Body.

SECTION TWO: The Legislative Body has reconsidered the circumstances of the State of Emergency issued by the Governor of California on March 4, 2020 in response to the COVID-19 pandemic.

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SECTION THREE: Local officials continue to recommend measures to promote social distancing and the state of emergency continues to directly impact the ability of the members to meet safely in person.

SECTION FOUR: Meetings of the Board of Supervisors shall continue to be held 100% virtually through February 10, 2022.

SECTION FIVE: Staff is directed to return to the Board no later than thirty (30) days after the adoption of this resolution for the Board to consider whether to again make the findings required to continue meeting under the modified teleconference procedures of AB 361 after February 10, 2022.

PASSED, APPROVED and ADOPTED this ___ day of January, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bob Gardner, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284
P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

To: Board of Supervisors

From: Bryan Wheeler, Director of Public Health

Re: Recommendation regarding Social Distancing and Virtual Meetings

Both Mono County “covering” Health Officer Dr. Rick Johnson and I strongly recommend that physical/social distancing measures continue to be practiced throughout our Mono County communities, including at meetings of the Board of Supervisors and other County-related legislative bodies subject to the Brown Act, to minimize the spread of COVID-19.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measures to prevent the disease’s spread. Virtual board meetings allow for the participation of the community, county staff, presenters, and board members in a safe environment, with no risk of contagion. It is recommended that legislative bodies in Mono County implement fully-remote meetings to the extent possible.

If you have any questions regarding this recommendation, please do not hesitate to contact me. We will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: County Counsel

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Stacey Simon

SUBJECT Resolution Adopting Amended
Records Retention Policy

AGENDA DESCRIPTION:

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

Proposed resolution adopting amended County-Wide Records Retention & Destruction Policy to update provisions of previously-enacted policy in accordance with current law.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 760-924-1704 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff report
Proposed Resolution
Exhibit A - Final Amended Retention Policy - NO REDLINE
Exhibit A - Final Amended Retention Policy - WITH REDLINE

History

Time	Who	Approval
12/28/2021 4:32 PM	County Counsel	Yes
12/29/2021 9:00 AM	Finance	Yes
1/7/2022 3:04 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Anne L. Frievalt

Deputy County Counsel
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To: Board of Supervisors

From: Office of the Mono County Counsel

Date: January 11, 2022

Re: Mono County Record Retention and Destruction Policy

Recommended Action: Consider and approve proposed resolution amending the county-wide record retention and destruction policy. [4/5 vote is required].

Fiscal Impact: None

Discussion: in 2017 your Board adopted a County-wide record retention and destruction policy, which serves as a records management policy for the orderly retention, preservation or disposal of documents on a County-wide basis.

Staff is proposing amendments to the 2017 policy based on recent changes in the law and internal practices. The proposed resolution amending the policy will supersede and replace the 2017 Resolution.

Pursuant to section 26202 of the Government Code, a 4/5 vote of your Board is required for the adoption of this policy.



RESOLUTION NO. 22- _____

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDED COUNTY-WIDE RECORD
RETENTION AND DESTRUCTION POLICY**

WHEREAS, the County of Mono (“County”) generates, receives, handles and maintains many records in the performance of its business activities as a public entity and in turn has an obligation to maintain County records in accordance with government laws and regulations and accepted records management practices; and

WHEREAS, there are significant costs to maintaining records beyond their useful life as such records otherwise take up space in the County’s offices; and

WHEREAS, the Mono County Record Retention and Destruction Policy (“Policy”), which is attached as Exhibit A and incorporated herein by this reference, is intended to: (1) establish consistent procedures throughout the County for the management, retention, and destruction of records; and (2) ensure compliance with laws that govern the retention and destruction of those records; and

WHEREAS, sections 26200 et seq. of the Government Code provide the relevant procedures for destroying County records; and

WHEREAS, pursuant to section 26201 of the Government Code, the Board may authorize destruction or disposition of duplicate records, papers, or documents the originals or permanent photographic reproductions of which are on file with any officer or department of the County; and

WHEREAS, pursuant to section 26205.1(a) of the Government Code, the Board may delegate to County officers the authority to destroy any non-judicial public record, paper, or document if the record, paper, or document is photographed, micro photographed, microfilmed, or otherwise reproduced in accordance with State law; including, but not limited to, section 12168.7 of the Government Code; and

WHEREAS, pursuant to section 26205.1(b) of the Government Code, the Board may delegate to County officers the authority to destroy any record not prepared or received pursuant to state statute without creating an alternate copy; and

1 **WHEREAS**, pursuant to section 26202 of the Government Code, the Board may, by a
2 four-fifths vote, authorize the destruction of records prepared or received pursuant to state or
3 federal statute where those records have been maintained for the required period of time and the
4 Board has determined the retention of those records is no longer necessary or required for
5 County purposes; and

6 **WHEREAS**, retention schedules are used by public entities across the State of California
7 and are an appropriate mechanism for the Board to proactively make the determination under
8 section 26202 of the Government Code as to when various categories of records will no longer
9 be necessary or required for County purposes and thereby improve the efficiency of records
10 management; and

11 **WHEREAS**, there are some County records that are required by law to be filed and
12 preserved and of which the board may not authorize destruction, and it is necessary and
13 appropriate to identify those records and specify how long they must be retained; and

14 **WHEREAS**, on December 12, 2017, pursuant to the above-mentioned statutory
15 authority, the Board approved Resolution No. R17-91, adopting a County-Wide Record
16 Retention and Destruction Policy; and

17 **WHEREAS**, now, the Board wishes to amend certain portions of that policy to comply
18 with recent changes in the law.

19 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MONO COUNTY**
20 **RESOLVES** as follows:

21 **SECTION 1.** There is a need for an orderly and controlled plan for the retention and the
22 systematic destruction of certain department records and documents, which are no longer needed
23 or required for County purposes.

24 **SECTION 2.** The Mono County Record Retention and Destruction Policy, which is
25 attached hereto as Exhibit A and which sets forth retention periods, as well as procedures to
26 properly and lawfully retain and destroy records is approved and the County Administrative
27 Officer or the designated Department Head is authorized to retain and destroy the specified
28 records in accordance with the Policy.

SECTION 3. No County record may be destroyed except as set forth in this Resolution
or as otherwise authorized by law.

SECTION 4. This Resolution supersedes and replaces in entirety, Mono County Board
of Supervisor's Resolution No. R17-91.

APPROVED AND ADOPTED this 11th day of January, 2022, by the following vote:

AYES :

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NOES :
ABSTAIN :
ABSENT :

Chair
Board of Supervisors

ATTEST:
CLERK OF THE BOARD

APPROVED AS TO FORM:
COUNTY COUNSEL



Mono County Record Retention and Destruction Policy

Adopted _____, 2022

ARTICLE I CONDITIONS FOR DESTRUCTION APPLICABLE TO ALL RECORDS

Section 1.0.1. The County officer authorizing destruction or disposition must determine that the record has no further administrative value.

Section 1.0.2. All records dated 1910 and earlier and all other records of possible historical significance which are not otherwise retained by the county as historically significant records shall be offered to local historical societies in Mono County and then to the State of California Historical Preservation Commission or other state historical societies for preservation for historical purposes. If the offer is refused or not acted upon within thirty (30) days, the records may be destroyed pursuant to this resolution. Alternatively to destruction, the records may be given to any member of the public.

Section 1.0.3. Where federal or state funds have been furnished, authority to destroy a record must be secured from the appropriate federal or state agency if the record is required to be retained by the terms of the agreement or law by which the funds have been furnished.

Section 1.0.4. Reproduction means preserved in any form of communication or representation, including optical, electronic, magnetic, micrographic, or photographic media or other technology capable of accurately producing or reproducing the original record, in accordance with regulations adopted by the California Secretary of State for the preservation and reproduction of the medium.

Section 1.0.5. Authorization or requirement for reproduction means:

- a) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one which accurately reproduces the original in all details and which does not permit additions, deletions, or changes to the original document images.
- b) The reproduction is placed in conveniently accessible files, and provision is made for preserving, examining, and using the files, either permanently or for the stated time period.
- c) Every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.

Section 1.0.6. The term "record" means and includes all official or non-official, non-judicial documents, papers, audio recordings, records, documents, books, and files in the custody of County officers.

Section 1.0.7. Authorization for destruction of a record after a term of years of retention as set forth herein does not require the destruction of any record at the end of any such term of years, and the record may be retained for a longer period for the convenience of the County officer.

Section 1.0.8. Records that are related to litigation (Litigation Hold), whether asserted, threatened, pending, or ongoing, shall not be destroyed until the litigation has terminated and/or in accordance with Article II of this resolution, whichever is later.

Section 1.0.9. The Resolutions, minutes, audio tape recordings and other similar documents of Mono County Boards, Commissions and Committees which are subject to the Brown Act are governed by Article III for the Clerk of the Board Section 3.4.

Section 1.0.10. Destruction of duplicate copies is authorized pursuant to Government Code § 26201.

Section 1.0.11. This Policy supersedes and replaces in entirety, Mono County Board of Supervisors' Resolution No. R01-04 Authorizing the Destruction of Certain District Attorney Office Records, Documents, Instruments, Books, and Papers Pursuant to Government Code section 26205.1 and Resolution No. R09-69 Authorizing the Destruction of Certain Clerk of the Board Records Pursuant to Government Code section 26202.

ARTICLE II

DOCUMENTS AND SPECIAL CONDITIONS APPLICABLE TO ALL COUNTY OFFICERS IF THE RECORD IS NOT COVERED UNDER ARTICLE III (Board of Supervisors Approval Not Required Unless Otherwise Specified) (Govt. Code, §26205.1)

Section	Description of Record(s)	Conditions	Retention	Citation
2.1.1	DUPLICATE copies of documents WITH THE EXCEPTION of duplicate copies of the deposit permits or deposit receipts retained by the Clerk/Auditor/Controller at the time of issuance thereof and copies of inventories required by Section 24051 of the Government Code which the officer must retain for five years and deliver to the successor in office.	The original or a permanent reproduction is in the files of any officer or department of this County.	Immediately IF original is preserved.	Govt. Code § 26201
2.1.2	Records which were not prepared or received pursuant to state statute or county ordinance, and not required by law to be filed and preserved, including but not necessarily limited to the following: documents, forms or records made as supporting data for reports; resumes or other records whether or not the data is actually included in such report, resume or other record; time sheets, individual	The records are over two years old. No copy need be retained.	2 years.	Govt. Code § 26205.1(b)

	overtime slips and other records kept in support of payrolls by departments other than the Auditor's office (see section 3.2.9 and 3.2.10 for payrolls records pertaining to Auditor); automobile mileage reports; forms developed and maintained for departmental use only; letters or other records of requests from the public for information only and replies thereto; information compiled or collected for statistical reports or budget preparation and like records.			
2.1.3	Records which were prepared pursuant to state statute or County ordinance, but not expressly required by law to be filed and preserved and not otherwise addressed in Article III.	The records are over two years old. Requires 4/5th vote of the BOS, finding records are no longer needed for County purposes. No copy need be retained.	2 years from date record was created. *NOTE: any record which falls under this category and is not expressly mentioned in Article III will need to be brought to the Board separately and destruction will need to be approved by a 4/5 th vote.	Govt. Code § 26202
2.1.4	Records which are expressly required by law to be filed and preserved.	Hard copy record may not be destroyed unless accurately reproduced in a format that preserves all details and does not permit additions, deletions, or changes to the original document images and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent (hardcopy or the reproduction).	Govt. Code § 26205.1
2.1.5	Recordings of routine video monitoring, by a video or electronic imaging systems designed to record the regular and ongoing operations of the department, including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems.	Recordings have been kept for 1 year.	1 year.	Govt. Code § 26202.6

2.1.6	Recordings of the routine daily recording of telephone communications to and from a county and maintained by the Department. (Does not include voicemail).	Recordings have been kept for 100 days and written approval of County Counsel has been obtained. 100 days.	100 days. (Requires County Counsel approval).	Govt. Code § 26202.6
2.1.7	Inventories filed by county officers or persons in charge of any office, department, service or institution of the County and the executive head of special districts whose affairs and funds are under supervision and control of the BOS or for which the board is ex officio.	Have been on file for more than five years. OR Document has been reproduced in accordance with section 26205.1.	5 years. OR Until reproduced in accordance with Section 26205.1.	Govt. Code §§ 24051, 26205.1
2.1.8	Original deeds granting property to Mono County or any special district governed by the BOS.	Do not destroy under any circumstances.	Permanent.	
2.1.9	Voicemails (including voicemails forwarded to email).		No retention necessary	

ARTICLE III

DOCUMENTS AND SPECIAL CONDITIONS APPLICABLE TO SPECIFIC COUNTY DEPARTMENTS (Board of Supervisors Approval Not Required Unless Otherwise Specified) (Govt. Code, §26205.1)

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Section	Description of Record(s)	Conditions	Retention/Destruction	Citation
3.1.1 (Assessor)	Any document not otherwise specified, including but not limited to documents containing information obtained from taxpayers.	Six years have elapsed since lien date for the taxes or tax year for which the document or information was obtained. OR Document has been preserved and is retrievable pursuant to R&T §465.	6 years. OR Immediately if preserved in a medium that provides access to the documents.	R&T Code § 465
3.1.2 (Assessor)	Affidavits claiming an exemption, for the first time, pursuant to section 254.5, 257 and 277.	Six years have elapsed since the lien date of the tax year for which the exemption was last granted. AND Document has been preserved and is retrievable in accordance with R&T §465.	6 years. AND Document has been preserved and is retrievable in accordance with R&T §465.	R&T Code § 465
3.1.3 (Assessor)	Lot books.	The records are reproduced & placed in conveniently accessible files.	Until reproduced and reproductions are in publicly accessible files.	R&T Code § 1256; Govt. Code § 26205.1

3.2.1 (Auditor)	County, school or special district claims, warrants or any other paper issued as a warrant voucher.	The record is over five years old. OR The record has been reproduced in accordance with Gov't Code § 12168.7 & the reproduced records are in conveniently accessible files and kept for five years from the date of the document.	5 years. OR At any time after the record has been reproduced in accordance with Gov't Code § 12168.7 & the reproduced records are in conveniently accessible files and kept for 5 years from the date of the document.	Govt. Code § 26907
3.2.2 (Auditor)	The Index or Warrant Register.	The record is over five years old. OR A photographic record has been made of the record.	5 years. OR At any time after a photographic record has been made of the record. (An index or warrant register that is over 5 years old may be destroyed without being reproduced).	Govt. Code § 26907
3.2.3 (Auditor)	County, school or special district bonds or coupons.	Bonds or any and all coupons pertaining thereto have been paid or cancelled for not less than five years.	5 years after paid or canceled.	Govt. Code §§ 53921 & 26907.1
3.2.4 (Auditor)	Auditor's copies of County deposit permits.	The record is more than five years old.	5 years.	Govt. Code § 26907.2
3.2.5 (Auditor)	Statements & affidavits of salaried County officers regarding fees collected as required by Chapter 8 of the Government Code, commencing with § 24350.	The records are more than five years old. OR At any time after the records have been reproduced if the copy is kept and maintained for five years.	5 years. OR Until reproduced (copies must be kept for 5 years).	Govt. Code §§ 24356 and 26907
3.2.6 (Auditor)	Any original unsecured tax roll containing the information set forth in the delinquent roll or abstract list.	The record has been certified as correct and complete by the Auditor; a certified permanent record on a substitute media has been prepared in accordance with Gov't Code § 26205; and the substitute media will be retained for at least 5 years from the date of the creation of the original document.	5 years. OR Immediately once certified by the Auditor as correct and reproduced and maintained for 5 years in accordance with Gov't Code § 26205 (reproduction may be destroyed after five years).	R&T Code § 2928

3.2.7 (Auditor)	Fiscal, statistical & other records necessary for maintaining accountability & meeting reporting requirements related to the administration of public social services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC § 10851(c),(f)
3.2.8 (Auditor)	Statements of assets in Treasury.	Original quarterly and annual reports are filed with the Clerk and another copy of each is posted and maintained in the Auditor's office for at least one quarter.	At least 1 quarter after filing copy with the Clerk of the Board of Supervisors.	Govt. Code §§ 26920, 26922
3.2.9 (Auditor)	All records used to support payroll transactions.	6 years have elapsed since the close of the calendar year in which the final payment is made.	6 years after the end of the calendar year in which the record was created.	Govt. Code § 26202
3.2.10 (Auditor)	Payroll Masters – Year-end report for all yearly payroll activity for all departments.	10 years have elapsed since the end of the calendar year in which the record was created.	10 years after the end of the calendar year in which the record was created.	Govt. Code § 26202
3.3.1 (Behavioral Health)	Records, including narrative portions of the records, pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service & any additional information legally required to be kept.	10 years have passed from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later. OR Immediately upon reproduction and electronic storage (and then after 10 years have passed from the final date of the contract period, from the date of completion of any audit or from the date the service was rendered, whichever is later, can be destroyed). * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained	10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later, in accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations. OR Immediately upon reproduction and electronic storage (and then after 10 years have passed from the final date of the contract period, from the date of completion of any audit or from the date the service was rendered, whichever is later, can be destroyed). * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 10-year period when the Department is notified by the	WIC § 14124.1; 42 CFR §438.3

		beyond the 10-year period when the Department is notified by the County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	
3.3.3 (Behavioral Health)	Patient/Client health service records, kept by a licensed psychologist, professional clinical counselor, licensed clinical social worker or a marriage & family therapist.	If the records pertain to a client whose therapy has terminated on or after January 1, 2015 and 10 years have elapsed since the date the client/patient last received therapy services or treatment and any audits have been completed. OR If the client/patient is an unemancipated minor when services were rendered, the file must be kept at least for 10 years after the minor turns 18.	10 years after the date the client last received services or treatment and any audits have been completed. OR If the client/patient was an unemancipated minor when services were rendered, the file must be kept at least 10 years after minor turns 18. *This retention period applies only to the records of a client or patient whose therapy is terminated on or after January 1, 2015. *Records may be retained in either electronic or written format.	22 CCR § 77143 H&S Code § 123145 Bus. & Prof. Code §§ 2919, 4980.49; 4989.51, 4993,4999.75.
3.3.4 (Behavioral Health)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC § 10851(c),(f)
3.3.5 (Behavioral Health)	DUI participant case files	48 months have elapsed since one of the following and: Individual has been transferred to another DUI program; Individual has been dismissed from the program; OR Notice of Completion Certificate has been issued.	48 months have elapsed since one of the following: Individual has been transferred to another DUI program; Individual has been dismissed from the program; OR Notice of Completion Certificate has been issued.	9 CCR § 9866
3.4.1 (Clerk of the Board)	Contracts & original specifications of County buildings.	The building to which the records apply has been completed for over ten years.	10 years.	Govt. Code §§25101, 26202; CCP §337.15

3.4.2 (Clerk of the Board)	Resolution Books; Minute Books; Ordinance Books; Board agendas & packets; records and accounts of supervisors.	Permanent. (Can be reproduced and retained electronically)	Permanent. (Can be reproduced and retained electronically).	Govt Code §§ 25102, 25102.1, 25104, 25105
3.4.3 (Clerk of the Board)	Contracts and agreements not relating to public improvements.	Four years has elapsed since the expiration of term and no legal action pending.	4 years after term ends (if no legal action pending).	Govt. Code § 26202, CCP § 337
3.4.4 (Clerk of the Board)	Assessment Appeals Board files.	Five years have elapsed since final AAB action and no legal action is pending involving the application. OR Records have been reproduced & three years have elapsed.	5 years after final AAB action (if no legal action pending). OR 3 years (if reproduced).	Govt. Code § 25105.5
3.4.5 (Clerk of the Board)	Audio or video recordings of official proceedings of a public body subject to the Brown Act.	Two years have elapsed since the date of the recording.	Indefinitely.	Govt. Code § 54953.5
3.4.6 (Clerk of the Board)	Claims against County or special district for which the Board of Supervisors is the governing body.	Five years have elapsed since final Board action and no legal action is pending involving the application.	5 years (if no legal action pending).	Govt. Code § 25105.5
3.4.7 (Clerk of the Board)	Correspondence received (not requiring action).	2 years have elapsed since receipt of correspondence.	2 years.	Govt. Code § 26202
3.4.8 (Clerk of the Board)	Any document containing information obtained from taxpayers.	Six years have elapsed since lien date for the taxes for which the information was obtained. OR Three years have elapsed since such lien date and the records are reproduced.	6 years. OR 3 years if reproduced.	Rev. & Tax Code §§ 465
3.5.1 (Community Development)	Building Permits	Kept for the life of the building or reproduction has been made and is accessible and reproduction is kept for life of building.	Life of the building. OR May be destroyed at any time provided a reproduction is made and retained. Reproduction must be kept for the life of the building.	H&S Code §19850; Govt Code § 26205

3.5.2 (Community Development)	Zoning Maps or Maps referencing Land Use Designations.	May not be destroyed unless reproduced and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent. OR Until reproduced and the reproduction is in conveniently accessible files and available for use on a permanent basis.	Govt. Code § 26205.1
3.5.3 (Community Development)	Environmental Documents (CEQA) including: Initial Study Negative Decs. EIR's Technical Studies	May not be destroyed unless reproduced and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent. OR Until reproduced and the reproduction is in conveniently accessible files and available for use on a permanent basis	Govt. Code § 26205.1
3.6.1 (Coroner)	The official file for each deceased person required by Gov't Code § 27463.	The Coroner's investigation is completed, the case is closed, and the record is reproduced and placed in conveniently accessible files.	Until reproduced and placed in conveniently accessible files (after investigation completed and case closed).	Govt. Code § 27463.5
3.6.2 (Coroner)	Blood and urine samples from persons killed as result of motor vehicle accident.	Detailed medical findings resulting from chemical examinations must be reduced to writing or permanently preserved on recording disks or similar recording media.	Permanent.	Govt. Code § 27491.25
3.7.1 (County Clerk)	Fictitious business name statement.	The statements have expired and four years have elapsed since the expiration.	4 years after expiration.	Bus. & Prof. Code § 17927(a)
3.7.2 (County Clerk)	Statements of abandonment of fictitious business name or withdrawal from partnership operation under fictitious business name and proof of publication.	At the same time the fictitious business name statement to which it relates is destroyed.	Until fictitious business name statement is destroyed.	Bus. & Prof. Code §§ 17927 (a) & 17927(b)
3.7.3 (County Clerk)	Official Oath filed by a Notary Public.	One year has elapsed since the expiration of the term of the commission for which the oath was taken.	1 year after expiration of the commission for which the oath was taken.	Govt. Code § 8213

3.7.4 (County Clerk)	All public papers of any Notary Public who dies, resigns, is disqualified, removed from office, or allows his commission to expire without reappointment within 30 days.	More than ten years have elapsed since records were deposited, no request for or reference to such records has been made, and an order of the court is first obtained.	10 years (if court order obtained and no request for/reference to records have been made).	Govt. Code § 8209
3.7.5 (County Clerk)	Certificates of Confidential Marriages.	After one year if reproduced.	1 year (if reproduced).	Family Code § 511
3.7.6 (County Clerk)	Grand Jury Reports and Responses.	Permanent record. Do not destroy.	Permanent.	Penal Code § 933(c)
3.7.7 (County Clerk)	Statements of Cash in Treasury (filed with Clerk by Auditor)		2 years.	Govt. Code §§ 26920, 26922, 26205.1
3.7.8 (County Clerk)	Deputy Oath.	5 years have elapsed since the date of revocation of the appointment of the deputy.	5 years after the date of revocation of appointment. (No reproduction need be made or preserved).	Govt. Code §§ 24102 (a),(d)
3.7.9 (County Clerk)	Process Server's Certificate of Registration.	The certificate of registration has been kept for three years past the expiration date of the certificate.	The cert. of registration retained for 3 years following the expiration date of the cert., after which the cert. may be destroyed if scanned or if the conditions in Gov. Code § 26205.1 are met. If cert. is scanned, the image shall be retained for 10 years, after which time that image may be destroyed and no reproduction thereof need be made or preserved.	Bus. & Prof. Code § 22351(c)
3.7.10 (County Clerk)	Professional Photocopier application for registration.	The application for registration has been kept for a period of three years past the expiration date.	Application for registration shall be retained for 3 years past its expiration date, after which time it may be destroyed if it is scanned or if the conditions in Gov. Code 26205.1 are met. If it is scanned, the scanned image shall be retained for 10 years. After which time image may be destroyed & no reproduction need preserved.	Bus. & Prof. Code § 22452(c)

3.7.11 (County Clerk)	Unlawful Detainer Assistants & Legal Document Assistants application for registration.	The application for registration has been kept for a period of three years following the expiration date of the application.	The County clerk shall retain the application for a period of 3 years following the expiration date of the application, after which time the application may be destroyed if it is scanned or if the conditions specified in Gov. Code 26205.1 are met. If the application is scanned, the scanned image shall be retained for a period of 10 years, after which that image may be destroyed and no reproduction need be made or preserved.	Bus. & Prof. Code § 6403(e)
3.7.12 (County Clerk)	<i>Applications</i> for Vital Records: (Includes requestor & registrant information for requests for vital records.)	The application has been kept for a period of two years after receipt by the County.	2 years.	Govt. Code § 26202; See H&S Code §§102275-102395
3.8.1 (County Counsel)	Assessment Appeal Files (e.g., records for appeals of property tax amount, including owner's appeal, BOE decisions or findings, attorney notes, etc.).	Six years have elapsed since matter was closed.	6 years.	Code of Civil Proc. §§338, 341, et seq.; Govt. Code §25205; R&T Code §465
3.8.2 (County Counsel)	Bail Bond Motion Files (e.g., records of bail summary judgments, receipt of payments, proof of transfer of funds to court, attorney notes, etc.).	Two years have elapsed since matter was closed.	2 years.	PC § 1305 Govt. Code § 26205.1
3.8.3 (County Counsel)	Code Enforcement or Admin Appeal Hearing Case Files (e.g., petitions, orders, notices, pictures, attorney notes, etc.).	Five years have elapsed since matter was closed.	5 years.	Govt. Code § 26205.1

3.8.4 (County Counsel)	Human Resources Case Files (e.g., grievances, writs, disciplinary actions, federal or state litigation matters, attorney notes, etc.).	10 years have elapsed since matter was closed or since separation from the County services (whichever is later).	10 years after matter is closed or separation from County (whichever is later).	Govt. Code §§ 12946, 26205.1
3.8.5 (County Counsel)	Juv. Dependency Case Files (e.g., petitions filed pursuant to WIC, birth certificates, notices, citations, orders, social worker reports, ex parties, court reports, parent locator discovery reports, ICWA documents, minute orders, paternity tests, attorney notes, etc.).	Matter is closed + child reaches 28 years of age.	File shall be retained until the child reaches 28 years old.	Govt. Code § 68152(g); WIC § 826(a)
3.8.6 (County Counsel)	Litigation Case Files (e.g., records related to County action in civil and criminal cases or actions involving property such as eminent domain, including briefs, court proceedings, pleadings, investigative materials, petitions, notices, attorney notes, etc.).	Ten years have elapsed since matter was closed.	10 years.	Govt. Code § 26205.1
3.8.7 (County Counsel)	Conservatorship Case Files (e.g., records related to LPS or Probate conservatorship matters, including petitions, accountings, correspondence, court orders, letters of conservatorship, attorney notes, etc.).	Five years have elapsed since the matter was closed.	5 years.	CCP §§338, 337 et seq.; Govt. Code §§ 945, 25105.5; PC §832.5

3.8.8 (County Counsel)	County Department/District files (e.g., correspondence, memoranda, research, etc.).	Five years have elapsed since matter was closed.	5 years.	Govt. Code § 26205.1
3.9.1 (District Attorney)	Crime and supplemental reports, complaints, and files.	10 years has elapsed since record or file has been closed or adjudicated; it does not relate to an unadjudicated crime; it does not relate to unserved warrants; it does not relate to a criminal death case; and it is not presently the subject of either civil or criminal litigation.	10 years after close or adjudication of case provided record is not related to an unadjudicated crime, unserved warrant, criminal death case, and is not presently the subject of either civil or criminal litigation.	Govt. Code § 26205.1
3.9.2 (District Attorney)	Miscellaneous noncriminal reports.	3 years have elapsed since the record or file has been closed.	3 years.	
3.10.1 (Human Resources)	Any personnel or employment record or file made or kept by County (including but not limited to requests for reasonable accommodation application forms submitted by applicants & other records having to do with hiring, promotion, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation & selection for training).	Two years have elapsed since the date of the making of the record or the personnel action involved.	Record shall be preserved for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later.	Title 29, Chpt XIV, § 1602.31 CFR; Govt. Code §12946
3.10.2 (Human Resources)	Terminated Employee Files.	Seven years have elapsed since the end of employment.	7 years.	Title 29, Chpt XIV, § 1602.31 CFR; Govt. Code §12946
3.10.3 (Human Resources)	EE0-4 Reports – annual report req'd by federal law.	Three years have elapsed since the report was created.	3 years.	Title 29, Chpt XIV, § 1602.30 CFR

3.10.4 (Human Resources)	MOU agreements negotiated between County & employee bargaining units.		Permanent.	
3.11.1 (Probation)	Records relating to individual minors.	Five years have elapsed since the termination of jurisdiction of the juvenile court over the minor.	5 years.	WIC § 826(a)
3.11.2 (Probation)	Records related to any person over 18.	Five years have elapsed since the termination of probation.	5 years.	Penal Code § 1203.10
3.12.1 (Public Health)	Rabies Control Records.	10 years have elapsed since the date record was created.	10 years.	Gov't Code § 26202
3.12.2 (Public Health)	X-ray photographs and case records taken with regard to tuberculosis.	The records are more than five years old and: 1. They do not show the existence of tuberculosis in the infectious stage; 2. The individual to whom the records pertain has been deceased more than two years, would be 102 years old according to date of birth as shown on the record; or 3. The person's place of residence has been unknown for over 10 years.	5 years (if the records do not show the existence of tuberculosis in the infectious stage; or the individual to whom the records pertain has been deceased more than two years, would be 102 years old according to date of birth as shown on the record; or the person's place of residence has been unknown for over 10 years). * The records may be offered to a public or private medical library instead of being destroyed.	H&S Code § 123150
3.12.3 (Public Health)	Women, Infants & Children (WIC) program records.	Ten years have elapsed since the date of the final expenditure report for the period to which the report pertains. * Cannot be destroyed if any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the three-year period. * If FNS deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them.	10 years after date of the final expenditure report for the period to which the report pertains. * Cannot be destroyed if any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the 3-year period. * If FNS deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them.	7 CFR § 246.25

3.12.4 (Public Health)	Records pertaining to health care services rendered under CMAA, Medi-Cal or any other health care program administered by the department or its agents or contractors, including services rendered, recipient of services, date of service and any additional information required by law to be kept by said Department.	10 years have passed from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later. OR Immediately upon reproduction and electronic storage (and then after ten years can be destroyed). * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 10-year period when the Department is notified by the County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later, in accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations. OR Immediately upon reproduction and electronic storage (and then after 10 years can be destroyed). * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 10-year period when the Department is notified by the County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	WIC §§ 14124.1; 42 CFR §433.32, 438.3
3.12.5 (Public Health)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC § 10851(c),(f); 42 CFR §433.32
3.12.6 (Public Health)	Water Test Records.	Five years have elapsed since the date record was created.	5 years.	40 CFR § 141.33(a)
3.12.7 (Public Health)	Records of chemical analyses made pursuant to 40 CFR § 141.33(a).	10 years have elapsed since the date the record was created.	10 years.	40 CFR § 141.33(a)
3.12.8 (Public Health)	Small water system files (made for each small water system under County jurisdiction pursuant to CCR § 64259) including	10 years have elapsed since the date the record was created.	10 years.	22 CCR § 64259

	permits & all corresponding technical reports, monitoring results, photos plans, historical data and correspondence.			
3.12.9 (Public Health)	Solid Waste records for disposal sites located with the jurisdiction of enforcing agency.		All files and their contents shall be retained by the enforcement agency for as long as a facility or disposal site physically exists.	14 CCR § 18020
3.13.1 (Public Works)	Traffic Collision Reports received from the California Highway Patrol.	Two years have elapsed since receipt of the records.	2 years.	Govt. Code § 26202
3.13.2 (Public Works)	Unaccepted bids or proposals for construction or installation of public works.	Two years have elapsed since receipt of the bid. Accepted bids should be filed with the contract.	2 years.	Govt. Code § 26202.1
3.14.1 (Purchasing Agent)	Written requisitions received by the Purchasing Agent.	Three years have elapsed since creation.	3 years.	Govt. Code § 25501.5
3.14.2 (Purchasing Agent)	Unaccepted bids & proposals for services, supplies & equipment received by Purchasing Agent.	Two years have elapsed since receipt of the record.	2 years.	Govt. Code § 26205.1
3.14.3 (Purchasing Agent)	Accepted bids & proposals for services, supplies & equipment received by Purchasing Agent.	Four years have elapsed since completion of the project or contract.	4 years after completion of project or contract.	CCP § 337
3.14.4 (Purchasing Agent)	Contracts for the construction of County buildings.	The building to which the records apply has been completed for over 10 years.	10 years.	Govt. Code, § 26205.1; CCP § 337.15
3.15.1 (Recorder)	Federal tax liens, together with any release of such lien.	More than eight years have elapsed since the lien was filed and all unreleased liens are reproduced.	8 years IF all unreleased liens are reproduced.	Govt. Code § 27206

3.15.2 (Recorder)	Papers and record books created under Land Title Law.	The records have been reproduced in accordance with Gov't Code §26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility is permanently preserved.	Until reproduced in accordance with Gov't Code § 26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility must be permanently preserved.	Govt. Code §§ 27207; 26205.5
3.15.3 (Recorder)	Any or all filed papers or record books created by handwriting, typing on printed forms, typewriting or photographic methods.	The records have been reproduced in accordance with Govt' Code § 26205.5 AND PROVIDED THAT any page which cannot be reproduced on film with full legibility is permanently preserved.	Until reproduced in accordance with Gov't Code § 26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility must be permanently preserved.	Govt. Code § 26205.5
3.15.4 (Recorder)	Any original document left for recording.	Documents are undeliverable by mail and uncalled for for at least ten years after the date of recording. OR Documents have been reproduced & are undeliverable by mail & uncalled on for at least two years.	10 years (if undeliverable and uncalled for during that time). OR 2 years (if reproduced and undeliverable and uncalled for during that time).	Govt. Code § 26205.6
3.15.5 (Recorder)	Any notice of completion of any building or improvement, and the contract, plans, specifications and bond under which the work was done.	Five years have elapsed from the date of filing in the Recorder's office AND the Recorder has not been notified in writing to retain them by someone claiming interest under the contract or in the property affected. OR Two years have elapsed and the Recorder has returned the documents to the person who filed them, and the Recorder has not been notified in writing to retain them by someone claiming interest under the contract or in the property affected in either case.	5 years (if not returned to filer) UNLESS notified in writing to retain them by someone claiming interest under the contract or in the property affected. OR 2 years (if returned to filer) UNLESS notified in writing to retain them by someone claiming interest under the contract or in the property affected.	Govt. Code § 27205
3.15.6 (Recorder)	Temporary Index sheets prepared by key punch or printing machine.	Permanent indexes have been completed from same key punch cards.	Must be retained until permanent indexes are completed from same key punch cards.	Govt. Code § 27265

3.15.7 (Recorder)	State highway construction plans and right of way maps.	Document has been microfilmed.	Can be destroyed at any time provided document has been microfilmed.	Streets & Highways Code §§ 128, 129
3.16.1 (Registrar of Voters)	Cancelled original affidavits of registration.	Five years have elapsed since cancellation. OR The first general election has taken place since such cancellation and the affidavits are reproduced.	5 years. OR After the first general election has taken place since cancellation (if reproduced).	Elections Code § 17000
3.16.2 (Registrar of Voters)	Index to affidavits of registration described in EC § 2183.	Five years have elapsed since the date of the registration.	5 years.	Elections Code § 17000
3.16.3 (Registrar of Voters)	Index of voters from previous statewide general election.	Five years have elapsed since the date of the election. OR Record has been reproduced.	5 years. OR Until next subsequent general election IF record has been reproduced.	Elections Code §§ 2191; 17300
3.16.4 (Registrar of Voters)	For Federal & State or local elections: Packages with the following ballots & envelopes: Voted polling place ballots; Paper record; copies (see EC § 19271) of voted polling place ballots; Voted VBM ballots; VBM id envelopes; Voted provisional voter ballots; Provisional ballot voter id envelopes; Spoiled ballots; Canceled ballots; Unused VBM ballots surrendered by voter pursuant to EC§ 3015; Ballot receipts.	The record has remained unopened & unaltered and the designated time period (<u>22 months past a federal election & 6 months past a state or local election</u>) has elapsed since the declaration of the result of the election by the body canvassing the returns AND no contest to said election or criminal action involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures has been commenced within said time period.	Federal Election: 22 months. State or Local Election: 6 months Cannot be destroyed if a contest to election has arisen or criminal action involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures has commenced within the said period of time.	Elections Code §§ 17301-17306
3.16.5 (Registrar of Voters)	Nomination papers.	Four years have elapsed since the expiration of the term for which the papers were filed; and there is no pending investigation, action or proceeding.	4 years (if no pending investigation, action or proceeding).	Elections Code § 17100

3.16.6 (Registrar of Voters)	Initiative and referendum petitions.	Eight months have elapsed since the certification of the results of the election for which the petition qualified OR If the measure is not submitted to the voters, eight months have elapsed since the final examination of the petition by the elections official. Cannot be destroyed if the petition is evidence in any action or proceeding then pending or if there has been a written request to preserve the petitions for an ongoing or pending investigation.	8 months after the certification of the results of the election for which the petition qualified OR If the measure is not submitted to the voters, 8 months have elapsed since the final examination of the petition by the elections official. Cannot be destroyed if the petition is evidence in any action or proceeding then pending or if there has been a written request to preserve the petitions for an ongoing or pending investigation.	Elections Code § 17200
3.16.7 (Registrar of Voters)	Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures.	Retain permanently. OR Two years have elapsed since record was filed AND the record has been reproduced.	Permanently. OR 2 years after record was filed AND the record has been reproduced.	Govt. Code § 81009 (a), (g)
3.16.8 (Registrar of Voters)	Campaign statements of city council members, County supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate.	If elected: Retain permanently. OR Two years have elapsed since record was filed AND record has been reproduced. If not elected: Five years or more have elapsed since record was filed.	If elected: Retain permanently. OR 2 years from date record was filed AND record has been reproduced. If not elected: 5 years or more have elapsed since record was filed.	Govt. Code § 81009(b), (g)

3.16.9 (Registrar of Voters)	Campaign Statements - all other persons for all other offices not otherwise specified.	Seven years have elapsed since record was filed. OR Two years have elapsed since record was filed AND record has been reproduced.	7 years. OR 2 years from date record was filed AND the record has been reproduced.	Govt. Code § 81009(c), (g)
3.16.10 (Registrar of Voters)	Statements of Economic Interest of persons holding statewide elective office.	Retain permanently. OR Two years have elapsed since record was filed AND record has been reproduced.	Permanently. OR 2 years from date record was filed AND record has been reproduced.	Govt. Code § 81009(d), (g).
3.16.11 (Registrar of Voters)	Statements of Economic Interest - Supervisors, DA, County Counsel, Treasurer, CAO, Planning Commissioners - all other County filers.	Seven years have elapsed since record was filed. OR Two years have elapsed since record was filed AND record has been reproduced.	7 years. OR 2 years from date record was filed AND record has been reproduced.	Govt. Code § 81009 (e), (g)
3.16.12 (Registrar of Voters)	Copies of reports or statements relating to the Political Reform Act.	Four years have elapsed since record was filed. OR Two have lapsed since record was filed AND the record has been reproduced.	4 years. OR 2 years from date record was filed AND record has been reproduced	Govt. Code § 81009 (f), (g)
3.16.13 (Registrar of Voters)	Recall petitions NOT for state officer.	Preserve all recall petitions filed for eight months after the results of the election for which the petition qualified, or, if no election is held, eight months after the elections official's final examination of the petition. Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a County, city and County, city, or school district, including a school district, that the petition be preserved for use in a pending or ongoing investigation.	8 months after the results of the election for which the petition qualified for. OR 8 months after the election official's final examination of the petition. Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless a written request is received from specified entities or officials.	Elections Code § 17400

3.16.14 (Registrar of Voters)	Records reflecting appointment of precinct officials, including Precinct officers' declaration of intention, Precinct board member apps., nominations & orders appointing precinct boards & polling place assignments. Records of Vote by mail ballot applications.	The designated time period (<u>22 months past a federal election & 6 months past a state or local election</u>) has elapsed since the date of the election.	Federal Election: 22 months State or Local Election: 6 months.	Elections Code §§ 17502-17505
3.16.15 (Registrar of Voters)	List of new resident voters.	22 months has elapsed since the date of the election.	22 months.	Elections Code § 17506
3.16.16 (Registrar of Voters)	Applications for Voter Registration Information.	Five years have elapsed from the date of the application.	5 years.	Elections Code § 2188
3.16.17 (Registrar of Voters)	Roster of Voters, Combined Roster of Voters, Indexes (as provided for in EC § 14109).	Five years have elapsed since the date of the election. OR Record has been reproduced	5 years. OR Until next subsequent general election IF record has been reproduced.	Elections Code § 17300
3.17.1 (Risk Mgmt)	Insurance Policies.	Current or old.	Permanent. Any destruction of insurance policy requires approval of Risk Manager, County Counsel and BOS.	
3.17.2 (Risk Mgmt)	Operational Files	Information needed to administer County self-insurance programs including: cert of insurance letters, costs allocation plans, actuary studies, insurance renewal data, CAL OSHA 200 logs, OSHA surveys, annual State of CA Workers Comp report, loss runs, structures and contents values, incident reports, subrogation recoveries and other information filed by category of insurance coverage.	Permanent.	

3.17.3 (Risk Mgmt)	General Liability Claim Files	Civil claims against the County seeking monetary damages.	Permanent.	
3.17.4 (Risk Mgmt)	Workers' Comp Claim Files	On the job injury claims. Includes employee claims, employers report of occupational injury or illness, medical reports, legal correspondence, Appeal's Board findings and awards and other information relevant to the injury claim. All information is filed chronologically.	Permanent.	
3.17.5 (Risk Mgmt)	Community Center Use Agreements	4 years have elapsed since the date the record was created and the record is not the subject of any litigation, claim, negotiation or other such action.	4 years provided the records are not the subject of any litigation, claim, negotiation or other action.	Govt. Code § 26202
3.17.6 (Risk Mgmt)	Film & Special Event permits & corresponding applications.	4 years have elapsed since the date the record was created and the record is not the subject of any litigation, claim or negotiation.	4 years provided the records are not the subject of any litigation, claim, negotiation or other action.	Govt. Code § 26202
3.18.1 (Sheriff)	Please refer to Mono County Resolutions Nos. 97-62 and 08-01.			
3.19.1 (Social Services)	Records pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service & any additional information legally required to be kept.	The recipient has not rec'd any public assistance from the County for a period of three years. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Cannot be destroyed until audit findings have been resolved. * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 3-year period when the County is notified by the department or the State Department of Health Services, whichever has	3 years from the date final expenditure report submitted (for the last service provided). OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Cannot be destroyed until audit findings have been resolved. * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 3-year period when the County is notified by the department or the State Department of Health Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	WIC §§ 10851.14124.1

		jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.		
3.19.2 (Social Services)	Narrative portions of a case record pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service and any other information legally required to be kept.	The recipient has not rec'd any public assistance from the County for a period of three years. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Narrative portions can only be destroyed AFTER audit by the department or State Department of Health Services, whichever has jurisdiction. AND only if no criminal or civil action is pending.	3 years from the date final expenditure report submitted (for the last service provided). OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Narrative portions can only be destroyed AFTER audit by the department or State Department of Health Services, whichever has jurisdiction. AND only if no criminal or civil action is pending.	WIC §§ 10851.14124.1
3.19.3 (Social Services)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public social services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after 3 years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC §§ 10851 (c),(f) 14124.1
3.20.1 (Treasurer/ Tax Collector)	Redemption certificates.	12 years have elapsed since receipt. OR Records have been reproduced in accordance with Gov't Code § 26205 (and will be maintained for 12 years).	12 years. OR Immediately provided the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 12 years, after which time the reproduction may be destroyed).	R&T Code § 4107
3.20.2 (Treasurer/ Tax Collector)	Delinquent tax rolls and the original secured rolls on which they are based.	12 years have elapsed since receipt OR The abstract list has been certified as correct and complete by the Auditor and a reproduction has been made in accordance with Gov't Code § 26205 (and will be maintained for 12 years).	12 years. OR Immediately provided the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 12 years, after which time the reproduction may be destroyed).	R&T Code § 4377

3.20.3 (Treasurer/ Tax Collector)	Abstract lists of the tax rolls (prepared under § 4373 of the R&T Code).	Two years have elapsed since the time the lien has been removed.	2 years.	R&T Code § 4377
3.20.4 (Treasurer/ Tax Collector)	Any original unsecured tax roll containing the information set forth in the delinquent roll or abstract list.	The abstract list has been certified as correct and complete by the Auditor and a reproduction has been made in accordance with Gov't Code § 26205 (and will be maintained for 5 years).	5 years. OR Immediately provided and the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 5 years, after which time the reproduction may be destroyed).	R&T Code § 2928
3.20.5 (Treasurer/ Tax Collector)	Tax Rolls.	Two years after the last current item has been recorded thereon IF the records are reproduced & a copy of the reproduction is permanently retained.	2 years after last current item has been recorded (IF reproduced and reproduction is permanently retained).	Govt. Code § 26908
3.20.6 (Treasurer/ Tax Collector)	Certificates of deposit from the County Auditor.	The certificates have been filed for more than five years. OR The certificate has been filed for more than one year, and it has been reproduced in accordance with Gov't Code § 27001(b), the reproduced record is conveniently accessible & a provision is made for preserving, examining & using the same.	5 years. OR 1 year (if record is reproduced in accordance with Gov't Code § 27001(b), the reproduced record is conveniently accessible & a provision is made for preserving, examining & using the same.	Govt. Code § 27001
3.20.7 (Treasurer/ Tax Collector)	Bonds & interest coupons (County). See section 3.2.3 for school & special district bonds.	The bonds or any and all coupons pertaining thereto have been paid or canceled.	Upon payment or cancellation.	Govt. Code § 53921

ARTICLE IV

The records of special districts for which the board of supervisors is the governing body shall be destroyed in compliance with Government Code sections 60200, et seq.

ARTICLE V

This policy may be amended from time to time by additions, deletions, or amendments thereto by further resolution of the Board of Supervisors which shall be made with specific reference hereto and all of the provisions hereof not otherwise modified shall remain in full force and effect.



Mono County Record Retention and Destruction Policy

Adopted _____, 2020~~7~~

ARTICLE I CONDITIONS FOR DESTRUCTION APPLICABLE TO ALL RECORDS

Section 1.0.1. The County officer authorizing destruction or disposition must determine that the record has no further administrative value.

Section 1.0.2. All records dated 1910 and earlier and all other records of possible historical significance which are not otherwise retained by the county as historically significant records shall be offered to local historical societies in Mono County and then to the State of California Historical Preservation Commission or other state historical societies for preservation for historical purposes. If the offer is refused or not acted upon within thirty (30) days, the records may be destroyed pursuant to this resolution. Alternatively to destruction, the records may be given to any member of the public.

Section 1.0.3. Where federal or state funds have been furnished, authority to destroy a record must be secured from the appropriate federal or state agency if the record is required to be retained by the terms of the agreement or law by which the funds have been furnished.

Section 1.0.4. Reproduction means preserved in any form of communication or representation, including optical, electronic, magnetic, micrographic, or photographic media or other technology capable of accurately producing or reproducing the original record, in accordance with regulations adopted by the California Secretary of State for the preservation and reproduction of the medium.

Section 1.0.5. Authorization or requirement for reproduction means:

- a) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one which accurately reproduces the original in all details and which does not permit additions, deletions, or changes to the original document images.
- b) The reproduction is placed in conveniently accessible files, and provision is made for preserving, examining, and using the files, either permanently or for the stated time period.
- c) Every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.

Section 1.0.6. The term "record" means and includes all official or non-official, non-judicial documents, papers, audio recordings, records, documents, books, and files in the custody of County officers.

Section 1.0.7. Authorization for destruction of a record after a term of years of retention as set forth herein does not require the destruction of any record at the end of any such term of years, and the record may be retained for a longer period for the convenience of the County officer.

Section 1.0.8. Records that are related to litigation (Litigation Hold), whether asserted, threatened, pending, or ongoing, shall not be destroyed until the litigation has terminated and/or in accordance with Article II of this resolution, whichever is later.

Section 1.0.9. The Resolutions, minutes, audio tape recordings and other similar documents of Mono County Boards, Commissions and Committees which are subject to the Brown Act are governed by Article III for the Clerk of the Board Section 3.4.

Section 1.0.10. Destruction of duplicate copies is authorized pursuant to Government Code § 26201.

Section 1.0.11. This Policy supersedes and replaces in entirety, Mono County Board of Supervisors' Resolution No. R01-04 Authorizing the Destruction of Certain District Attorney Office Records, Documents, Instruments, Books, and Papers Pursuant to Government Code section 26205.1 and Resolution No. R09-69 Authorizing the Destruction of Certain Clerk of the Board Records Pursuant to Government Code section 26202.

ARTICLE II

DOCUMENTS AND SPECIAL CONDITIONS APPLICABLE TO ALL COUNTY OFFICERS IF THE RECORD IS NOT COVERED UNDER ARTICLE III (Board of Supervisors Approval Not Required Unless Otherwise Specified) (Govt. Code, §26205.1)

Section	Description of Record(s)	Conditions	Retention	Citation
2.1.1	DUPLICATE copies of documents WITH THE EXCEPTION of duplicate copies of the deposit permits or deposit receipts retained by the Clerk/Auditor/Controller at the time of issuance thereof and copies of inventories required by Section 24051 of the Government Code which the officer must retain for five years and deliver to the successor in office.	The original or a permanent reproduction is in the files of any officer or department of this County.	Immediately IF original is preserved.	Govt. Code § 26201
2.1.2	Records which were not prepared or received pursuant to state statute or county ordinance, and not required by law to be filed and preserved, including but not necessarily limited to the following: documents, forms or records made as supporting data for reports; resumes or other records whether or not the data is actually included in such report, resume or other record; time sheets, individual	The records are over two years old. No copy need be retained.	2 years.	Govt. Code § 26205.1(b)

	overtime slips and other records kept in support of payrolls by departments other than the Auditor's office (see section 3.2.9 and 3.2.10 for payrolls records pertaining to Auditor); automobile mileage reports; forms developed and maintained for departmental use only; letters or other records of requests from the public for information only and replies thereto; information compiled or collected for statistical reports or budget preparation and like records.			
2.1.3	Records which were prepared pursuant to state statute or County ordinance, but not expressly required by law to be filed and preserved and not otherwise addressed in Article III.	The records are over two years old. Requires 4/5th vote of the BOS, finding records are no longer needed for County purposes. No copy need be retained.	2 years from date record was created. *NOTE: any record which falls under this category and is not expressly mentioned in Article III will need to be brought to the Board separately and destruction will need to be approved by a 4/5 th vote.	Govt. Code § 26202
2.1.4	Records which are expressly required by law to be filed and preserved.	Hard copy record may not be destroyed unless accurately reproduced in a format that preserves all details and does not permit additions, deletions, or changes to the original document images and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent (hardcopy or the reproduction).	Govt. Code § 26205.1
2.1.5	Unaccepted bids or proposals for construction or installation of public works.	The records are five years old.	5 years.	Govt. Code § 26201

2.1.65	Recordings of routine video monitoring, by a video or electronic imaging systems designed to record the regular and ongoing operations of the department, including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems.	Recordings have been kept for 1 year.	1 year.	Govt. Code § 26202.6
2.1.76	Recordings of the routine daily recording of telephone communications to and from a county and maintained by the Department. (Does not include voicemail).	Recordings have been kept for 100 days and written approval of County Counsel has been obtained. 100 days.	100 days. (Requires County Counsel approval).	Govt. Code § 26202.6
2.1.87	Inventories filed by county officers or persons in charge of any office, department, service or institution of the County and the executive head of special districts whose affairs and funds are under supervision and control of the BOS or for which the board is ex officio.	Have been on file for more than five years. OR Document has been reproduced in accordance with section 26205.1.	5 years. OR Until reproduced in accordance with Section 26205.1.	Govt. Code §§ 24051, 26205.1
2.1.89	Original deeds granting property to Mono County or any special district governed by the BOS.	Do not destroy under any circumstances.	Permanent.	
2.1.912	Voicemails (including voicemails forwarded to email).		No retention necessary	

ARTICLE III

DOCUMENTS AND SPECIAL CONDITIONS APPLICABLE TO SPECIFIC COUNTY DEPARTMENTS (Board of Supervisors Approval Not Required Unless Otherwise Specified) (Govt. Code, §26205.1)

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Section	Description of Record(s)	Conditions	Retention/Destruction	Citation
3.1.1 (Assessor)	Any document not otherwise specified, including but not limited to documents containing information obtained from taxpayers.	Six years have elapsed since lien date for the taxes or tax year for which the document or information was obtained. OR Document has been preserved and is retrievable pursuant to R&T §465.	6 years. OR Immediately if preserved in a medium that provides access to the documents.	R&T Code § 465
3.1.2 (Assessor)	Affidavits claiming an exemption, for the first time, pursuant to section 254.5, 257 and 277.	Six years have elapsed since the lien date of the tax year for which the exemption was last granted. AND Document has been preserved and is retrievable	6 years. AND Document has been preserved and is retrievable in accordance with R&T §465.	R&T Code § 465

		in accordance with R&T §465.		
3.1.3 (Assessor)	Lot books.	The records are reproduced & placed in conveniently accessible files.	Until reproduced and reproductions are in publicly accessible files.	R&T Code § 1256; Govt. Code § 26205.1
3.2.1 (Auditor)	County, school or special district claims, warrants or any other paper issued as a warrant voucher.	The record is over five years old. OR The record has been reproduced in accordance with Gov't Code § 12168.7 & the reproduced records are in conveniently accessible files and kept for five years from the date of the document.	5 years. OR At any time after the record has been reproduced in accordance with Gov't Code § 12168.7 & the reproduced records are in conveniently accessible files and kept for 5 years from the date of the document.	Govt. Code § 26907
3.2.2 (Auditor)	The Index or Warrant Register.	The record is over five years old. OR A photographic record has been made of the record.	5 years. OR At any time after a photographic record has been made of the record. (An index or warrant register that is over 5 years old may be destroyed without being reproduced).	Govt. Code § 26907
3.2.3 (Auditor)	County, school or special district bonds or coupons.	Bonds or any and all coupons pertaining thereto have been paid or cancelled for not less than five years.	5 years after paid or canceled.	Govt. Code §§ 53921 & 26907.1
3.2.4 (Auditor)	Auditor's copies of County deposit permits.	The record is more than five years old.	5 years.	Govt. Code § 26907.2
3.2.5 (Auditor)	Statements & affidavits of salaried County officers regarding fees collected as required by Chapter 8 of the Government Code, commencing with § 24350.	The records are more than five years old. OR At any time after the records have been reproduced if the copy is kept and maintained for five years.	5 years. OR Until reproduced (copies must be kept for 5 years).	Govt. Code §§ 24356 and 26907
3.2.6 (Auditor)	Any original unsecured tax roll containing the information set forth in the delinquent roll or abstract list.	The record has been certified as correct and complete by the Auditor; a certified permanent record on a substitute media has been prepared in accordance with Gov't Code § 26205; and the substitute media will be	5 years. OR Immediately once certified by the Auditor as correct and reproduced and maintained for 5 years in accordance with Gov't Code § 26205 (reproduction may be destroyed after five years).	R&T Code § 2928

		retained for at least 5 years from the date of the creation of the original document.		
3.2.7 (Auditor)	Fiscal, statistical & other records necessary for maintaining accountability & meeting reporting requirements related to the administration of public social services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC § 10851(c),(f)
3.2.8 (Auditor)	Statements of assets in Treasury.	Original quarterly and annual reports are filed with the Clerk and another copy of each is posted and maintained in the Auditor's office for at least one quarter.	At least 1 quarter after filing copy with the Clerk of the Board of Supervisors.	Govt. Code §§ 26920, 26922
3.2.9 (Auditor)	All records used to support payroll transactions.	6 years have elapsed since the close of the calendar year in which the final payment is made.	6 years after the end of the calendar year in which the record was created.	Govt. Code § 26202
3.2.10 (Auditor)	Payroll Masters – Year-end report for all yearly payroll activity for all departments.	10 years have elapsed since the end of the calendar year in which the record was created.	10 years after the end of the calendar year in which the record was created.	Govt. Code § 26202
3.3.1 (Behavioral Health)	Records, including narrative portions of the records, pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service & any additional information legally required to be kept.	10 years have passed from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later. OR Immediately upon reproduction and electronic storage (and then after 10 years have passed from the final date of the contract period, from the date of completion of any audit or from the date the service was rendered, whichever is later, can be destroyed).	10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later, in accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations. OR Immediately upon reproduction and electronic storage (and then after 10 years have passed from the final date of the contract period, from the date of completion of any audit or from the date the service was rendered, whichever is later, can be destroyed).	WIC § 14124.1; 42 CFR §438.3

		<p>* Cannot be destroyed if another statute requires a longer retention period.</p> <p>* Records shall be retained beyond the 10-year period when the County Department is notified by the department County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.</p>	<p>* Cannot be destroyed if another statute requires a longer retention period.</p> <p>* Records shall be retained beyond the 10-year period when the County Department is notified by the department County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.</p>	
3.3.3 (Behavioral Health)	Patient/Client health service records, kept by a licensed psychologist, professional clinical counselor, licensed clinical social worker or a marriage & family therapist.	<p>If the records pertain to a client whose therapy has terminated on or after January 1, 2015 and 10 years have elapsed since the date the client/patient last received therapy services or treatment and any audits have been completed.</p> <p>OR</p> <p>If the client/patient is an unemancipated minor when services were rendered, the file must be kept at least for 10 years after the minor turns 18.</p>	<p>10 years after the date the client last received services or treatment and any audits have been completed.</p> <p>OR</p> <p>If the client/patient was an unemancipated minor when services were rendered, the file must be kept at least 10 years after minor turns 18.</p> <p>*This retention period applies only to the records of a client or patient whose therapy is terminated on or after January 1, 2015.</p> <p>*Records may be retained in either electronic or written format.</p>	<p>22 CCR § 77143</p> <p>H&S Code § 123145</p> <p>Bus. & Prof. Code §§ 2919, 4980.49; 4989.51, 4993,4999.75.</p>
3.3.4 (Behavioral Health)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public services.	<p>Three years have elapsed since the date of the final expenditure report.</p> <p>OR</p> <p>Record has been reproduced and is stored electronically.</p> <p>Cannot be destroyed if Audit findings have not been resolved.</p>	<p>3 years from date final expenditure report submitted.</p> <p>OR</p> <p>Immediately upon reproduction and electronic storage (and then after three years can be destroyed).</p> <p>Cannot be destroyed if Audit findings have not been resolved.</p>	WIC § 10851(c),(f)
3.3.5 (Behavioral Health)	DUI participant case files	48 months have elapsed since one of the following and: Individual has been transferred to another DUI program; Individual has been dismissed from the program; OR Notice of Completion Certificate has been issued.	48 months have elapsed since one of the following: Individual has been transferred to another DUI program; Individual has been dismissed from the program; OR Notice of Completion Certificate has been issued.	9 CCR § 9866

3.4.1 (Clerk of the Board)	Contracts & original specifications of County buildings.	The building to which the records apply has been completed for over ten years.	10 years.	Govt. Code §§25101, 26202; CCP §337.15
3.4.2 (Clerk of the Board)	Resolution Books; Minute Books; Ordinance Books; Board agendas & packets; records and accounts of supervisors.	Permanent. (Can be reproduced and retained electronically)	Permanent. (Can be reproduced and retained electronically).	Govt Code §§ 25102, 25102.1, 25104, 25105
3.4.3 (Clerk of the Board)	Contracts and agreements not relating to public improvements.	Four years has elapsed since the expiration of term and no legal action pending.	4 years after term ends (if no legal action pending).	Govt. Code § 26202, CCP § 337
3.4.4 (Clerk of the Board)	Assessment Appeals Board files.	Five years have elapsed since final AAB action and no legal action is pending involving the application. OR Records have been reproduced & three years have elapsed.	5 years after final AAB action (if no legal action pending). OR 3 years (if reproduced).	Govt. Code § 25105.5
3.4.5 (Clerk of the Board)	Audio or video recordings of official proceedings of a public body subject to the Brown Act.	Two years have elapsed since the date of the recording.	Indefinitely.	Govt. Code § 54953.5
3.4.6 (Clerk of the Board)	Claims against County or special district for which the Board of Supervisors is the governing body.	Five years have elapsed since final Board action and no legal action is pending involving the application.	5 years (if no legal action pending).	Govt. Code § 25105.5
3.4.7 (Clerk of the Board)	Correspondence received (not requiring action).	2 years have elapsed since receipt of correspondence.	2 years.	Govt. Code § 26202
3.4.8 (Clerk of the Board)	Any document containing information obtained from taxpayers.	Six years have elapsed since lien date for the taxes for which the information was obtained. OR Three years have elapsed since such lien date and the records are reproduced.	6 years. OR 3 years if reproduced.	Rev. & Tax Code §§ 465

3.5.1 (Community Development)	Building Permits	Kept for the life of the building or reproduction has been made and is accessible and reproduction is kept for life of building.	Life of the building. OR May be destroyed at any time provided a reproduction is made and retained. Reproduction must be kept for the life of the building.	H&S Code §19850; Govt Code § 26205
3.5.2 (Community Development)	Zoning Maps or Maps referencing Land Use Designations.	May not be destroyed unless reproduced and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent. OR Until reproduced and the reproduction is in conveniently accessible files and available for use on a permanent basis.	Govt. Code § 26205.1
3.5.3 (Community Development)	Environmental Documents (CEQA) including: Initial Study Negative Decs. EIR's Technical Studies	May not be destroyed unless reproduced and the reproduction is placed in conveniently accessible files, and provision is made for preserving, examining and using the files on a permanent basis.	Permanent. OR Until reproduced and the reproduction is in conveniently accessible files and available for use on a permanent basis	Govt. Code § 26205.1
3.6.1 (Coroner)	The official file for each deceased person required by Gov't Code § 27463.	The Coroner's investigation is completed, the case is closed, and the record is reproduced and placed in conveniently accessible files.	Until reproduced and placed in conveniently accessible files (after investigation completed and case closed).	Govt. Code § 27463.5
3.6.2 (Coroner)	Blood and urine samples from persons killed as result of motor vehicle accident.	Detailed medical findings resulting from chemical examinations must be reduced to writing or permanently preserved on recording disks or similar recording media.	Permanent.	Govt. Code § 27491.25
3.7.1 (County Clerk)	Fictitious business name statement.	The statements have expired and four years have elapsed since the expiration.	4 years after expiration.	Bus. & Prof. Code § 17927(a)
3.7.2 (County Clerk)	Statements of abandonment of fictitious business name or withdrawal from partnership operation under fictitious business name and proof of publication.	At the same time the fictitious business name statement to which it relates is destroyed.	Until fictitious business name statement is destroyed.	Bus. & Prof. Code §§ 17927 (a) & 17927(b)

3.7.3 (County Clerk)	Official Oath filed by a Notary Public.	One year has elapsed since the expiration of the term of the commission for which the oath was taken.	1 year after expiration of the commission for which the oath was taken.	Govt. Code § 8213
3.7.4 (County Clerk)	All public papers of any Notary Public who dies, resigns, is disqualified, removed from office, or allows his commission to expire without reappointment within 30 days.	More than ten years have elapsed since records were deposited, no request for or reference to such records has been made, and an order of the court is first obtained.	10 years (if court order obtained and no request for/reference to records have been made).	Govt. Code § 8209
3.7.5 (County Clerk)	Certificates of Confidential Marriages.	After one year if reproduced.	1 year (if reproduced).	Family Code § 511
3.7.6 (County Clerk)	Grand Jury Reports and Responses.	Permanent record. Do not destroy.	Permanent.	Penal Code § 933(c)
3.7.7 (County Clerk)	Statements of Cash in Treasury (filed with Clerk by Auditor)		2 years.	Govt. Code §§ 26920, 26922, 26205.1
3.7.8 (County Clerk)	Deputy Oath.	5 years have elapsed since the date of revocation of the appointment of the deputy.	5 years after the date of revocation of appointment. (No reproduction need be made or preserved).	Govt. Code §§ 24102 (a),(d)
3.7.9 (County Clerk)	Process Server's Certificate of Registration.	The certificate of registration has been kept for three years past the expiration date of the certificate.	The cert. of registration retained for 3 years following the expiration date of the cert., after which the cert. may be destroyed if scanned or if the conditions in Gov. Code § 26205.1 are met. If cert. is scanned, the image shall be retained for 10 years, after which time that image may be destroyed and no reproduction thereof need be made or preserved.	Bus. & Prof. Code § 22351(c)
3.7.10 (County Clerk)	Professional Photocopier application for registration.	The application for registration has been kept for a period of three years past the expiration date.	Application for registration shall be retained for 3 years past its expiration date, after which time it may be destroyed if it is scanned or if the conditions in Gov. Code 26205.1 are met. If it is scanned, the scanned image shall be retained for 10 years. After which time image may be destroyed & no reproduction need preserved.	Bus. & Prof. Code § 22452(c)

3.7.11 (County Clerk)	Unlawful Detainer Assistants & Legal Document Assistants application for registration.	The application for registration has been kept for a period of three years following the expiration date of the application.	The County clerk shall retain the application for a period of 3 years following the expiration date of the application, after which time the application may be destroyed if it is scanned or if the conditions specified in Gov. Code 26205.1 are met. If the application is scanned, the scanned image shall be retained for a period of 10 years, after which that image may be destroyed and no reproduction need be made or preserved.	Bus. & Prof. Code § 6403(e)
<u>3.7.12</u> (County Clerk)	<u>Vital Records: Applications (Includes requestor & registrant information for requests for vital records.)</u>	<u>The application has been kept for a period of two years after receipt by the County.</u>	<u>2 years.</u>	<u>Govt. Code § 26202</u>
3.8.1 (County Counsel)	Assessment Appeal Files (e.g., records for appeals of property tax amount, including owner's appeal, BOE decisions or findings, attorney notes, etc.).	Six years have elapsed since matter was closed.	6 years.	Code of Civil Proc. §§338, 341, et seq.; Govt. Code §25205; R&T Code §465
3.8.2 (County Counsel)	Bail Bond Motion Files (e.g., records of bail summary judgments, receipt of payments, proof of transfer of funds to court, attorney notes, etc.).	Two years have elapsed since matter was closed.	2 years.	PC § 1305 Govt. Code § 26205.1
3.8.3 (County Counsel)	Code Enforcement or Admin Appeal Hearing Case Files (e.g., petitions, orders, notices, pictures, attorney notes, etc.).	Five years have elapsed since matter was closed.	5 years.	Govt. Code § 26205.1

3.8.4 (County Counsel)	Human Resources Case Files (e.g., grievances, writs, disciplinary actions, federal or state litigation matters, attorney notes, etc.).	10 years have elapsed since matter was closed or since separation from the County services (whichever is later).	10 years after matter is closed or separation from County (whichever is later).	Govt. Code §§ 12946, 26205.1
3.8.5 (County Counsel)	Juv. Dependency Case Files (e.g., petitions filed pursuant to WIC, birth certificates, notices, citations, orders, social worker reports, ex parties, court reports, parent locator discovery reports, ICWA documents, minute orders, paternity tests, attorney notes, etc.).	Matter is closed + child reaches 28 years of age.	File shall be retained until the child reaches 28 years old.	Govt. Code § 68152(g); WIC § 826(a)
3.8.6 (County Counsel)	Litigation Case Files (e.g., records related to County action in civil and criminal cases or actions involving property such as eminent domain, including briefs, court proceedings, pleadings, investigative materials, petitions, notices, attorney notes, etc.).	Ten years have elapsed since matter was closed.	10 years.	Govt. Code § 26205.1
3.8.7 (County Counsel)	Conservatorship Case Files (e.g., records related to LPS or Probate conservatorship matters, including petitions, accountings, correspondence, court orders, letters of conservatorship, attorney notes, etc.).	Five years have elapsed since the matter was closed.	5 years.	CCP §§338, 337 et seq.; Govt. Code §§ 945, 25105.5; PC §832.5

3.8.8 (County Counsel)	County Department/District files (e.g., correspondence, memoranda, research, etc.).	Five years have elapsed since matter was closed.	5 years.	Govt. Code § 26205.1
3.9.1 (District Attorney)	Crime and supplemental reports, complaints, and files.	10 years has elapsed since record or file has been closed or adjudicated; it does not relate to an unadjudicated crime; it does not relate to unserved warrants; it does not relate to a criminal death case; and it is not presently the subject of either civil or criminal litigation.	10 years after close or adjudication of case provided record is not related to an unadjudicated crime, unserved warrant, criminal death case, and is not presently the subject of either civil or criminal litigation.	Govt. Code § 26205.1
3.9.2 (District Attorney)	Miscellaneous noncriminal reports.	3 years have elapsed since the record or file has been closed.	3 years.	
3.10.1 (Human Resources)	Any personnel or employment record or file made or kept by County (including but not limited to requests for reasonable accommodation application forms submitted by applicants & other records having to do with hiring, promotion, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation & selection for training).	Two years have elapsed since the date of the making of the record or the personnel action involved.	Record shall be preserved for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later.	Title 29, Chpt XIV, § 1602.31 CFR; Govt. Code §12946
3.10.2 (Human Resources)	Terminated Employee Files.	Seven years have elapsed since the end of employment.	7 years.	Title 29, Chpt XIV, § 1602.31 CFR; Govt. Code §12946
3.10.3 (Human Resources)	EE0-4 Reports – annual report req'd by federal law.	Three years have elapsed since the report was created.	3 years.	Title 29, Chpt XIV, § 1602.30 CFR

3.10.4 (Human Resources)	MOU agreements negotiated between County & employee bargaining units.		Permanent.	
3.11.1 (Probation)	Records relating to individual minors.	Five years have elapsed since the termination of jurisdiction of the juvenile court over the minor.	5 years.	WIC § 826(a)
3.11.2 (Probation)	Records related to any person over 18.	Five years have elapsed since the termination of probation.	5 years.	Penal Code § 1203.10
3.12.1 (Public Health)	Rabies Control Records.	10 years have elapsed since the date record was created.	10 years.	Gov't Code § 26202
3.12.2 (Public Health)	X-ray photographs and case records taken with regard to tuberculosis.	The records are more than five years old and: 1. They do not show the existence of tuberculosis in the infectious stage; 2. The individual to whom the records pertain has been deceased more than two years, would be 102 years old according to date of birth as shown on the record; or 3. The person's place of residence has been unknown for over 10 years.	5 years (if the records do not show the existence of tuberculosis in the infectious stage; or the individual to whom the records pertain has been deceased more than two years, would be 102 years old according to date of birth as shown on the record; or the person's place of residence has been unknown for over 10 years). * The records may be offered to a public or private medical library instead of being destroyed.	H&S Code § 123150
3.12.4 (Public Health)	Women, Infants & Children (WIC) program records.	Three-Ten years have elapsed since the date of the final expenditure report for the period to which the report pertains. * Cannot be destroyed if any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the three-year period. * If FNS deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them.	10 3-years after date of the final expenditure report for the period to which the report pertains. * Cannot be destroyed if any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the 3-year period. * If FNS deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them.	7 CFR § 246.25

3.12.5 (Public Health)	Records pertaining to health care services rendered under CMAA, Medi-Cal or any other health care program administered by the department or its agents or contractors, including services rendered, recipient of services, date of service and any additional information required by law to be kept by said Department.	<p>10 years have passed from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later.</p> <p>OR</p> <p>Immediately upon reproduction and electronic storage (and then after ten years can be destroyed).</p> <p>* Cannot be destroyed if another statute requires a longer retention period.</p> <p>* Records shall be retained beyond the 10-year period when the Department is notified by the County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.</p>	<p>10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later, in accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations.</p> <p>OR</p> <p>Immediately upon reproduction and electronic storage (and then after 10 years can be destroyed).</p> <p>* Cannot be destroyed if another statute requires a longer retention period.</p> <p>* Records shall be retained beyond the 10-year period when the Department is notified by the County or the State Department of Health and Human Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.</p>	WIC §§ 40854 , 14124.1; 42 CFR §433.32, 438.3
3.12.7 (Public Health)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public services.	<p>Three years have elapsed since the date of the final expenditure report.</p> <p>OR</p> <p>Record has been reproduced and is stored electronically.</p> <p>Cannot be destroyed if Audit findings have not been resolved.</p>	<p>3 years from date final expenditure report submitted.</p> <p>OR</p> <p>Immediately upon reproduction and electronic storage (and then after three years can be destroyed).</p> <p>Cannot be destroyed if Audit findings have not been resolved.</p>	WIC § 10851(c),(f); 42 CFR §433.32
3.12.8 (Public Health)	Water Test Records.	Five years have elapsed since the date record was created.	5 years.	40 CFR § 141.33(a)
3.12.9 (Public Health)	Records of chemical analyses made pursuant to 40 CFR § 141.33(a).	10 years have elapsed since the date the record was created.	10 years.	40 CFR § 141.33(a)
3.12.10 (Public Health)	Small water system files (made for each small water system under County jurisdiction pursuant to CCR § 64259) including	10 years have elapsed since the date the record was created.	10 years.	22 CCR § 64259

	permits & all corresponding technical reports, monitoring results, photos plans, historical data and correspondence.			
3.12.11 (Public Health)	Solid Waste records for disposal sites located with the jurisdiction of enforcing agency.		All files and their contents shall be retained by the enforcement agency for as long as a facility or disposal site physically exists.	14 CCR § 18020
3.13.1 (Public Works)	Traffic Collision Reports received from the California Highway Patrol.	Two years have elapsed since receipt of the records.	2 years.	Govt. Code § 26202
3.13.2 (Public Works)	Unaccepted bids or proposals for construction or installation of public works.	Two years have elapsed since receipt of the bid. Accepted bids should be filed with the contract.	2 years.	Govt. Code § 26202.1
3.14.1 (Purchasing Agent)	Written requisitions received by the Purchasing Agent.	Three years have elapsed since creation.	3 years.	Govt. Code § 25501.5
3.14.2 (Purchasing Agent)	Unaccepted bids & proposals for services, supplies & equipment received by Purchasing Agent.	Two years have elapsed since receipt of the record.	2 years.	Govt. Code § 26205.1
3.14.3 (Purchasing Agent)	Accepted bids & proposals for services, supplies & equipment received by Purchasing Agent.	Four years have elapsed since completion of the project or contract.	4 years after completion of project or contract.	CCP § 337
3.14.4 (Purchasing Agent)	Contracts for the construction of County buildings.	The building to which the records apply has been completed for over 10 years.	10 years.	Govt. Code, § 26205.1; CCP § 337.15
3.15.1 (Recorder)	Federal tax liens, together with any release of such lien.	More than eight years have elapsed since the lien was filed and all unreleased liens are reproduced.	8 years IF all unreleased liens are reproduced.	Govt. Code § 27206

3.15.2 (Recorder)	Papers and record books created under Land Title Law.	The records have been reproduced in accordance with Gov't Code §26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility is permanently preserved.	Until reproduced in accordance with Gov't Code § 26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility must be permanently preserved.	Govt. Code §§ 27207; 26205.5
3.15.3 (Recorder)	Any or all filed papers or record books created by handwriting, typing on printed forms, typewriting or photographic methods.	The records have been reproduced in accordance with Govt' Code § 26205.5 AND PROVIDED THAT any page which cannot be reproduced on film with full legibility is permanently preserved.	Until reproduced in accordance with Gov't Code § 26205.5. AND PROVIDED THAT any page which cannot be reproduced on film with full legibility must be permanently preserved.	Govt. Code § 26205.5
3.15.4 (Recorder)	Any original document left for recording.	Documents are undeliverable by mail and uncalled for for at least ten years after the date of recording. OR Documents have been reproduced & are undeliverable by mail & uncalled on for at least two years.	10 years (if undeliverable and uncalled for during that time). OR 2 years (if reproduced and undeliverable and uncalled for during that time).	Govt. Code § 26205.6
3.15.5 (Recorder)	Any notice of completion of any building or improvement, and the contract, plans, specifications and bond under which the work was done.	Five years have elapsed from the date of filing in the Recorder's office AND the Recorder has not been notified in writing to retain them by someone claiming interest under the contract or in the property affected. OR Two years have elapsed and the Recorder has returned the documents to the person who filed them, and the Recorder has not been notified in writing to retain them by someone claiming interest under the contract or in the property affected in either case.	5 years (if not returned to filer) UNLESS notified in writing to retain them by someone claiming interest under the contract or in the property affected. OR 2 years (if returned to filer) UNLESS notified in writing to retain them by someone claiming interest under the contract or in the property affected.	Govt. Code § 27205
3.15.6 (Recorder)	Temporary Index sheets prepared by key punch or printing machine.	Permanent indexes have been completed from same key punch cards.	Must be retained until permanent indexes are completed from same key punch cards.	Govt. Code § 27265

3.15.7 (Recorder)	State highway construction plans and right of way maps.	Document has been microfilmed.	Can be destroyed at any time provided document has been microfilmed.	Streets & Highways Code §§ 128, 129
3.16.1 (Registrar of Voters)	Cancelled original affidavits of registration.	Five years have elapsed since cancellation. OR The first general election has taken place since such cancellation and the affidavits are reproduced.	5 years. OR After the first general election has taken place since cancellation (if reproduced).	Elections Code § 17000
3.16.2 (Registrar of Voters)	Index to affidavits of registration described in EC § 2183.	Five years have elapsed since the date of the registration.	5 years.	Elections Code § 17000
3.16.3 (Registrar of Voters)	Index of voters from previous statewide general election.	Five years have elapsed since the date of the election. OR Record has been reproduced.	5 years. OR Until next subsequent general election IF record has been reproduced.	Elections Code §§ 2191; 17300
3.16.4 (Registrar of Voters)	For Federal & State or local elections: Packages with the following ballots & envelopes: Voted polling place ballots; Paper record; copies (see EC § 19271) of voted polling place ballots; Voted VBM ballots; VBM id envelopes; Voted provisional voter ballots; Provisional ballot voter id envelopes; Spoiled ballots; Canceled ballots; Unused VBM ballots surrendered by voter pursuant to EC§ 3015; Ballot receipts.	The record has remained unopened & unaltered and the designated time period (<u>22 months past a federal election & 6 months past a state or local election</u>) has elapsed since the declaration of the result of the election by the body canvassing the returns AND no contest to said election or criminal action involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures has been commenced within said time period.	Federal Election: 22 months. State or Local Election: 6 months Cannot be destroyed if a contest to election has arisen or criminal action involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures has commenced within the said period of time.	Elections Code §§ 17301-17306
3.16.5 (Registrar of Voters)	Nomination papers.	Four years have elapsed since the expiration of the term for which the papers were filed; and there is no pending investigation, action or proceeding.	4 years (if no pending investigation, action or proceeding).	Elections Code § 17100

<p>3.16.6 (Registrar of Voters)</p>	<p>Initiative and referendum petitions.</p>	<p>Eight months have elapsed since the certification of the results of the election for which the petition qualified OR If the measure is not submitted to the voters, eight months have elapsed since the final examination of the petition by the elections official.</p> <p>Cannot be destroyed if the petition is evidence in any action or proceeding then pending or if there has been a written request to preserve the petitions for an ongoing or pending investigation.</p>	<p>8 months after the certification of the results of the election for which the petition qualified OR If the measure is not submitted to the voters, 8 months have elapsed since the final examination of the petition by the elections official.</p> <p>Cannot be destroyed if the petition is evidence in any action or proceeding then pending or if there has been a written request to preserve the petitions for an ongoing or pending investigation.</p>	<p>Elections Code § 17200</p>
<p>3.16.7 (Registrar of Voters)</p>	<p>Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures.</p>	<p>Retain permanently. OR Two years have elapsed since record was filed AND the record has been reproduced.</p>	<p>Permanently. OR 2 years after record was filed AND the record has been reproduced.</p>	<p>Govt. Code § 81009 (a), (g)</p>
<p>3.16.8 (Registrar of Voters)</p>	<p>Campaign statements of city council members, County supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate.</p>	<p>If elected: Retain permanently. OR Two years have elapsed since record was filed AND record has been reproduced.</p> <p>If not elected: Five years or more have elapsed since record was filed.</p>	<p>If elected: Retain permanently. OR 2 years from date record was filed AND record has been reproduced.</p> <p>If not elected: 5 years or more have elapsed since record was filed.</p>	<p>Govt. Code § 81009(b), (g)</p>

3.16.9 (Registrar of Voters)	Campaign Statements - all other persons for all other offices not otherwise specified.	Seven years have elapsed since record was filed. OR Two years have elapsed since record was filed AND record has been reproduced.	7 years. OR 2 years from date record was filed AND the record has been reproduced.	Govt. Code § 81009(c), (g)
3.16.10 (Registrar of Voters)	Statements of Economic Interest of persons holding statewide elective office.	Retain permanently. OR Two years have elapsed since record was filed AND record has been reproduced.	Permanently. OR 2 years from date record was filed AND record has been reproduced.	Govt. Code § 81009(d), (g).
3.16.11 (Registrar of Voters)	Statements of Economic Interest - Supervisors, DA, County Counsel, Treasurer, CAO, Planning Commissioners - all other County filers.	Seven years have elapsed since record was filed. OR Two years have elapsed since record was filed AND record has been reproduced.	7 years. OR 2 years from date record was filed AND record has been reproduced.	Govt. Code § 81009 (e), (g)
3.16.12 (Registrar of Voters)	Copies of reports or statements relating to the Political Reform Act.	Four years have elapsed since record was filed. OR Two have lapsed since record was filed AND the record has been reproduced.	4 years. OR 2 years from date record was filed AND record has been reproduced	Govt. Code § 81009 (f), (g)
3.16.13 (Registrar of Voters)	Recall petitions NOT for state officer.	Preserve all recall petitions filed for eight months after the results of the election for which the petition qualified, or, if no election is held, eight months after the elections official's final examination of the petition. Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a County, city and County, city, or school district, including a school district, that the petition be preserved for use in a pending or ongoing investigation.	8 months after the results of the election for which the petition qualified for. OR 8 months after the election official's final examination of the petition. Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless a written request is received from specified entities or officials.	Elections Code § 17400

3.16.14 (Registrar of Voters)	Records reflecting appointment of precinct officials, including Precinct officers' declaration of intention, Precinct board member apps., nominations & orders appointing precinct boards & polling place assignments. Records of Vote by mail ballot applications.	The designated time period (<u>22 months past a federal election & 6 months past a state or local election</u>) has elapsed since the date of the election.	Federal Election: 22 months State or Local Election: 6 months.	Elections Code §§ 17502-17505
3.16.15 (Registrar of Voters)	List of new resident voters.	22 months has elapsed since the date of the election.	22 months.	Elections Code § 17506
3.16.16 (Registrar of Voters)	Applications for Voter Registration Information.	Five years have elapsed from the date of the application.	5 years.	Elections Code § 2188
3.16.17 (Registrar of Voters)	Roster of Voters, Combined Roster of Voters, Indexes (as provided for in EC § 14109).	Five years have elapsed since the date of the election. OR Record has been reproduced	5 years. OR Until next subsequent general election IF record has been reproduced.	Elections Code § 17300
3.17.1 (Risk Mgmt)	Insurance Policies.	Current or old.	Permanent. Any destruction of insurance policy requires approval of Risk Manager, County Counsel and BOS.	
3.17.2 (Risk Mgmt)	Operational Files	Information needed to administer County self-insurance programs including: cert of insurance letters, costs allocation plans, actuary studies, insurance renewal data, CAL OSHA 200 logs, OSHA surveys, annual State of CA Workers Comp report, loss runs, structures and contents values, incident reports, subrogation recoveries and other information filed by category of insurance coverage.	Permanent.	

3.17.3 (Risk Mgmt)	General Liability Claim Files	Civil claims against the County seeking monetary damages.	Permanent.	
3.17.4 (Risk Mgmt)	Workers' Comp Claim Files	On the job injury claims. Includes employee claims, employers report of occupational injury or illness, medical reports, legal correspondence, Appeal's Board findings and awards and other information relevant to the injury claim. All information is filed chronologically.	Permanent.	
3.17.5 (Risk Mgmt)	Community Center Use Agreements	4 years have elapsed since the date the record was created and the record is not the subject of any litigation, claim, negotiation or other such action.	4 years provided the records are not the subject of any litigation, claim, negotiation or other action.	Govt. Code § 26202
3.17.6 (Risk Mgmt)	Film & Special Event permits & corresponding applications.	4 years have elapsed since the date the record was created and the record is not the subject of any litigation, claim or negotiation.	4 years provided the records are not the subject of any litigation, claim, negotiation or other action.	Govt. Code § 26202
3.18.1 (Sheriff)	Please refer to Mono County Resolutions Nos. 97-62 and 08-01.			
3.19.1 (Social Services)	Records pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service & any additional information legally required to be kept.	The recipient has not rec'd any public assistance from the County for a period of three years. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Cannot be destroyed until audit findings have been resolved. * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 3-year period when the County is notified by the department or the State Department of Health Services, whichever has	3 years from the date final expenditure report submitted (for the last service provided). OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Cannot be destroyed until audit findings have been resolved. * Cannot be destroyed if another statute requires a longer retention period. * Records shall be retained beyond the 3-year period when the County is notified by the department or the State Department of Health Services, whichever has jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.	WIC §§ 10851.14124.1

		jurisdiction over the records, to retain records for a longer period of time, including for civil or criminal action.		
3.19.2 (Social Services)	Narrative portions of a case record pertaining to health care services rendered under Medi-Cal or any other health care program administered by the department or its agents/contractors, including services rendered, recipient of services, date of service and any other information legally required to be kept.	The recipient has not rec'd any public assistance from the County for a period of three years. OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Narrative portions can only be destroyed AFTER audit by the department or State Department of Health Services, whichever has jurisdiction. AND only if no criminal or civil action is pending.	3 years from the date final expenditure report submitted (for the last service provided). OR Immediately upon reproduction and electronic storage (and then after three years can be destroyed). * Narrative portions can only be destroyed AFTER audit by the department or State Department of Health Services, whichever has jurisdiction. AND only if no criminal or civil action is pending.	WIC §§ 10851.14124.1
3.19.3 (Social Services)	Fiscal, statistical and other records necessary for maintaining accountability and meeting reporting requirements relating to the administration of public social services.	Three years have elapsed since the date of the final expenditure report. OR Record has been reproduced and is stored electronically. Cannot be destroyed if Audit findings have not been resolved.	3 years from date final expenditure report submitted. OR Immediately upon reproduction and electronic storage (and then after 3 years can be destroyed). Cannot be destroyed if Audit findings have not been resolved.	WIC §§ 10851 (c),(f) 14124.1
3.20.1 (Treasurer/ Tax Collector)	Redemption certificates.	12 years have elapsed since receipt. OR Records have been reproduced in accordance with Gov't Code § 26205 (and will be maintained for 12 years).	12 years. OR Immediately provided the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 12 years, after which time the reproduction may be destroyed).	R&T Code § 4107
3.20.2 (Treasurer/ Tax Collector)	Delinquent tax rolls and the original secured rolls on which they are based.	12 years have elapsed since receipt OR The abstract list has been certified as correct and complete by the Auditor and a reproduction has been made in accordance with Gov't Code § 26205 (and will be maintained for 12 years).	12 years. OR Immediately provided the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 12 years, after which time the reproduction may be destroyed).	R&T Code § 4377

3.20.3 (Treasurer/ Tax Collector)	Abstract lists of the tax rolls (prepared under § 4373 of the R&T Code).	Two years have elapsed since the time the lien has been removed.	2 years.	R&T Code § 4377
3.20.4 (Treasurer/ Tax Collector)	Any original unsecured tax roll containing the information set forth in the delinquent roll or abstract list.	The abstract list has been certified as correct and complete by the Auditor and a reproduction has been made in accordance with Gov't Code § 26205 (and will be maintained for 5 years).	5 years. OR Immediately provided and the records have been reproduced in accordance with Gov't Code § 26205 (and will be retained for 5 years, after which time the reproduction may be destroyed).	R&T Code § 2928
3.20.5 (Treasurer/ Tax Collector)	Tax Rolls.	Two years after the last current item has been recorded thereon IF the records are reproduced & a copy of the reproduction is permanently retained.	2 years after last current item has been recorded (IF reproduced and reproduction is permanently retained.	Govt. Code § 26908
3.20.6 (Treasurer/ Tax Collector)	Certificates of deposit from the County Auditor.	The certificates have been filed for more than five years. OR The certificate has been filed for more than one year, and it has been reproduced in accordance with Gov't Code § 27001(b), the reproduced record is conveniently accessible & a provision is made for preserving, examining & using the same.	5 years. OR 1 year (if record is reproduced in accordance with Gov't Code § 27001(b), the reproduced record is conveniently accessible & a provision is made for preserving, examining & using the same.	Govt. Code § 27001
3.20.7 (Treasurer/ Tax Collector)	Bonds & interest coupons (County). See section 3.2.3 for school & special district bonds.	The bonds or any and all coupons pertaining thereto have been paid or canceled.	Upon payment or cancellation.	Govt. Code § 53921

ARTICLE IV

The records of special districts for which the board of supervisors is the governing body shall be destroyed in compliance with Government Code sections 60200, et seq.

ARTICLE V

This policy may be amended from time to time by additions, deletions, or amendments thereto by further resolution of the Board of Supervisors which shall be made with specific reference hereto and all of the provisions hereof not otherwise modified shall remain in full force and effect.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Economic Development

TIME REQUIRED

SUBJECT Budget Amendment for Community
Development Block Grant (CDBG)
CV 1, 2 & 3

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Budget Amendment for Community Development Block Grant (CDBG) CV 1, 2 & 3.

RECOMMENDED ACTION:

Approve increasing appropriations in the County's HOME/CDBG fund (#185) by \$299,138 funded with revenues of \$64,484 for CV 1 and \$234,654 for CV 2&3 (requires 4/5ths approval).

FISCAL IMPACT:

If approved, \$299,138 in expenditures will be added to the County's budget for the Economic Development Department to implement these CDBG grants and provide economic resources for the County's business communities.

CONTACT NAME: Jeff Simpson

PHONE/EMAIL: 760-924-4634 / jsimpson@mono.ca.gov

SEND COPIES TO:

Megan Mahaffey

Jeff Simpson

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff Report](#)

[Resolution CV1](#)

[Resolution CV2-3](#)

History

Time	Who	Approval
1/5/2022 9:11 AM	County Counsel	Yes
12/29/2021 8:59 AM	Finance	Yes
1/7/2022 3:04 PM	County Administrative Office	Yes



MONO COUNTY

ECONOMIC DEVELOPMENT and SPECIAL PROJECTS

P.O. BOX 603, MAMMOTH LAKES, CALIFORNIA 93546
(760) 924-4634 • (760) 924-1697 (Fax)

Alicia Vennos
Economic Development Manager
Avennos@mono.ca.gov
760-924-1743

Jeff Simpson
Economic Development Manager
Jsimpson@mono.ca.gov
760-924-4634

STAFF REPORT

SUBJECT: Budget Amendment for Community Development Block Grant (CDBG) CV 1, 2 & 3.

RECOMMENDATION: Approve budget amendment of \$64,484.00 for CV 1 and \$234,654.00 for CV 2&3 to the Economic Development Department to administer awarded CDBG grants.

BACKGROUND: The California Department of Housing and Community Development (HCD) announced the availability of the Community Development Block Grant Coronavirus Round 1 funding in June 2020 and the availability of Community Development Block Grant Coronavirus Round 2&3 in December of 2020. The Economic Development Department, through board resolution, applied for these funds and was awarded \$64,484 for CV 1 and \$234,654 for CV 2&3.

FISCAL IMPACT: If approved, \$299,138 in expenditures will be added to the Economic Development Department Budget.



R20-81

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN APPLICATION FOR FUNDING
AND THE EXECUTION OF A GRANT AGREEMENT AND ANY
AND ALL AMENDMENTS THERETO FROM THE
2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-
CORONAVIRUS RESPONSE ROUND 1 (CDBG-CV1)
NOFA DATED JUNE 5, 2020**

WHEREAS, the State of California, Department of Housing and Community Development (hereinafter “HCD”), administers a federal program known as the Community Development Block Grant Program (hereinafter “CDBG”); and

WHEREAS, in addition to CDBG General Allocation funding, HCD administers federal funds authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide extra CDBG funds specifically targeted to prevent, prepare, and respond to the COVID-19 emergency; and

WHEREAS, pursuant to the CARES Act, HCD published a Notice of Funding Availability (NOFA) for the Coronavirus Response Round 1 (CDBG-CV1) funds on June 5, 2020, announcing the availability of approximately \$18,700,000 in funding statewide of which the County is eligible to apply to the State for up to \$64,484.00 in CDBG-CV1 funds; and

WHEREAS, the Board of Supervisors conducted a noticed public hearing on August 18, 2020 requesting public input on the CDBG-CV1 NOFA; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mono, as follows:

SECTION ONE: The Board of Supervisors has reviewed and hereby approves the submission of an application for funding from the CDBG-CV1 Notice of Funding Availability for up to \$64,484.00 for the following activity(ies):

- Microenterprise Financial and Technical Assistance Program – Up to \$64,484.00.

SECTION TWO: The County hereby approves the use of Program Income in an amount not to exceed \$64,484.00 for the CDBG-CV1 activity(ies) described in

1 Section 1.

2 **SECTION THREE:** The Board of Supervisors acknowledges compliance with all
3 federal and state public participation requirements in the development of its
4 application.

5 **SECTION FOUR:** The Board of Supervisors hereby authorizes and directs the
6 County Administrative Officer, or designee, to sign this application and act on the
7 County’s behalf in all matters pertaining to this application.

8 **SECTION FIVE:** If the application is approved, the County Administrative Officer,
9 or designee, is authorized to enter into, execute and deliver the grant agreement (i.e.,
10 Standard Agreement) and any and all subsequent amendments thereto with the State
11 of California for the purposes of the grant.

12 **SECTION SIX:** If the application is approved, the County Administrative Officer,
13 or designees, is authorized to sign Fund Requests and other required reporting forms.

14 **PASSED, APPROVED and ADOPTED** this 18 day of August, 2020, by the following
15 vote, to wit:

16 **AYES:** Supervisors Corless, Gardner, Kreitz, Peters, and Stump.

17 **NOES:** None.

18 **ABSENT:** None.

19 **ABSTAIN:** None.

20
21 

22 Stacy Corless, Chair
23 Mono County Board of Supervisors

24
25 **ATTEST:**

26 **APPROVED AS TO FORM:**

27 
28 Queenie Barnard (Aug 18, 2020 15:24 PDT)

29 Clerk of the Board

30 
31 Stacey Simon (Aug 21, 2020 03:13 PDT)

32 County Counsel



RESOLUTION NO. R21-13

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM- CORONAVIRUS RESPONSE ROUND 2 and 3 (CDBG-CV2 and CV3) NOFA DATED DECEMBER 18, 2020

BE IT RESOLVED by the Board of Supervisors of the County of Mono as follows:

SECTION 1:

The Mono County Board of Supervisors has reviewed and hereby approves the submission to the State of California of one application in the aggregate amount, not to exceed, of \$234,654 for the following CDBG-CV2 and CV3 activities pursuant to the December 2020 CDBG-CV2/3 Notice of Funding Availability (NOFA):

List activities and amounts

Economic Development Business Assistance Program to assist small business impacted by COVID-19.

Business Assistance	\$ 204,149
Economic Development - Administration	\$ <u>30,505</u>

SECTION 2:

The County hereby approves the use of Program Income in an amount not to exceed \$0 for the CDBG-CV2 and CV3 activities described in Section 1.

**SECTION 3:**

The County acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

SECTION 4:

The County hereby authorizes and directs the County Administrative Officer, or designee, to execute and deliver all applications and act on the County's behalf in all matters pertaining to all such applications.

SECTION 5:

If an application is approved, the County Administrative Officer, or designee, is authorized to enter into, execute and deliver the grant agreement and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

SECTION 6:

If an application is approved, the County Administrative Officer, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.



PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Mono held on Tuesday, February 9, 2021 by the following vote:

AYES: Supervisors Corless, Duggan, Gardner, Kreitz, and Peters.

NOES: None.

ABSENT: None.

ABSTAIN: None.


Jennifer Kreitz (Feb 10, 2021 17:23 PST)

Jennifer Kreitz
Chair, Mono County Board of Supervisors

STATE OF CALIFORNIA

County of Mono

I, Queenie Barnard, Deputy Clerk of the County of Mono, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Mono County Board of Supervisors on this 9th day of February, 2021.


Queenie Barnard (Feb 10, 2021 16:38 PST)

Queenie Barnard, Deputy Clerk of the County of Mono,
State of California

By: Queenie Barnard Deputy Clerk
Name and Title



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Finance, County Counsel

TIME REQUIRED

SUBJECT Resolution Declaring County's Intent to Reimburse Itself for Capital Costs Incurred on the new Jail Facility Project

PERSONS APPEARING BEFORE THE BOARD

AGENDA DESCRIPTION:

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

Proposed resolution of the Board of Supervisors of Mono County declaring its official intent to reimburse itself for certain capital costs incurred on the new jail facility project from the proceeds of long-term debt

RECOMMENDED ACTION:

Adopt proposed resolution #R22- ____, Declaring Its Official Intent to Reimburse Itself for Certain Capital Costs from the Proceeds of Long-Term Debt. Provide any desired direction to staff.

FISCAL IMPACT:

Allows for reimbursement to the County of any capital related project costs associated with constructing the new Jail Facility, which are incurred prior to the issuance of the related tax-exempt debt financing.

CONTACT NAME: Janet Dutcher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff report
Resolution

History

Time

Who

Approval

12/28/2021 6:44 PM

County Counsel

Yes

12/29/2021 8:52 AM

Finance

Yes

1/7/2022 3:04 PM

County Administrative Office

Yes



DEPARTMENT OF FINANCE

AUDITOR-CONTROLLER

COUNTY OF MONO

Kim Bunn
Assistant Finance Director
Auditor-Controller

Janet Dutcher, CPA, CGFM, MPA
Director of Finance

Gerald Frank
Assistant Finance Director
Treasurer - Tax Collector

To: Board of Supervisors

From: Janet Dutcher, Finance Director

Date: January 11, 2022

Re: Resolution declaring County's intent to reimburse itself for certain
Capital costs from the proceeds of long-term debt

Background:

The County has received an award of \$25 million of State of California lease-revenue bond financing under SB 844 to construct a new jail facility at the Old Hospital site in Bridgeport. The original estimate five years ago to construct the jail was around \$27 million. Due to delays in beginning construction on the facility, overarching economic conditions causing price increases in the construction market, and the discovery of site conditions unknown at the time of the application to the State for funding, the price of the new jail facility has increased to require a commitment from the County of additional funds to reach a total revised project cost of \$33,321,683, as of December 1, 2021. The County has already committed a \$1.6 million cash match and \$440,000 in in-kind contributions. This leaves an additional commitment from the County of \$6,281,683. Board direction was provided on October 19, 2021, to pursue issuing long-term debt to finance the County's remaining local commitment on the project.

Discussion:

Because it takes some time (usually 3 to 4 months) to prepare documents and other materials required for the issuance of tax-exempt obligations (i.e., long-term debt), IRS Treasury rules allow the issuer, with passage of a resolution such as is proposed, to reimburse itself later for expenditures incurred prior to debt issuance. Specifically, capital project expenditures, whether incurred before actual construction begins or after, allows for reimbursement back to the County out of the subsequently received debt proceeds. Passage of the proposed resolution does not obligate the County to any course of action (i.e., to proceed with a project or to reimburse itself), but merely preserves reimbursement options if qualified expenses are incurred.



RESOLUTION NO. R22-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF FOR CERTAIN
CAPITAL COSTS FROM THE PROCEEDS OF LONG-TERM DEBT PROCEEDS**

WHEREAS, the County of Mono, a political subdivision of the State of California (the “County”) desires to finance a portion of the cost to construct a new jail facility including the remediation, demolition, and site preparation at 221 Twin Lakes Road Bridgeport California (the “Project”);

WHEREAS, the County expects to finance its share of the costs of the Project through the issuance of tax-exempt obligations (the “Debt”);

WHEREAS, the County expects to pay certain expenditures (the “Reimbursement Expenditures”) on expenditures related to the cost of the Project prior to the issuance of the Debt, which expenditures would be properly chargeable to a capital account under general federal income tax principles;

WHEREAS, the County reasonably expects that debt obligations for the Project in an amount not expected to exceed \$7 million (\$7,000,000) will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures;

WHEREAS, at the time of the reimbursement, the County will evidence the reimbursement in a writing which identifies the allocation of the proceeds of the Debt to the County for the purpose of reimbursing the Reimbursement Expenditures;

WHEREAS, the County expects to make the reimbursement allocation no later than eighteen (18) months after the later of (i) the date on which the earliest original expenditure is paid or (ii) the date on which the Project are placed in service (or abandoned), but in no event later than three (3) years after the date on which the earliest original expenditure for the Project is paid;

WHEREAS, THE County will not, within one (1) year of the reimbursement allocation, use the proceeds of the Debt received in the reimbursement allocation in a manner that will result in the creation of replacement proceeds of the Debt or another issue; and

WHEREAS, this Resolution is intended to be a “declaration of official intent” in accordance with Section 1.150-2 of the Treasury Regulations;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Mono County Board of Supervisors as follows:



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Finance

TIME REQUIRED

SUBJECT Mono County Statement of Investment Policy

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Annual approval of the Mono County Statement of Investment Policy pursuant to Section 27133 of the Government Code of the State of California.

RECOMMENDED ACTION:

Approve the Mono County Statement of Investment Policy as presented or amended.

FISCAL IMPACT:

None

CONTACT NAME: Gerald Frank

PHONE/EMAIL: 7609325483 / gfrank@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Mono County Statement of Investment Policy

History

Time	Who	Approval
12/28/2021 4:51 PM	County Counsel	Yes
12/15/2021 12:14 PM	Finance	Yes
12/28/2021 5:05 PM	County Administrative Office	Yes



DEPARTMENT OF FINANCE

COUNTY OF MONO

Gerald A. Frank, CGIP
Assistant Finance Director
Treasurer-Tax Collector

Janet Dutcher, CPA, CGFM, MPA
Finance Director

Kimberly Bunn
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Date: January 11, 2022
To: Honorable Board of Supervisors
From: Finance: Janet Dutcher, Gerald Frank

Subject:

Mono County Statement of Investment Policy

Actions Requested:

1. Approve the Mono County Statement of Investment Policy as presented or amended.

Background:

Statement of Investment Policy

The existing Statement of Investment Policy is compiled by using reference materials from the prior investment policy, the Government Finance Officers Association Best Practices and sample policy, and portions of various Counties' policies. The California Debt and Investment Advisory Commission's publication "Local Agency Investment Guidelines," which can be found at <http://www.treasurer.ca.gov/cdiac/laig/guideline.pdf>, was also referenced.

Government Code section 27133 states, "In any county that establishes a county treasury oversight committee pursuant to this article, the county treasurer shall annually prepare an investment policy that will be reviewed and monitored by the county treasury oversight committee."

The attached Statement of Investment Policy as presented is the existing policy with no changes. The Treasury Oversight Committee reviewed and approved the Policy for submittal to the Board of Supervisors.

Fiscal Impact:

None

MONO COUNTY STATEMENT OF INVESTMENT POLICY



January 11, 2022

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**COUNTY OF MONO
INVESTMENT POLICY**

I. Introduction

The intent of the Investment Policy of the County of Mono is to define the parameters within which funds are to be managed. In methods, procedures, and practices, the policy formalizes the framework for the County's investment activities that must be exercised to ensure effective and judicious fiscal and investment management of the County's funds. The guidelines are intended to be broad enough to allow the Director of Finance to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

II. Governing Authority

The investment program shall be operated in conformance with Government Code §53601, et seq. which provides legal authorization for the investment and deposit of funds of specified local agencies and which is made applicable to counties by Government Code §53635.2.

III. Scope

The policy applies to activities of the County with regard to investing the financial assets of all funds. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the State of California.

Note that any excluded funds such as the Other Post Employment Benefit Trust Fund are covered by separate policies.

Except for funds in certain restricted and special funds, the County commingles its funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

IV. General Objectives

The primary objectives, in priority order, of investment activities shall be:

- 1. Safety** – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate the credit risk and interest rate risk.
- 2. Liquidity** – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
- 3. Yield** – The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints of safety and liquidity needs.

V. Standards of Care

1. **Prudence** – The standard to be used by the Director of Finance/Investment Officer shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. The Finance Director acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The “prudent person” standard states that,

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

2. **Ethics and Conflicts of Interest** – Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the governing body. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the County.
3. **Delegation of Authority and Responsibilities Governing Body** – The Board of Supervisors (Board) will retain ultimate fiduciary responsibility for the portfolio. The Board will receive monthly and quarterly reports, designate investment officers and annually review the investment policy making any necessary changes by adoption.

Delegation of Authority – Pursuant to Government Code §53607, authority to invest or reinvest, or to sell or exchange securities so purchased, may be delegated for a one-year period; thereafter, the County Finance Director shall assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a monthly report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year.

Responsibility for the operation of the investment program shall be delegated by ordinance pursuant to Government Code §27000.1 to the Finance Director until the Board of Supervisors revokes its delegation of authority, by ordinance, or decides not to renew the annual delegation. The Finance Director shall act in accordance with established, written procedures and internal controls for the operation of the investment program consistent with this Investment Policy.

All participants in the investment process shall seek to act responsibly as custodians of the public trust.

Treasury Oversight Committee – A County Treasury Oversight Committee has been established in accordance with §27130 et seq. of the Government Code to promote public interest by involving depositors in the management of their funds. The Treasury Oversight Committee shall:

- A. Review and monitor the Investment Policy,
- B. Annually review the investments made by the County Treasury,
- C. Cause an annual audit to be conducted to determine the County Treasury's compliance with Government Code §27130 et seq., and
- D. Meet on other matters as necessary.

By statute, the County Treasury Oversight Committee has no authority to direct individual investment decisions, select individual investment advisors, brokers, or dealers, or to impinge on the day-to-day operations of the County Treasury.

Committee members may not accept any honoraria, gifts or gratuities from advisors, brokers, dealers, bankers, or other persons with whom the County Treasury conducts business, which are more than the limits imposed by State Law, or by the Fair Political Practices Commission.

Investment Advisor – The County may engage the services of one or more external investment managers to assist in the management of the entity's investment portfolio in a manner consistent with the entity's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

VI. Authorized Financial Institutions, Depositories and Broker/Dealers

1. Financial institutions and depositories authorized to provide investment services and security broker/dealers will be selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under both Government Code §53601.5 and Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).
2. All financial institutions and broker/dealers who desire to become qualified for investment transactions shall meet the requirements of Government Code §53601.5 and, in addition, must supply the following as deemed appropriate by the Finance Director.
 - A. Audited financial statements demonstrating compliance with the state and federal capital adequacy guidelines.
 - B. Proof of Financial Industry Regulation Authority (FINRA) certification (not applicable to Certificate of Deposit counterparties).
 - C. Proof of California state registration.
 - D. Certification of having read and understood and agreeing to comply with the County's investment policy.
 - E. Evidence of adequate insurance coverage meeting any applicable requirements of State law and otherwise deemed adequate by the Finance Director.
3. An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the Finance Director.

VII. Safekeeping and Custody

1. **Delivery vs. Payment** – All trades, where applicable, will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.
2. **Safekeeping** – Pursuant to Government Code §53608, the Board delegates to the Finance Director its authority to deposit securities for safekeeping. Securities will be held by a third-party custodian meeting the requirements of Government Code §53608 or other applicable law and selected by the Finance Director. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Statement of Auditing Standards No. 70)
3. **Internal Controls** – The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the County are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of the control should not exceed the benefits likely to be derived and that the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:
 - A. Control of collusion,
 - B. Separation of transaction authority from accounting and recordkeeping,
 - C. Custodial safekeeping,
 - D. Avoidance of physical delivery securities,
 - E. Clear delegation of authority to subordinate staff members,
 - F. Written confirmation of transactions for investments and wire transfers,
 - G. Dual authorization of wire transfers,
 - H. Development of a wire transfer agreement with the lead bank and third-party custodian,
 - I. Staff training, and
 - J. Review, maintenance and monitoring of security procedures both manual and automated.

VIII. Authorized Investments

1. **Investment Types** – All investments shall be made in accordance with §53600 et seq. of the California Government Code and as described within this Investment Policy and summarized in Appendix A. Permitted investments under this policy shall include:
 - A. **United States Treasury notes, bonds bills, or certificates of indebtedness**, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. [Gov't Code §53601(b).]
There is no limitation as to the percentage of the portfolio that can be invested in this category.
 - B. **Federal Agency or United States Government-Sponsored Enterprise Obligations, Participations, or other Instruments**, including those issued by or fully guaranteed

as to principal and interest by Federal agencies or United States government-sponsored enterprises §53601(f) such as Fannie Mae and Freddie Mac.

There is no limitation as to the percentage of the portfolio that can be invested in this category.

- C. **State of California Notes & Bonds** registered state warrants or treasury notes of California including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state. [Gov't Code §53601(c).]

There is no limitation as to the percentage of the portfolio that can be invested in this category.

- D. **Notes and Bonds of Other 49 States** registered treasury notes or bonds of any of the other 49 states, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of that state. [Gov't Code §53601(d).]

There is no limitation as to the percentage of the portfolio that can be invested in this category.

- E. **Negotiable Certificates of Deposit (NCDs)** issued by a nationally or state chartered bank, a state or federal savings and loan association, a State or federal credit union or by a state-licensed branch of a foreign bank. [Gov't Code §53601(i).]

No more than 30% of the portfolio may be invested in NCDs

- F. **Banker's acceptances**, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. [Gov't Code §53601(g).]

May not exceed 180 days to maturity or be more than 40% of the market value of the portfolio and no more than 30% of the County's moneys may be invested in banker's acceptances in the same bank.

- G. **Commercial paper** of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO) such as Standard & Poor's or Moody's. [Gov't Code §53601(h) & §53635(a).]

Must have a maximum maturity of 270 days or less, no more than 40% of the portfolio may be invested in eligible commercial paper and no more than 10% may be invested in any one issuer's commercial paper.

- H. **Medium-term notes** include corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States and rated "A" or better by an NRSRO. [Gov't Code §53601(k).]

May not exceed 30% of the portfolio may be invested in medium-term notes.

- I. **Reverse repurchase agreements** whose underlying purchased securities consist of the aforementioned instruments, subject to all the conditions set forth in Government Code §53601(j)(3).

May not exceed 20% of the base value of the portfolio and no agreement may exceed 92 days.

- J. **Money market mutual funds** – shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities

and Exchange Commission under the Investment company Act of 1940 (15 U.S.C. §80a-1 et sec. [Gov't Code §53601(l)].

No more than 20% of the portfolio may be invested in money market funds.

K. **Local Agency Investment Fund** – established by the State Treasurer for the benefit of local agencies. [Gov't Code §16429.1.]

No more than \$75 million may be invested in LAIF (LAIF rules)

L. **California Asset Management Program (CAMP)**. Shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California which invests exclusively in investments permitted by §53601 of the Government Code as it may be amended. [Gov't Code §53601(p).]

No more than 20% of the portfolio may be invested in the California Asset Management Program

M. **Commercial or Savings Bank, Savings and Loan or Credit Union** may be used to invest surplus funds up to 30% of the portfolio pursuant to §§53601.8 and 53635.8 of the Government Code.

No more than 10% can be invested in any one institution.

N. **Bonds, notes, warrants or other evidences of indebtedness** of a local agency within the State of California, including local agencies formed within Mono County. [Gov't Code §53601(e).]

May not exceed 5 years to maturity. All investments with local agencies formed within Mono County must be pre-approved by the Board of Supervisors.

O. **Supranationals** – United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States and rated AA or better by an NRSRO. [Gov't Code §53601(q).]

No more than 30% may be invested in supranationals

2. **Collateralization** – Where allowed by state law, full collateralization will be required on all demand deposit accounts, including checking accounts and non-negotiable certificates of deposit. Repurchase agreements will be collateralized at 102 percent.

IX. Investment Parameters

1. **Mitigating Credit Risk in the portfolio** – Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The County shall mitigate credit risk by adopting the following:

Diversification – The investments will be diversified by

- i. Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities),
- ii. Limiting investment in securities that have higher credit risks,
- iii. Investing in securities with varying maturities, and

- iv. Continuously investing a portion of the portfolio in readily available funds such as local government investment pools, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

2. *Mitigating Market Risk in the portfolio* – Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The County recognizes that, over time, longer-term/core portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The County shall mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. The County further recognizes that certain types of securities, including variable rate securities, securities with principal pay downs prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The County, therefore, adopts the following strategies to control and mitigate market risk:

- i. The County shall maintain a minimum of three months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements,
- ii. The maximum percentage of callable Agency Bonds or Certificate of Deposits in the portfolio shall be 30%,
- iii. The maximum stated final maturity of individual securities in the portfolio shall be five years, except as otherwise stated in this policy,
- iv. Liquidity funds will be held in LAIF, CAMP or money market instruments maturing one year and shorter,
- v. Longer term/Core funds will be defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in higher quality and liquid securities.
- vi. It is recommended that the Weighted Average Maturity of the portfolio not exceed 24 months (730 Days) or such shorter dollar-weighted average maturity as may be required by State law. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that the appropriate Weighted Average Maturity is maintained.

X. Reporting

1. The Finance Director shall provide quarterly investment reports to the Board of Supervisors and The Treasury Oversight Committee within 30 days following the end of the quarter covered by the report. These reports shall include the following investment information as required by Government Code §53646(b):

- A. The type of investment, issuer, date of maturity, par and dollar amount invested in all securities, investments and moneys held in the County Treasury,
 - B. Market value as of the date of the report and the source of this valuation,
 - C. The weighted average maturity of the investments within the Treasury,
 - D. Distribution by type of investment,
 - E. A description of all the County's funds and investments that are under the management of contracted parties,
 - F. A statement of compliance of the portfolio to this Statement of Investment Policy or manner in which the portfolio is not in compliance, and
 - G. A statement denoting the ability of the County to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.
2. The Treasury Oversight committee shall cause an annual audit to be conducted to determine the county treasury's compliance with Chapter 5, Article 6 (§27130-§27137) of the Government Code and this Statement of Investment Policy.

XI. Investment Pool Costs and Earnings Distribution

Costs directly related to the operation and management of the investment pool shall be deducted quarterly directly from net interest earnings prior to the distribution of interest earnings for the quarter. Pool costs include, but are not limited to, staff time, investment tracking costs, brokerage costs, and treasury pool audit costs.

Interest earnings shall be allocated quarterly according to each fund's average daily cash balances as a percentage of the total investment pool. Earnings shall be the net of received interest, amortized premiums, accreted discounts and profit or loss on the sale of trade of a security attributable to the quarter being apportioned, plus adjustments from prior quarters. The interest shall be apportioned as of the last day of the quarter and added to each participating fund's balance in the pooled investment fund.

XII. Investing of Bond Proceeds

The County Treasurer shall invest bond proceeds using the standards of this Investment Policy. The bond proceeds will be invested in securities permitted by the bond documents. If the bond documents are silent, the bond proceeds will be invested in securities permitted by this Policy.

XIII. Withdrawal Requests

1. Regular Operation

The County Finance Director seeks to honor all written withdrawal requests for regular operating purposes that are approved by the County Auditor- Controller's Office in a timely fashion. However, the County Finance Director recognizes that occasionally the Pool Participants may request large amounts in withdrawals to cover unexpected operational needs. To accommodate such withdrawals and allow for adequate time for adjustments to

the liquidity position of the Pool, the County Finance Director expects all Pool Participants to submit their written requests within the following timeframes:

- A. Withdrawals up to \$2 million – 3 business days in advance of disbursement
- B. Withdrawals above \$2 million – 5 business days in advance of disbursement and in no case can more than \$5 million dollars be withdrawn in a single business day

Extraordinary withdrawal requests are considered withdrawals outside the normal cash-flow patterns of a Pool Participant. For any withdrawal considered extraordinary, the Finance Director shall evaluate the effect of the proposed withdrawal on the stability and predictability of the investments in the County treasury. In the event that the Finance Director must liquidate investments in order to honor the withdrawal request, the Pool Participant who requests the withdrawal shall be subject to all expenses associated with the liquidation, including, but not limited to loss of principal and interest income, withdrawal penalties, and associated fees.

2. Investing or Depositing Funds Outside the Pool

Any entity that seeks to withdraw funds for the purpose of investing or depositing those funds outside the county treasury pool, shall first submit the request for withdrawal to the Finance Director who shall evaluate the effect of the proposed withdrawal on the stability and predictability of the investments in the county treasury. Prior to approval, the Finance Director shall find that the proposed withdrawal will not adversely affect the interests of the other depositors in the pool (Government Code §27136). If it is necessary to liquidate securities, all losses occurring from the sale of a security prior to its maturity shall be borne by the entity wishing to withdraw funds.

XIV. Terms and Conditions for Outside Investors

Outside local agencies, where the County Finance Director does not serve as the agency's treasurer, may invest in Mono County's Investment Pool as permitted by Government Code §53684. Deposits are subject to the consent of the County Finance Director. The local agency legislative body must approve the county investment pool as an authorized investment. If the County Finance Director deems appropriate, the deposits may be returned at any time.

XV. Policy Review

This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal liquidity, rate of return and its relevance to current law and financial and economic trends.

SUMMARY OF INVESTMENT LIMITATIONS

Investment Type	Government Code Reference	Limit ¹ Per Investment Type(s)	Limit ¹ Per Institution	Minimum ² Ratings	Maxium ² Allowable Maturity
United States Treasuries	§53601 (b)	None	None	None	5 years
United States Federal Agencies & Government-Sponsored Enterprises	§53601 (f)	None	None	None	5 years
State of California Notes & Bonds	§53601 (c) & 53601 (e)	None	None	None	5 years
Notes & Bonds of Other 49 States	§53601 (d)	None	None	None	5 years
California Local Agency Debt	§53601 (a), (c) & (e)	None	None	None	5 years
Medium-Term Notes	§53601 (k)	30%	None	A	5 years
Negotiable Certificates of Deposit	§53601 (i)	30%	None	N/A	5 years
Bankers Acceptances	§53601 (g)	40%	30%	A-1	180 days
Commercial Paper	§53601 (h) & 53635 (a)	40%	10%	A-1 (short) A (long)	270 days
Reverse Repurchase Agreements	§53601 (j)	20%	None	Primary Dealer	92 days
Local Agency Investment Fund (LAIF)	§16429.1	N/A	N/A	N/A	N/A
California Asset Management Program (CAMP)	§53601(p)	N/A	N/A	N/A	N/A

Money Market Mutual Funds	§53601(l)	20%	10%	AAA	N/A
Commercial or Savings Bank, Savings and Loan or Credit Union	§53601.8 & 53635.8	30%	10%	N/A	N/A
Supranationals	§53601(q)	30%	N/A	AA	5 years

¹ Based on total of surplus funds at the time the investment decision is made.

² At the time of purchase.

GLOSSARY

Accreted Discount – The increase in the value of a discounted instrument as time passes and it approaches maturity. The value of the instrument will accrete (grow) at the interest rate implied by the discounted issuance price, the value at maturity and the term to maturity.

Accrued Interest – Interest that has accumulated by has not yet been paid from the most recent interest payment date or issue date to a certain date.

Amortization – The reduction of debt through regular payment of principal scheduled to complete repayment by maturity. Usually the payment of interest is incorporated to compensate the lender over the life of the debt.

Bankers' Acceptance – A time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank “accepts” such a bill, the time draft becomes, in effect, a predated, certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

Basis point – One basis point is equal to 1/100 of 1%. For example, if interest rates increase from 4.25% to 4.5%, the difference is referred to as a 25-basis-point increase.

Book Value – The value of a security as carried in the records of an investor. Generally, this is the initial outlay for the investment and may be net or gross of expenses such as trading costs, services charges, etc.

Bond – A debt investment in which an investor loans money to an entity (corporate or governmental) that borrows the funds for a defined period of time at a fixed interest rate. Bonds are used by companies, municipalities, states and U.S. and foreign governments to finance a variety of projects and activities.

Broker/Dealer – Any person engaged in the business of effecting transactions in securities in this state for the account of others or for his/her own account. Broker/Dealer also includes a person engaged in the regular business of issuing or guaranteeing options with regard to securities not of his/her own issue.

Commercial Paper – Short-term, unsecured promissory note issued in either registered or bearer form and usually backed by a line of credit with a bank. Maturities do not exceed 270 days and generally average 30 – 45 days.

Coupon Rate – The interest rate stated on a bond when it is issued. The coupon is typically paid semi-annually.

Current Yield – The annual income (interest or dividends) divided by the current price of the security. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

CUSIP Numbers – An acronym for Committee on Uniform Security Identification Procedures, CUSIP numbers are identification numbers assigned to each maturity of a security issue and usually printed on the face of each individual security in the issue. The CUSIP numbers are intended to facilitate identification and clearance of securities.

Debt Instrument – An instrument or promissory note which evidences and documents the terms of the loaning of funds from one party to another. Typically, the instrument contains the loan date, the maturity date, the repayment provisions, and the interest rate of the borrowing.

Default – The failure to pay debt obligations as agreed in the terms of the debt

Discount – The condition of the price of a bond that is lower than par. The discount equals the difference between the price paid for a security and the security's par value.

Earnings Apportionment – The quarterly interest distribution to the Pool participants.

Fair Value – The amount at which an investment could be exchanged in a current transaction between willing parties, other than a forced or liquidation sale.

Fannie Mae (FNMA, Federal National Mortgage Association) – A government-sponsored enterprise (GSE) that was created in 1938 to expand the flow of mortgage money by creating a secondary mortgage market. Fannie Mae is a publicly traded company which operates under a congressional charter that directs Fannie Mae to channel its efforts into increasing the availability and affordability of homeownership for low-, moderate-, and middle-income Americans.

Federal Government Agency – Debt issued by government sponsored entities (GSE) to facilitate various types of lending. For example, the Federal Farm Credit Bank provides funds to farmers and FNMA provides funds to the real estate mortgage markets.

Freddie Mac (FHLMC, Federal Home Loan Mortgage Corp.) – A stockholder owned government sponsored enterprise (GSE) chartered by Congress in 1970 to keep money flowing to mortgage lenders in support of homeownership and rental housing for middle-income Americans. The FHLMC purchases, guarantees and securitizes mortgages to form mortgage-backed securities. The mortgage-backed securities that it issues tend to be very liquid and carry a credit rating close to that of U.S. Treasuries.

Government-Sponsored Enterprise (GSE) – Privately held corporations with public purposes created by the U.S. Congress to reduce the cost of capital for the certain borrowing sectors of the economy. Members of these sectors include students, farmers and homeowners.

Local Agency Investment Fund (LAIF) – The State of California investment pool in which money of local agencies is pooled as a method for managing and investing local funds.

Market Value – The price at which a security is trading and could presumably be purchased or sold.

Maturity – The date upon which the principal of a security becomes due and payable to the holder.

Money Market Mutual Fund – A mutual fund with investments directed in short-term money market instruments only, which can be withdrawn daily without penalty

Par Value – The face value of a bond. Par value is important for a bond or fixed-income instrument because it determines its maturity value as well as the dollar value of coupon payments.

Premium – The condition of the price of a bond that is higher than par. The premium equals the difference between the price paid for a security and the security's par value.

Principal – The face amount of a security not taking into account discounts or premiums. The amount borrowed or the amount still owed on a loan, separate from interest.

Repurchase Agreement (Repo) – A form of short-term borrowing for dealers in government securities. The dealer sells the government securities to investors, usually on an overnight basis, and buys them back the following day. For the party selling the security (and agreeing to repurchase it in the future) it is a repo; for the party on the other end of the transaction, (buying the security and agreeing to sell in the future) it is a reverse repurchase agreement.

Reverse Repurchase Agreement – The purchase of securities with the agreement to sell them at a higher price at a specific future date.

Registered Warrants – A “promise to pay” with interest, that is issued by the State of California when there is not enough cash to meet all of the State's payment obligations.

Settlement Date – The date on which the purchase or sale of securities is executed. For example, in a purchase transaction, the day the securities are physically delivered or wired to the buyer in exchange for cash is the settlement date.

Supranational Bonds – These bonds are issued when two or more central governments issue foreign bonds to promote economic development for the member countries. These include bonds issued by the International Bank for Reconstruction and Development, or World Bank, and the International American Development Bank.

Trade Date – The date and time corresponding to an investor's commitment to buy or sell a security.

U.S. Treasury Obligation – Direct obligations of the United States Treasury whose payment is guaranteed by the United States of America.

Weighted Average Maturity (WAM) - The weighted average of the time until all securities in a portfolio mature.

TEMPORARY CONSTRAINTS AND RESTRICTIONS ON INVESTMENTS

1. County of Mono restricts the purchase of any retail products issued by Wells Fargo and Deutsche Bank from January 1, 2021 until December 31, 2025.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Finance

TIME REQUIRED

SUBJECT Annual Resolution Delegating
Investment Authority to the County
Treasurer

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Resolution Delegating Investment Authority to the County Treasurer.

RECOMMENDED ACTION:

Adopt Resolution R22-___, Delegating Investment Authority to the County Treasurer.

FISCAL IMPACT:

None

CONTACT NAME: Gerald Frank

PHONE/EMAIL: 7609325483 / gfrank@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution - Delegating Investment Authority to Finance Director

History

Time	Who	Approval
12/28/2021 4:11 PM	County Counsel	Yes
12/15/2021 12:15 PM	Finance	Yes
12/28/2021 4:51 PM	County Administrative Office	Yes



DEPARTMENT OF FINANCE

COUNTY OF MONO

Gerald A. Frank, CGIP
Assistant Finance Director
Treasurer-Tax Collector

Janet Dutcher, CPA, CGFM, MPA
Finance Director

Kimberly Bunn
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

Date: January 11, 2022

To: Honorable Board of Supervisors

From: Finance: Janet Dutcher, Gerald Frank

Subject:

Resolution Delegating Investment Authority to the County Treasurer

Action Requested:

1. Adopt resolution delegating investment authority to the County Treasurer.

Discussion:

This resolution renews the delegation of authority to the County Treasurer established in Ordinance 18-08.

Pursuant to Government Code §53607, "The authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a monthly report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year."

Pursuant to Government Code §27000.1, "Subject to Section 53607, the board of supervisors may, by ordinance, delegate to the county treasurer the authority to invest or reinvest the funds of the county and the funds of other depositors in the county treasury, pursuant to Chapter 4 (commencing with Section 53600) of Part 1 of Division 2 of Title 5. The county treasurer shall thereafter assume full responsibility for those transactions until the board of supervisors either revokes its delegation of authority, by ordinance, or decides not to renew the annual delegation, as provided in Section 53607. Nothing in this section shall limit the county treasurer's authority pursuant to Section 53635 or 53684.

Pursuant to Government Code §26980, Mono County has created the office of Director of Finance, which is consolidated with the office of County Treasurer (see Mono County Code Chapter 2.14). Accordingly, such delegation would in effect be to the Director of Finance, as County Treasurer.

Fiscal Impact:

None



RESOLUTION NO. R22-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
DELEGATING INVESTMENT AUTHORITY TO THE COUNTY TREASURER**

WHEREAS, Government Code §§ 53607 and 27000.1 authorize the Board of Supervisors to delegate to the County Treasurer the authority to invest or reinvest the funds of the County and the funds of other depositors in the county treasury (hereinafter “investment powers”), and provide that this delegation be carried out by ordinance and subject to annual renewal by the Board; and

WHEREAS, pursuant to Government Code § 26980, Mono County has created the office of Director of Finance, which office is consolidated with the office of County Treasurer (see Mono County Code 2.14) and accordingly, delegation of investment powers to the County Treasurer is a delegation of those powers to the Director of Finance, as County Treasurer; and

WHEREAS, pursuant to Government Code § 24100 et seq., any deputy of the Finance Director has all the power and duties of the Finance Director and any deputized Assistant Finance Director would have investment powers if such powers were delegated by the Finance Director; and

WHEREAS, pursuant to 79 Ops. Cal. Atty. Gen. 88, once delegated, such authority includes the ability of the County Treasurer to contract with an investment manager further delegating discretionary authority to invest funds on deposit with the Treasurer; and

WHEREAS, on June 5, 2018, the Mono County Board of Supervisors adopted Ordinance No. ORD18-08, delegating investment authority to the County Treasurer and authorizing the annual renewals of the delegation of investment authority to the County Treasurer to be accomplished by resolution; and

WHEREAS, the Board now desires to renew its delegation of investment authority to the County Treasurer pursuant to Government Code §§ 53607 and 27000.1 for the entirety of 2022.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Mono County Board of Supervisors as follows:

1. Pursuant to Government Code §§ 53607 and 27000.1, the authority to invest or reinvest funds of the County and the funds of other depositors in the county treasury, is hereby delegated to the County Treasurer, who is the County Finance Director, for the entirety of 2022.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Sheriff, CAO

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Sheriff Braun; Robert C. Lawton, CAO

SUBJECT Ratification of Proclamation of Local
Emergency and Request to be
Included in Governor's Emergency
Proclamation

AGENDA DESCRIPTION:

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

Proposed resolution ratifying proclamation of local emergency made by the Mono County Sheriff on January 6, 2022.

RECOMMENDED ACTION:

Hear update on status of the winter snowstorms impact and, if the Board determines that conditions of local emergency continue to exist, adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

The declaration provides access to State funds for emergency response purposes.

CONTACT NAME: Sheriff Braun

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution
Proclamation of Local Emergency
Governor's Proclamation

History

Time

Who

Approval

1/7/2022 9:40 AM	County Counsel	Yes
1/7/2022 8:43 AM	Finance	Yes
1/7/2022 3:04 PM	County Administrative Office	Yes

MONO COUNTY
SHERIFF
A Commitment to Community Safety and Service



Ingrid Braun
Sheriff-Coroner

DATE: January 11, 2022
TO: The Honorable Board of Supervisors

Phillip West
Undersheriff

FROM: Ingrid Braun, Sheriff-Coroner

SUBJECT: Proclamation of Local Emergency

BACKGROUND:

Chapter 2.60 of the Mono County Code empowers the Mono County Director of Emergency Services to proclaim the existence of a local emergency in accordance with Government Code section 8630 when there exist conditions of disaster or of extreme peril to the safety of persons and property within the County which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined assistance of other political subdivisions.

DISCUSSION:

December 2021 proved to be one of the snowiest Decembers on record in Mono County, with nearly 200 inches of snow falling in the higher elevations. The series of extreme winter storms began on December 13, 2021, and continued through December 29, 2021. The storms were powerful and quickly overwhelmed the resources of governmental entities within Mono County. The storms resulted in multi-day road closures of the state highways in Mono County, preventing the delivery of groceries, propane, medications, and other goods. Many travelers were stranded and required assistance from the Mono County Sheriff's Office, Road Department, and Social Services. There is also potential damage to structures and infrastructure, of which the full impact may not be realized for months as snowmelt reveals damage. These conditions are beyond the control of the services, personnel, equipment, and facilities of Mono County.

Based upon the impacts of the storms, the need for additional resources, and the potential for additional damage, Sheriff Ingrid Braun, acting in her role as Director of Emergency Services, declared an emergency on January 6, 2022. The Disaster Proclamation included a request to be added to the list of named counties on the Governor's Emergency Proclamation, dated December 30, 2021. The Disaster Proclamation also included a request for funding through the California Disaster Assistance Act, assistance from the State of California, and consideration for a U.S. Small Business Administration Disaster Declaration for Individual Assistance.

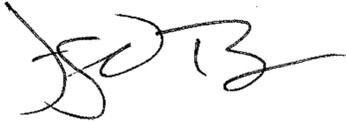
RECOMMENDATION:

Request that the Board of Supervisors ratify the Disaster Proclamation as per Mono County Code Section 2.60.70 and Government Code Section 8630(b), both of which require ratification within seven (7) days of proclamation.

FINANCIAL IMPACT:

The fiscal impact, if any, is not yet known.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'IB', with a long horizontal flourish extending to the right.

Ingrid Braun
Sheriff-Coroner



R22-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
RATIFYING PROCLAMATION OF LOCAL EMERGENCY AND DECLARING A
CONTINUED STATE OF LOCAL EMERGENCY DUE TO SEVERE WINTER
SNOWSTORMS WHICH COMMENCED ON DECEMBER 13, 2021**

WHEREAS, the Mono County Sheriff/Director of Emergency Services did, on January 6, 2022, issue a proclamation declaring a state of local emergency in the County of Mono as a result of a severe winter snowstorms commencing on December 13, 2021, which prevented emergency access, closed roads, stranded travelers, and exceeded the ability of Mono County road and safety crews to respond; and

WHEREAS, the storm resulted in conditions of disaster and extreme peril to the safety of persons and property within the County which were, and continue to be, beyond the response capabilities of the services, personnel, equipment and facilities of the County of Mono; and

WHEREAS, the situation resulting from said conditions, and forecast future storms, remains beyond the control of the normal protective services, personnel, equipment and facilities within the County of Mono; and

NOW, THEREFORE, the Board of Supervisors of the County of Mono hereby finds and resolves that the emergency conditions described herein will require additional resources, services, personnel, equipment, and other assistance, including the combined forces of the mutual aid region, to mitigate. These resources are necessary to address immediate threats and to assist in recovery efforts and the Board hereby ratifies the January 6, 2021, proclamation of local emergency made by the Sheriff/Director of Emergency Services and declares a continued state of local emergency in the County.

BE IT FURTHER RESOLVED THAT Mono County requests to be added to the list of named counties impacted by severe winter storms during this time period in the Governor's Emergency Proclamation, dated December 30, 2021. Mono County additionally requests consideration for a U.S. Small Business Administration Disaster Declaration for Individual Assistance and funding through the California Disaster Assistance Act and any and all recovery assistance the State of California can provide

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PASSED, APPROVED and ADOPTED this ____ day of _____, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Bob Gardner, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



**MONO COUNTY DIRECTOR OF EMERGENCY SERVICES
PROCLAMATION OF LOCAL EMERGENCY**

WHEREAS, Chapter 2.60 of the Mono County Code empowers the Mono County Director of Emergency Services to proclaim the existence of a local emergency in accordance with Government Code section 8630 when there exist conditions of disaster or of extreme peril to the safety of persons and property within the County which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County and require the combined assistance of other political subdivisions; and the Board of Supervisors is not in session; and

WHEREAS, Mono County Code section 2.60.090 designates the Mono County Sheriff-Coroner as the Director of Emergency Services for the County; and

WHEREAS, the Director of Emergency Services of the County of Mono does hereby find:

1. that conditions of disaster and/or extreme peril to the safety of persons and property have arisen within said County, caused by a series of extreme winter snowstorms, which began on December 13, 2021, bringing substantial snowfall and damaging winds; and which potentially resulted in damage to critical infrastructure in Mono County, including the Town of Mammoth Lakes and Special Districts. The series of storms caused power outages and multi-day road closures, which precluded delivery of propane, groceries, medications, and other goods to Mono County; and
2. that these conditions are beyond the control of the services, personnel, equipment, and facilities of said County;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said County, and

WHEREAS, the Director of Emergency Services of the County of Mono finds that these emergency conditions will require additional resources, services, personnel, equipment, and any other assistance, including the combined forces of the mutual aid region to mitigate the effects of the local emergency. These resources are necessary to address immediate threats and to assist in recovery efforts.

Mono County is requesting to be added to the list of named counties on the Governor's Emergency Proclamation, dated December 30, 2021. We are requesting consideration for a U.S. Small Business Administration Disaster Declaration for Individual Assistance. Additionally, we are requesting funding through the California Disaster Assistance Act and any and all recovery assistance the State of California can provide.

This list is not necessarily reflective of the total extent of the assistance that may be required. Additional resources may be requested as the disaster progresses and worsens.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this County shall be those prescribed by state law, by ordinances, and resolutions of this County, and; that this emergency proclamation shall expire in seven days after issuance, on January 13, 2022, unless confirmed and ratified by the board of supervisors of the County of Mono.

Dated: January 6, 2022

Time: 3:30 p.m.

By: Ingrid Braun 
Mono County Sheriff-Coroner and
Director of Emergency Services

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on or about December 10, 2021, December 16, 2021, and December 21, 2021, a series of winter storm systems struck California, bringing substantial precipitation, including record-breaking snowfall, damaging winds, and flooding, and storms continue to impact significant portions of the state; and

WHEREAS these storms affected communications and other critical infrastructure, resulted in power outages to thousands of households and businesses, and caused trees and tree limbs to fall, damaging structures and obstructing major highways and local roads; and

WHEREAS these storms damaged and forced the closure of dozens of major highways and local roads, including primary corridors into the Tahoe Basin; and

WHEREAS these storms have resulted in the threat of mud and debris flows, particularly on burn scars from recent wildfires, necessitating the repositioning of emergency response resources; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these storms; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these storms, by reason of their magnitude and combined impact, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these storms; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these storms.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Alameda, Amador, Calaveras, El Dorado, Humboldt, Lake, Los Angeles, Marin, Monterey, Napa, Nevada, Orange, Placer, Sacramento, San Bernardino, San Luis Obispo, San Mateo, Santa Cruz, Sierra, and Yuba counties due to these storms.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms.
4. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these storms and who applied for unemployment insurance benefits during the time period beginning December 10, 2021 and ending on the close of business on June 21, 2022, and who are otherwise eligible for unemployment insurance benefits.
5. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for highway repairs or reconstruction.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of December 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: CAO, Public Health

TIME REQUIRED 15 minutes

SUBJECT COVID-19 (Coronavirus) Update

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Bryan
Wheeler, Public Health Director, Dr.
Caryn Slack, Public Health Officer

AGENDA DESCRIPTION:

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

Update on Countywide response and planning related to the COVID-19 pandemic.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time	Who	Approval
1/6/2022 12:31 PM	County Counsel	Yes
1/5/2022 12:58 PM	Finance	Yes
1/7/2022 3:03 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Information Technology

TIME REQUIRED 1 hour (30 minute presentation; 30 minutes discussion) **PERSONS APPEARING BEFORE THE BOARD** Nate Greenberg, IT Director

SUBJECT 2022 Broadband Policy and Strategy Update

AGENDA DESCRIPTION:

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

This item will provide a high-level overview of the current state of broadband throughout the County, discuss the most significant aspects of legislation impacting broadband development in the area, and begin to chart the course for some local policy decisions which will need to be made in the coming year to take advantage of emerging opportunities.

RECOMMENDED ACTION:

- 1) Receive update from staff
- 2) Authorize signature of letter to Louis Fox
- 3) Provide direction or feedback as appropriate

FISCAL IMPACT:

None at this time.

CONTACT NAME: Nate Greenberg

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Presentation
<input type="checkbox"/> Draft letter to Louis Fox
<input type="checkbox"/> RCRC Broadband Funding Summary
<input type="checkbox"/> Mono County Comments to 20-09-001 Rulemaking

[Mono County Reply Comments to 20-09-001 Rulemaking](#)

[CPUC ALJ Request for Comment - Proposed Apportionment - Federal Funding Account](#)

[Mono et al. comments](#)

History

Time	Who	Approval
1/5/2022 9:10 AM	County Counsel	Yes
12/29/2021 9:05 AM	Finance	Yes
1/7/2022 8:53 AM	County Administrative Office	Yes



**INFORMATION TECHNOLOGY
COUNTY OF MONO**

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

Nate Greenberg
Information Technology Director

January 11, 2022

To Honorable Board of Supervisors
From Nate Greenberg, Information Technology Director
Subject Update on broadband legislation and policy on the local and state level

Recommendation

1. Receive update from staff
2. Authorize signature of letter to Louis Fox
3. Provide direction or feedback as appropriate

Discussion

Broadband has been a long-standing strategic priority for Mono County – dating back to 2009 when the County made a commitment to support the construction of Digital 395 and focus on extending service to residents and businesses throughout the County. As a result, today more than 90% of households in Mono County have access to Gigabit service.

The COVID-19 pandemic highlighted the importance of digital services matched with the capacity to access them through high-speed and high-quality broadband. While most of Mono County was well positioned going into the pandemic, portions of our community still lack affordable, quality broadband options. The lack of ubiquitous, quality service is certainly the case throughout most of the state and country - thrusting the topic into the spotlight. This has also yielded landmark legislation and historic amounts of funding dedicated to expanding and improving broadband on a national level.

This item will provide a high-level overview of the current state of broadband throughout the County, discuss the most significant aspects of legislation impacting broadband development in the area, and begin to chart the course for some local policy decisions which will need to be made in the coming year to take advantage of emerging opportunities.

Fiscal Impact

None at this time.

Strategic Plan Alignment

Mono County Strategic Priorities

1. Improve Public Safety & Health
 2. Enhance Quality of Life for County Residents
 3. Fiscally Health County & Regional Economy
- ✘ 4. Improve County Operations
 - ✘ 5. Support the County Workforce

IT Strategic Initiatives

- ✘ 1. Customer Success
- ✘ 2. Infrastructure & Security
- 3. Communications
- ✘ 4. Engaged & Empowered Users
- ✘ 5. Usability & Access
- ✘ 6. Data Quality & Availability

2022 BROADBAND UPDATE

Legislation & policy at the state and local level



Nate Greenberg
IT Director

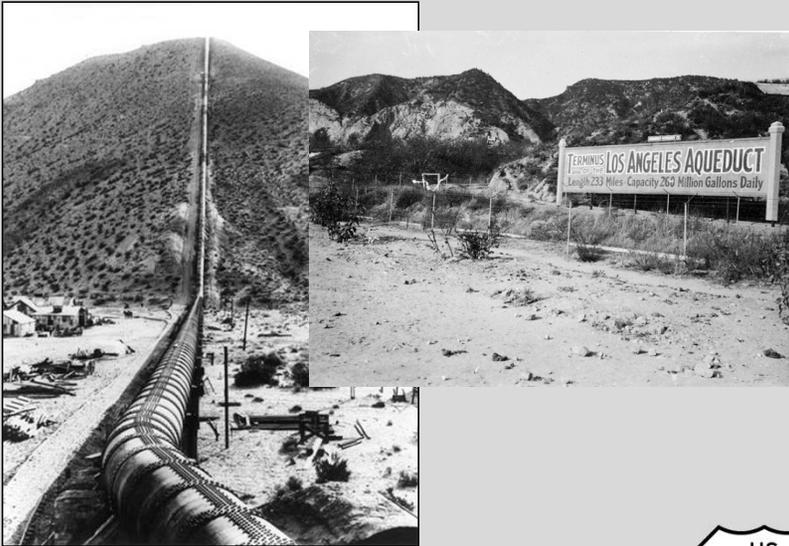
Mono County Board of Supervisors
January 11, 2022

AGENDA

- **Background**
- **Legislation, programs, and funding overview**
 - SB 156 & 20-09-001
 - Other State and Federal programs
- **Local impacts & opportunities**
- **Policy considerations**
- **Next steps**

TRANSFORMATIVE INFRASTRUCTURE IN A REMOTE LANDSCAPE

Los Angeles Aqueduct : 1908 - 1913



DIGITAL
395 2013 -



1930s

US
395



DIGITAL 395 – THE NETWORK



- **Sophisticated 100y network**
 - \$110m | 620mi. Middle-Mire fiber network – Reno <> Barstow
 - Petabytes of capacity – 10% utilization
 - 2021 electronics upgrade (\$1.2m) – product/capacity growth
- **“Our Network”** supports a **Connected Eastern Sierra**
 - Serves G.E.M. facilities & service providers
 - Vital to the operation of Mono County
- **Public Safety Grade network**
 - Hardened against wildfires, earthquake, etc.
 - CalTech earthquake / early warning
 - Supporting Radio Over IP, dispatch, etc.

395 MANAGEMENT - CALIFORNIA BROADBAND COOP

- **Structurally Solid**

- 501(c)12 telephone cooperative
- 11 member Board since 2012



- **Financially stable**

- Positive Going Concern audits; cash reserves

- **Future focused**

- Strategic initiatives
- SB 156 opportunities



1

Digital 395 provides broadband service in the form of 'backhaul' to providers

Providers utilize their 'Last Mile' network to connect customers at home & work

2



Fox Industries

3

Customers purchase service from local providers

2013

\$37.01
per mbit

2016



\$1.83
per mbit

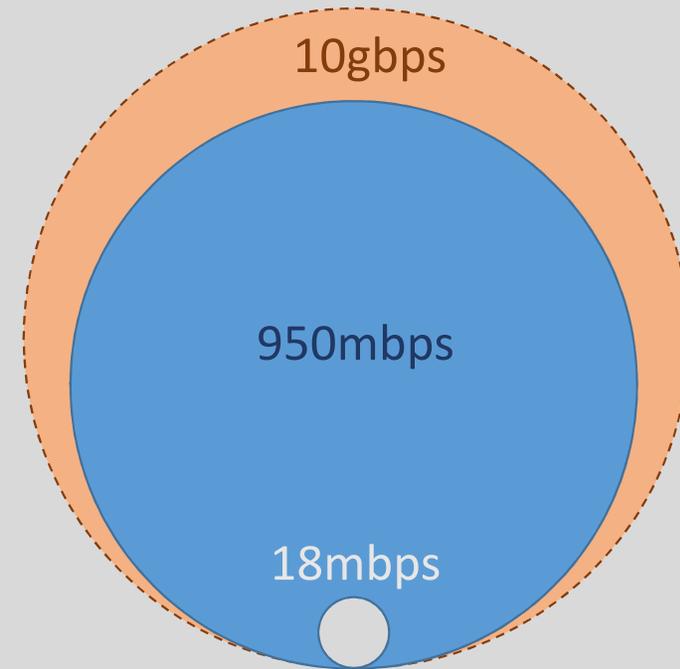
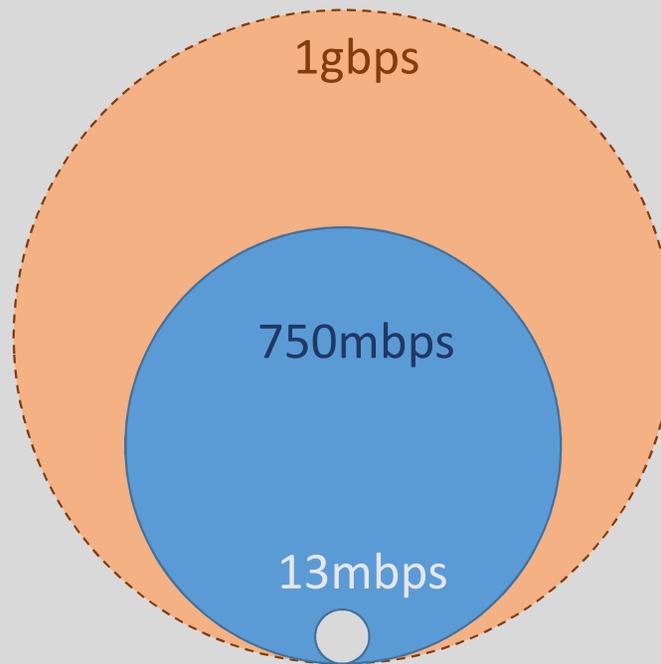
vs.



\$4 per
mbit
national avg.

Current

\$.62
per mbit



8mbps
1.4mbps
1.5mbps

○ National Average

● Mono County Average

○ Overall Capacity

Community	Households	Svc Providers	Subsidy?	Fastest Adv. Last Mile Broadband Speeds (in Mb)			Projected
				2013	2015	Current	
MONO COUNTY							
Topaz *	27	Frontier		1	3	15	
Coleville *	198	Frontier, Schat.net	BIP	3	6	15	
Walker	324	Frontier, Schat.net	BIP	3	6	1000	
Swauger Creek / Devil's Gate *	30	Hartstrom.com		3	15	15	
Bridgeport	354	Race; Fox Communications	CASF	1	7	1000	
Twin Lakes	98	Fox Communications; (Frontier)			15	15	
Bridgeport Indian Colony	25	BIC's Tribal WiFi		1	50	50	1000
Virginia Lakes	65	N/A		0	0	0	
Mono City	82	Race, Schat.net	CASF	1	5	1000	
Lee Vining	90	Schat.net, Race		1	5	1000	
June Lake	815	Suddenlink		1.5	150	1000	
Mammoth Lakes	9466	Suddenlink		1.5	1000	1000	
Long Valley *	67	Frontier; Schat.net		1	7	15	
McGee Creek *	31	Frontier; Schat.net		1	7	15	
Crowley	531	Race, Frontier, Schat.net	CASF	1	7	1000	
Aspen Springs	36	Race, Schat.net	CASF	1	5	1000	
Sunnyslope / Tom's Place	140	Race	CASF	1	5	1000	
Swall Meadows	127	Race	CASF	1	7	1000	
Paradise	156	Race	CASF	1	5	1000	
Benton	119	Race, Schat.net	CASF	1	5	1000	
Benton Indian Reservation	23	Race		1	5	1000	
White Mountain Estates	41	Race, Schat.net	CASF	1	5	1000	
Hammil Valley *	69	Schat.net		1	5	5	
Chalfant	288	Race, Schat.net	CASF	1	1000	1000	
Oasis	15	LTE				20	
Sub-Total	13,217			1.46mbps	748.60mbps	953.31mbps	
				2013	2015	Current	
ACTUAL # OF HOUSEHOLDS BY SPEED CATEGORY				Households	Households	Households	%
Unserved	< 7Mbps			100%	11%	65	0%
Underserved	7Mb - 25Mb			0	9%	535	4%
Served	26Mb-100Mb			0	0%	25	0%
Gig	1000Mb+			0	80%	12592	95%

SB 156: BROADBAND INFRASTRUCTURE INVESTMENT

Passed July 15, 2021 | Rulemaking 20-09-001 | Mono County Party Status

- **Middle Mile:**

- \$6b investment in Statewide open-access middle-mile network

- **Last Mile (Federal Funding Account):**

- \$6.3m - \$13.2m allocation to Mono County for last-mile projects

- **Revises CASF:**

- Allocating \$2b to last-mile projects | 100/20mbps standard
- Improves processes and removes some barriers

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB156

RCRC GOLDEN STATE CONNECT

- **Broadband Steering Committee participation**
 - 12-member group (elected Supervisors, CIOs, Consortia, academia)
- **County-based, EDA supported strategic plans**
 - Mono County opted out
- **Golden State Finance Authority (JPA)**
 - Bonding/financing opportunities for project builds
- **Public-Private network model**
 - In collaboration with Utopia broadband
 - Demonstration projects aimed at several communities

OTHER FUNDING OPPORTUNITIES

- 30 + Federal and State programs
 - Many overlapping
- Augmentation of existing
 - CASF supplementation, etc.
- Various ways to leverage
 - Most logical is to leverage CBC & providers

Overview of Broadband Funding Programs

December 2021

Program	Purpose							Eligible Entities						
	Technical Assistance	Planning	Deployment	Adoption & Literacy	Devices/Equipment	Research	Trials/Health	Local Government	State	Nonprofits	Education	Tribes	Rural Co-Ops	Other
FEDERAL SOURCES														
Department of Agriculture														
Rural Business Development Grant	•	•				•		•		•				
Rural Community Development Initiative Grant														
Business and Industry Guaranteed Loan Program			•											Lender
Community Connect Grant			•	•				•				•	•	
Rural eConnectivity (ReConnect) Grants/Loans			•					•	•			•	•	
Rural Broadband Loan & Loan Guarantee			•					•	•			•	•	
Rural Learning & Telemedicine Grants	•						•	•		•		•	•	
Community Facilities Loan & Grant			•					•		•				
Department of Commerce														
EDA - Public Works & Economic Adjustment	•	•	•	•	•	•		•				•	•	
EDA - ARPA Build Back Better Regional Challenge	•	•	•	•	•	•		•		•		•	•	
EDA - ARPA Economic Adjustment Assistance	•	•	•	•	•	•		•		•		•	•	
EDA - ARPA Statewide Planning & Research								•		•		•	•	
NTIA - IIA Broadband Infrastructure Program								•		•		•	•	
Broadband Equity, Access, Deployment (BEAD)			•	•				•	•			•	•	
Enabling Middle Mile BB Infrastructure			•	•				•	•			•	•	EDD ¹
Tribal BB Connectivity	•		•			•		•				•	•	
Digital Equity Act			•					•		•		•	•	
Department of Treasury														
ARPA State and Local Fiscal Recovery Funds			•	•	•			•	•			•	•	
ARPA Capital Projects Fund			•	•	•			•	•			•	•	
Federal Communications Commission														
E-Rate Program			•		•					•	•			
Emergency Broadband Benefit Program														Provider
IIA Emergency Broadband Benefit Program ²														Provider
Rural Digital Opportunity Fund - I ³								•	•			•	•	
STATE SOURCES														
California Public Utilities Commission														
California Advanced Services Fund (CASF)			•					•		•		•	•	
ARPA - CASF Last Mile ¹			•					•		•		•	•	
ARPA - Technical Assistance ²	•	•						•				•	•	
ARPA - Loan Loss Reserve ³			•					•				•	•	
Labor and Workforce Development Agency														
Community Economic Resilience Fund	•	•	•	•	•	•	•	•	•	•	•	•	•	
Workforce Innovation & Opportunity Act			•	•	•	•	•	•	•	•	•	•	•	
Dept. of Housing & Community Development														
Central Fund Research Public Housing	•	•	•	•	•	•	•	•	•	•	•	•	•	PHA
Community Development Block Grant ⁴	•	•	•	•	•	•	•	•	•	•	•	•	•	

¹ With political subdivision

² Low & moderate income requirements & population

³ Via local Workforce Investment Boards

⁴ Economic Development Districts

⁵ Grant program still in development

COUNTY IMPACTS / OPPORTUNITIES

Golden State Middle-Mile

- Rulemaking Party Status (formal comments)
- Prioritize routes to extend middle-mile & create new last-mile opportunity
 - **Eliminate any route segments coincident with existing Digital 395 route**
 - **Maintain the construction of the following route segments as proposed:**
 - Highway 203 from The Village at Mammoth to Mono/Madera County line (approx. 5 mi.)
 - Highway 158 from June Lake Village to June Lake Down Canyon (approx. 3.5 mi.)
 - **Add the following route segments as extensions to the Digital 395 network:**
 - Benton Crossing Road from Highway 395 to Whitmore County Facilities (approx. 1 mi.)
 - Highway 203 from Mono/Madera County line into Reds Meadow (approx. 8.5 mi.)
 - Highway 158 from proposed segment end to Silver Lake (approx. 1mi.)
 - Twin Lakes Road from Highway 395 in Bridgeport to Fire Station #2 (approx. 13.5 mi.)
 - Lake Mary Road from The Village at Mammoth to Mammoth Community Water District Facility (approx. 3 mi.)
 - Highway 120 west from Highway 395 junction to Yosemite National Park entrance (approx. 12 mi.)
 - Bodie Road from Highway 395 to Bodie State Park (approx. 13 mi.)

COUNTY IMPACTS / OPPORTUNITIES, CONT.

Last Mile (Federal Funding Account)

- Rulemaking still underway (no comments filed by Mono)
- Funding availability still being determined

County	Number of Unserved Households at 100 Mbps Download	U.S. Census Bureau Rural Definition (11 Rural Counties)	OMB Rural Definition (21 Rural Counties)	RCRC Rural Definition (37 Rural Counties)
Mono	1,033	\$6.29M	\$13.23M	\$8.07M
Inyo	1,517	\$6.89M	\$17.09M	\$9.51M
Alpine	367	\$10.62M	\$7.92M	\$6.09M
Kern	16,038	\$25.02M	\$28.24M	\$40.86M

- How to access, apply, and deploy funding still TBD

POLICY CONSIDERATIONS

- **Future County involvement in broadband?**
 - 2010 Board direction to work with providers (no formal last-mile involvement)
 - Current Board desire?
 - Interest from providers
- **Recommit to standards**
 - “Wireline before wireless”
 - “Fiber first”
 - “Underground before overhead”

POLICY CONSIDERATIONS, CONT.

- **Receiving & distributing FFA funds**

- Developing projects
- Formally engaging provider(s) – (CBC, Inyo Networks, Race, others)
- Process (Formal RFP, general outreach, etc.?)

- **Community/project prioritization**

1. Expand community service footprint (serve HHS not currently covered)
2. Focus on year-round population areas
3. Work with providers on design engineering & costing
4. Apply a Cost:Impact rationale with money available

NEXT STEPS

- **Continued advocacy for Digital 395**
 - Clear articulation of County's support of network
 - Retain principles CBC operates under
 - Outreach to appointed and elected leadership
- **Agree on County priorities and process**
 - Focus areas (communities)
 - Process/procedure policy
 - Continued engagement & advocacy in leg./rulemaking processes
 - ESCOG – Inyo-Mono Broadband Consortium?

THANK YOU!





Jennifer Kreitz ~ District One Rhonda Duggan - District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5533 • FAX (760) 932-5531
Scheereen Dedman, Clerk of the Board

January 11, 2022

Louis Fox
President & CEO
CENIC
1919 Fifth Street
Berkeley, CA 94710
lfox@cenic.org

Dear Mr. Fox –

As Chair of the Mono County Supervisors and District Three Supervisor, I am writing to you in your capacity as Third-Party Administrator for the California Middle-Mile Broadband Initiative (“MMBI”). As you may know, Mono County is one of three Class A members of the California Broadband Cooperative (“CBC”) which operates a non-discriminatory middle-mile broadband network throughout the Eastern Sierra Nevada, commonly known as Digital 395.

This vital network operates in the form of a public/private partnership in our region. Without doubt, it has dramatically changed the landscape of opportunity for the residents, businesses, and visitors of this rural part of California. Furthermore, it has substantially changed the way that we operate as a government entity and how we deliver services effectively to our constituents. It is no exaggeration to say that the broadband network offered by CBC makes it possible for our constituents to have access to some of the highest quality online services found anywhere in the country. As you know, broadband plays an important role in sustaining the needs of the local communities, as well as supporting economic development – a fact which is no different in our region.

Mono County has made broadband a strategic priority since 2009 when it committed resources to support the construction of Digital 395, and then focused on Last Mile initiatives throughout the County. As a result of these commitments and efforts, today Mono County can boast that more than 90% of our households have access to Gigabit internet speeds at a price point which is competitive on the national landscape. All of our schools leverage Gig speeds that support their 1:1 programs, and our hospitals leverage Gigabit internet in order to provide sophisticated remote and robotic medicine in a rural setting.

In an area where broadband deployment is not economical, CBC has enabled broadband competition and distribution in a landscape which has historically lacked even reliable Plain Old Telephone Service.

It is important to note, however, that the Digital 395 network does not extend to every corner of our county, and as a result some communities still lack meaningful access to reliable and affordable broadband.

Consistent with the comments we have filed at the California Public Utilities Commission on the implementation of SB 156, we want to ensure that the MMBI understands the needs of our county. We anticipate that the State and MMBI will take full advantage of the potential for Digital 395 and CBC by first keeping our network operational in the fashion that it is today, and then helping extend broadband in a fashion that satisfies both the State's and County's objective to further close the digital divide in our area.

In Mono County, there remain just a handful of middle-mile network development needs which we hope MMBI will consider supporting. Those include:

- Benton Crossing Road from Highway 395 to Whitmore County Facilities (approx. 1mi.)
- Highway 203 from Mono/Madera County line into Reds Meadow (approx. 8.5mi.)
- Highway 158 from proposed segment end to Silver Lake (approx. 1mi.)
- Twin Lakes Road from Highway 395 in Bridgeport to Fire Station #2 (approx. 13.5mi.)
- Lake Mary Road from The Village at Mammoth to Mammoth Community Water District Facility (approx. 3mi.)
- Highway 120 west from Highway 395 junction to Yosemite National Park entrance (approx. 12mi.)
- Bodie Road from Highway 395 to Bodie State Park (approx. 13mi.)

It is well recognized that "overbuilding" Digital 395 in the Eastern Sierra is both unnecessary and inefficient. However, establishing a clear strategy which coordinates with CBC and leverage the network is paramount for both the State and local objectives to be fulfilled in this area. It is also important to note that disrupting the economic or service model currently realized by CBC would not only impact the solvency of the organization, but likely have deleterious downstream impacts on organizations such as ours.

We recognize the complexity of this topic and welcome further discussion with our organization on the matter. Please feel free to contact Nate Greenberg, Mono County's Director of Information technology with any questions or comments.

On behalf of the Mono County Board of Supervisors,

Bob Gardner
Chair, District Three Supervisor

Overview of Broadband Funding Programs

December 2021

Purpose							Eligible Entities						
Technical Assistance	Planning	Deployment	Adoption & Literacy	Devices/Equipment	Research	Telehealth	Local Government	State	Nonprofits	Education	Tribes	Rural Co-Ops	Other

FEDERAL SOURCES

Department of Agriculture

Rural Business Development Grant	•	•				•		•		•			
Rural Community Development Initiative Grant		•						•		•	•		
Business and Industry Guaranteed Loan Program			•										Lender
Community Connect Grant			•	•	•			•		•		•	
Rural eConnectivity (ReConnect) Grants/Loans			•					•				•	
Rural Broadband Loan & Loan Guarantee			•					•				•	
Distance Learning & Telemedicine Grants	•				•			•		•	•		
Community Facilities Loan & Grant			•		•			•		•	•		

Department of Commerce

EDA - Public Works & Economic Adjustment	•	•	•	•	•	•		•				•	
EDA - ARPA Build Back Better Regional Challenge	•	•	•	•				•	•	• ¹	•	•	
EDA - ARPA Economic Adjustment Assistance	•	•	•	•	•	•		•	•	• ¹	•	•	
EDA - ARPA Statewide Planning & Research		•				•		•	•	• ¹	•	•	
NTIA - IJA Broadband Infrastructure Program													
<i>Broadband Equity, Access, Deployment (BEAD)</i>		•	•					•	•			•	
<i>Enabling Middle Mile BB Infrastructure</i>			•					•	•	•		•	EDD ⁴
<i>Tribal BB Connectivity</i>	•	•	•	•		•						•	
<i>Digital Equity Act</i>		•		•				•	•	•	•	•	•

Department of Treasury

ARPA State and Local Fiscal Recovery Funds			•	•	•			•	•			•	
ARPA Capital Projects Fund			•		•				•				

Federal Communications Commission

E-Rate Program			•		•					•	•		
Emergency Broadband Benefit Program				•									Provider
IIJA Emergency Broadband Benefit Program ⁵				•									Provider
Rural Digital Opportunity Fund - II ⁵			•					•	•			•	•

STATE SOURCES

California Public Utilities Commission

California Advanced Services Fund (CASF)			•					•		•		•	•
ARPA - CASF Last Mile ⁵			•					•		•		•	•
ARPA - Technical Assistance ⁵	•	•						•				•	
ARPA - Loan Loss Reserve ⁵			•					•				•	•

Labor and Workforce Development Agency

Community Economic Resilience Fund	•	•	•	•	•	•	•	•		•	•	•	•
Workforce Innovation & Opportunity Act				•	•			• ³	•			•	

Dept. of Housing & Community Development

Capital Fund Program-Public Housing		•	•		•								PHA
Community Development Block Grant²		•	•	•	•	•	•	•	•			•	

¹ With political subdivision

² Low & moderate income requirements & population

³ Via local Workforce Investment Boards

⁴ Economic Development Districts

⁵ Grant program still in development

Broadband Funding Programs: Program Information and Links

December 2021

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
FEDERAL SOURCES					
Department of Agriculture					
<u>Rural Business Development Grant</u>	The Rural Business Development Grant program provides funding designed to support targeted technical assistance, training, and other activities leading to the development or expansion of small and emerging private businesses in rural areas that have fewer than 50 new employees and less than \$1 million in gross revenues. Programatic activities are separated into enterprise or opportunity type grant activities.	Applications made to USDA Rural Development State Office	Currently Closed		Annual
<u>Rural Community Development Initiative Grant</u>	RCDI grants are awarded to help non-profit housing and community development organizations, low-income rural communities and federally recognized tribes support housing, community facilities and community and economic development projects in rural areas. Broadband-related planning is an eligible activity.				Annual
<u>Business and Industry Guaranteed Loan Program</u>	The Business and Industry program bolsters the availability of private credit by guaranteeing loans made by lenders to rural businesses. This program improves the economic health of rural communities by increasing access to business capital through loan guarantees that enable commercial lenders to provide affordable financing for businesses in eligible rural areas.	Applications are accepted from lenders on an on-going basis. Broadband infrastructure deployment is eligible program purpose. Eligible recipients include: libraries, higher education, state, local, and tribal governments, public safety entities, healthcare facilities, for- and non-profit organizations, electric utilities/co-ops.			Applications are accepted from lenders on an on-going basis.

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
Community Connect Grant	<p>The Community Connect program helps fund broadband deployment in rural communities where it is not yet economically viable for private-sector providers to deliver service. The grants offer financial assistance to eligible service providers that will construct, improve, or expand broadband networks in rural areas.</p>				<p>Currently Closed</p>
Rural eConnectivity (ReConnect) Grants/Loans	<p>The Broadband ReConnect Program furnishes loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas.</p>	<p>Loans/grants or a combination thereof may be used to pay for the following costs: 1. Construction or improvement of facilities required to provide terrestrial broadband service; 2. Reasonable pre-application expenses (not to exceed 5%); 3. Acquisition of existing system that does not currently provide sufficient access to broadband</p>	<p>Beginning on November 24, 2021, applications can be submitted through the RUS online application portal until 11/59 a.m. EST on February 22, 2022.</p>	<p>100% Loans - awarded on rolling basis. Rate is 2% fixed. Three year deferment period. 50/50 Loan/Grant - Three year deferment period. Rate is Treasury Rate for each advance. 100% Grant - 25% match requirement deposited into account upon award notification. 100% Grant Tribal Govs and Socially Vulnerable - no match requirement.</p>	<p>Total Allocation - \$1.15 Billion 100% Loan - \$200M 50/50 Loan/Grant - \$250M 100% Grant - \$350M 100% Grant Tribal Gov and Socially Vulnerable - \$350M</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
<u>Rural Broadband Loan & Loan Guarantee</u>	<p>The Rural Broadband Access Loan and Loan Guarantee Program (Broadband Program) furnishes loans and loan guarantees to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide service at the broadband lending speed in eligible rural areas.</p>	<p>Broadband loans provide funding on a technology-neutral basis for financing. This program provides funding for:</p> <ul style="list-style-type: none"> • The construction, improvement, and acquisition of facilities required to provide service at the broadband lending speed as defined in the latest funding announcement • Refinancing of existing RUS debt with certain restrictions • An acquisition, under certain circumstances and with restrictions 	<p>Currently Closed</p>	<p>Direct Loans: Cost-of-Money Loans. In general Loan Terms are limited to the expected composite economic life of the assets to be financed plus 3 years. Interest rates are set at the time funds are advanced.</p>	
<u>Distance Learning & Telemedicine Grants</u>	<p>The Distance Learning and Telemedicine program helps rural communities use the unique capabilities of telecommunications to connect to each other and to the world, overcoming the effects of remoteness and low population density.</p>	<p>Grant funds may be used for: acquisition of eligible capital assets; acquisition of instructional programming that is a capital asset; acquisition of technical assistance and instruction for using eligible equipment. Grant-only funds, awarded through a nationally competitive process - 15% match required</p>			<p>Currently Closed</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
Community Facilities Loan & Grant	This program provides affordable funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial or business undertakings	Broadband -related program purposes and eligible expenditures include: public connectivity/computer access, smart communities/cities/regions, and telehealth.	Applications accepted year-round		Applications accepted year-round
Department of Commerce					
EDA - Public Works & Economic Adjustment	EDA solicits applications from applicants in order to provide investments that support construction, non-construction, planning, technical assistance, and revolving loan fund projects under EDA's Public Works program and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities.	There are no submission deadlines under the FY2020 Public Works and Economic Adjustment Assistance funding opportunity. Applications will be accepted on an ongoing basis until a new PWEAA NOFO is published, this PWEAA NOFO is cancelled, or all funds have been expended. Applicants are strongly encouraged to contact the EDA representative for their applicable State before submission to clarify technical matters and alignment of the project with EDA mission and investment priorities.	No deadlines - open until funding expended.	Competitive	Approximately \$206M

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
EDA - ARPA Build Back Better Regional Challenge	<p>The Build Back Better Regional Challenge is designed to assist communities nationwide in their efforts to build back better by accelerating economic recovery from the coronavirus pandemic and building local economics that will be resilient to future economic shocks. The \$1 billion Build Back Better Regional Challenge will provide a transformational investment to 20-30 regions across the country that want to revitalize their economies. These regions will have the opportunity to grow new regional industry clusters or scale existing ones through planning, infrastructure, innovation and entrepreneurship, workforce development, access to capital and more.</p>	<p>This is a two-phase competition. The deadline for Phase 1 Concept Proposals is 11:59 p.m. EST on October 19, 2021. For Phase 1 finalists selected to proceed to Phase 2, the deadline for Full Applications is 11:59 p.m. EST on March 15, 2022.</p>	<p>Phase I - Currently Under Review</p>	<p>Announced following Phase 2 Review which begins on March 16, 2022.</p>	<p>\$1 Billion</p>
EDA - ARPA Economic Adjustment Assistance	<p>The Economic Adjustment Assistance program is EDA's most flexible program, and grants made under this program will help hundreds of communities across the nation plan, build, innovate, and put people back to work through construction or non-construction projects designed to meet local needs. A wide range of technical, planning, workforce development, entrepreneurship, and public works and infrastructure projects are eligible for funding under this program.</p>	<p>There are no application submission deadlines. Applications will be accepted on an ongoing basis until the publication of a new ARPA EAA NOFO, cancellation of this ARPA EAA NOFO, or all available funds have been expended. While EDA encourages eligible applicants to submit their applications as soon as possible, EDA strongly advises eligible applicants to submit complete applications no later than March 31, 2022 so that EDA can review and process the application in time to get a potential award in place prior to deadlines imposed by Congress</p>	<p>Eligible applicants strongly advised to submit complete applications no later than March 31, 2022, so that EDA can review and process in time to get potential award in place prior to deadlines imposed by Congress.</p>	<p>Competitive</p>	<p>\$500M</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
EDA- ARPA Statewide Planning & Research	<p>Through grants provided to States, EDA will fund a variety of activities among which the State may choose one or more to fund, including but not limited to: Supporting statewide broadband data collection and mapping efforts and developing statewide broadband deployment and technical assistance plans, as well as developing economic development plans that identify new or existing industry clusters that would benefit from specific infrastructure, studies, and/or workforce investments to facilitate rapid expansion of such industry clusters.</p>	<p>For Statewide Planning grants, States must accept or reject the grant within 45 days of the date of transmission from EDA of an invitation letter. For Research and Network Grants, EDA will accept applications on a rolling basis. EDA encourages eligible applicants to submit their applications as soon as possible. Awards made will help develop coordinated state-wide plans for economic development and data, tools, and institutional capacity to evaluate and scale evidence-based economic development efforts, including through communities of practice and provision of technical assistance among existing and new EDA grantees.</p>		<p>Through the Statewide Planning, Research & Networks program, EDA is supporting states in planning efforts by allocating \$59 million for Statewide Planning Grants. In addition, the program will allocate \$31 million for Research and Networks Grants to invest in research that assesses the effectiveness of EDA's programs, and provides support for stakeholder communities around key EDA initiatives.</p>	<p>\$59M - Statewide Planning \$31M Research and Networks Grants</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
<u>NTIA - IJA Broadband Infrastructure Program</u> - (Comprised of program allocations below)					\$65 Billion Total
<i>Broadband Equity, Access, Deployment (BEAD)</i>	Utilize for broadband deployment, mapping, and adoption projects. Each state, D.C., and P.R. will receive an initial allocation of \$100 million to support planning efforts including building capacity in state broadband offices and outreach and coordination with local communities.	States, territories, D.C., and P.R., leveraging initial planning funds that will be made available through the program, will submit a 5-year action plan, which shall be informed by collaboration with local and regional entities. The remaining funding will be distributed based on a formula that considers the number of unserved and high-cost locations in the state, based on the maps to be published by the FCC in 2022. The first priority for funding is for providing broadband to unserved areas (those below 25/3 Mbps), followed by underserved areas (those below 100/20 Mbps), and then serving community anchor institutions (1/1 Gbps).			\$42.45 Billion

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
<i>Enabling Middle Mile BB Infrastructure</i>	For the construction, improvement or acquisition of middle mile infrastructure. The purpose of the grant program is to expand and extend middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the internet backbone.	Eligible applicants include States, political subdivisions of a State, tribal governments, technology companies, electric utilities, utility cooperatives, public utility districts, telecommunications companies, telecommunications cooperatives, nonprofit foundations, nonprofit corporations, nonprofit institutions, nonprofit associations, regional planning councils, Native entities, or economic development authorities.			\$1 Billion
<i>Tribal Broadband Connectivity</i>	The Tribal Broadband Connectivity Program directs funding to tribal governments to be used for broadband deployment on tribal lands, as well as for telehealth, distance learning, broadband affordability, and digital inclusion	Provides an additional \$2 Billion to the program			\$2 Billion

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
<p><i>Digital Equity Act Programs</i></p>	<p>Establishes three grant programs that promote digital inclusion and equity to ensure that all individuals and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy.</p>	<p>State Digital Equity Planning Grant Program: \$60 million formula grant program for states and territories to develop digital equity plans.</p> <p>State Digital Equity Capacity Grant Program: \$1.44 billion formula grant program for states and territories distributed via annual grant programs over 5 years to implement digital equity projects and support the implementation of digital equity plans.</p> <p>Digital Equity Competitive Grant Program: \$1.25 billion discretionary grant program distributed via annual grant programs over 5 years to implement digital equity projects. Eligible applicants include specific types of political subdivision, agency, or instrumentality of a state; tribal governments; nonprofit entities; community anchor institutions; local educational agencies; and entities that carry out workforce development programs.</p>			<p>\$2.75 Billion Total</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
Department of Treasury					
ARPA State and Local Fiscal Recovery Funds	<p>The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each government to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest hit by the crisis. These funds can also be used to make necessary investments in water, sewer, and broadband infrastructure.</p>			<p>Funds have been and are available for distribution</p>	<p>\$27+ Billion - CA Counties and Cities - formula allocation</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
ARPA Capital Projects Fund	<p>The Coronavirus Capital Projects Fund (Capital Projects Fund) will address many challenges laid bare by the pandemic, especially in rural America, Tribal communities, and low- and moderate-income communities, helping to ensure that all communities have access to the high-quality modern infrastructure, including broadband, needed to access critical services.</p>	<p>Treasury is launching the Capital Projects Fund to allow recipients to invest in capital assets that meet communities' critical needs in the short and long-term, with a key emphasis on making funding available for broadband infrastructure.</p>	<p>California must file Request for Funding by December 27, 2021. Deadline to Submit Grant Plan is September 24, 2022.</p>	<p>Eligible projects include: Broadband Infrastructure Projects- construction and deployment; Digital Connectivity Technology Projects- purchase or installation of devices and equipment to facilitate broadband internet access; Multi-Purpose Community Facility Projects- construction/improvements of buildings to jointly or directly enable work, education, and health monitoring in communities of need.</p>	<p>\$10 Billion Total - \$540 Million for CA</p>

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
Federal Communications Commission					
E-Rate Program	The schools and libraries universal service support program, commonly known as the E-rate program, helps schools and libraries to obtain affordable broadband.	Eligible schools, school districts and libraries may apply individually or as part of a consortium. Funding may be requested under two categories of service: category one services to a school or library (telecommunications, telecommunications services and Internet access), and category two services that deliver Internet access within schools and libraries (internal connections, basic maintenance of internal connections, and managed internal broadband services). Discounts for support depend on the level of poverty and whether the school or library is located in an urban or rural area. The discounts range from 20 percent to 90 percent of the costs of eligible services.			Funding year application filing window: January 15 - March 25.

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
<u>Emergency Broadband Benefit Program</u>	The Emergency Broadband Benefit Program provides support for broadband services and certain devices to help low-income households stay connected during the COVID-19 pandemic. On December 27, 2020, the Consolidated Appropriations Act, 2021 became law and established an Emergency Broadband Connectivity Fund of \$3.2 billion in the United States Treasury to help Americans afford internet service during the pandemic	The Act directed the Federal Communications Commission to use the fund to establish an Emergency Broadband Benefit Program (EBB Program), under which eligible low-income households may receive a discount off the cost of broadband service and certain connected devices, and participating providers can receive a reimbursement for such discounts. The program offers a \$50 monthly subsidy to eligible households.			Total allocation - \$3.2 Billion. The EBB Program will conclude when the fund is expended or six months after the end of the public health emergency.
IIJA Emergency Broadband Benefit Program	Extends the Emergency Broadband Benefit Program.	The program offers a \$30 monthly subsidy to eligible households.			\$14.2 Billion added under IIJA to extend the program
Rural Digital Opportunity Fund - II	The Rural Digital Opportunity Fund is the Commission's next step in bridging the digital divide to efficiently fund the deployment of broadband networks in rural America. Through a two-phase reverse auction mechanism, the FCC will direct up to \$20.4 billion over ten years to finance up to gigabit speed broadband networks in unserved rural areas, connecting millions of American homes and businesses to digital opportunity.	The RDOF Phase I auction was held November 2020 and awarded \$9+ billion in project funding in census blocks that are entirely unserved by voice and broadband with speeds of at least 25/3 Mbps. Phase II will consist of \$11+ billion in funding to cover locations in census blocks that are partially served, as well as locations not funded in Phase I.			\$11+ Billion - Auction expected in 2022. Amount may be higher due to unused RDOF Phase 1 awards (funds returned due to incomplete applications by Phase 1 awardees).

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
STATE SOURCES					
California Public Utilities Commission					
<u>California Advanced Services Fund (CASF)</u>					
ARPA - CASF Last Mile	To fund last-mile broadband connections that will connect homes and businesses with local networks. SB 156 expedites project deployment and enables Tribes and local governments to access this funding.	Project funds must be encumbered by 2025 and spent (projects built) by 2027.	CPUC Rule-Making on-going		\$2 Billion - Split \$1 Billion Rural and \$1 Billion Urban
ARPA - Technical Assistance	Reimbursement of work product resulting from activities such as the preparations of environmental, feasibility, and engineering design studies or reports and/or assistance in development of market studies and business plans which support local agencies in their pursuit of the provision of service to unserved and underserved communities.	Dollars must be encumbered by 2025 and spent by 2027.			\$50 Million
ARPA - Loan Loss Reserve	Establishes a loan loss reserve fund to bolster the ability of local governments and nonprofits to secure financing for broadband infrastructure.		CPUC Rule-Making on-going		\$750 Million
Labor and Workforce Development Agency					
<u>Community Economic Resilience Fund (CERF)</u>	To promote a sustainable and equitable recovery from the economic distress of COVID-19 by supporting new plans and strategies to diversify local economies; support communities and regional groups in producing roadmaps for economic recovery; align and leverage state investments, federal investments, and philanthropic and private sector investments to maximize recovery efforts.	CERF will provide funding to support regional economic resiliency in two phases - Phase 1-Regional Planning Grants (13 regions-\$5 million each); Phase 2-Regional Implementation Grants (approximately \$500 million total)	Planning Grant solicitation released - January 2022 Implementation Grant solicitation released - June 2022		\$600 Million

SOURCES	PROGRAM DESCRIPTION	FUNDING DETAILS	IMPORTANT DATES	AWARD INFORMATION	ALLOCATION
Workforce Innovation & Opportunity Act	<p>Each year, Congress appropriates dollars under the Workforce Innovation and Opportunity Act (WIOA) for adult, dislocated worker, youth, and basic labor exchange programs. The WIOA statute describes allowable activities for programs under its various titles (including those for adult education and vocational rehabilitation). “Digital literacy” is among the list of programs, activities, or services that comprise workforce preparation.</p>	<p>Program funds can be used for: planning, broadband adoption, literacy, tech support, digital skills training, devices & equipment.</p>			<p>Local Workforce Investment Boards establish funding priorities. State Workforce Board reserves discretionary funds for projects of significant economic impact.</p>
Dept. of Housing & Community Development					
Capital Fund Program-Public Housing	<p>The Capital Fund program provides funds annually via a formula to approximately 3,200 public housing agencies (PHAs) across the country. PHAs may use Capital Fund grants for development, financing, modernization, and management improvements.</p>	<p>Capital Fund dollars can be used for planning, broadband infrastructure deployment, devices/equipment, public connectivity/computer access.</p>			<p>Distributed via formula to public housing authorities</p>
Community Development Block Grant**	<p>The CDBG Program provides annual grants on a formula basis to states and local governments, to be used for economic and community development, principally for low and moderate-income persons.</p>	<p>CDBG funds can be used for planning, broadband infrastructure deployment, adoption, digital literacy, tech support, training, devices & equipment, telehealth.</p>			<p>Open application period - competitive. Low and moderate income requirements apply.</p>

Entities and Organizations Involved in California Broadband

December 2021

STATEWIDE

California Public Utilities Commission

- Develops broadband implementation policy
- Provides funding opportunities for broadband deployment, technical assistance, and Regional Broadband Consortia
- Together with other state agencies and departments, implements California Middle Mile Project.

California Middle Mile Project

- Established in July 2021 with enactment of SB 156
- State will identify project areas, construct, own, operate, and maintain open-access middle mile network to enable delivery of last mile service to unserved and under-served areas of California
 - California Public Utility Commission – via public process, identifies those areas, as prescribed in SB 156, that have highest unserved and under-served populations and are without Middle Mile connectivity, ultimately determining California Middle Mile project areas
 - California Department of Transportation – will construct California Middle Mile network
 - CENIC – will serve as Third Party Administrator of California Middle Mile infrastructure
 - California Department of Technology
 - will admit and manage providers on the California Middle Mile Network
 - staff to and member of the California Broadband Council
 - staff to and member of the California Middle Mile Advisory Committee

California Broadband Council

Twelve-member Advisory Council to the Governor comprised of Agency Secretaries, Department Directors, CPUC President, Assembly and Senate representatives, and the California Emerging Technology Fund President. The Council identifies state resources, encourages public and private partnerships, and recommends policy to provide high speed internet access throughout California.

California Middle Mile Advisory Committee

As called for in SB 156, the Middle Mile Advisory Committee will monitor the development and construction of the State's middle mile projects. Nine-member committee comprised of five Administration representatives, and two representatives each from the Senate and Assembly.

California Emerging Technology Fund (CETF)

Non-profit corporation established in 2005 pursuant to CPUC orders in approving mergers of SBC-AT&T and Verizon-MCI. Received funds as part of merger for mission of "achieving ubiquitous access to broadband and advanced services in California, particularly in underserved communities, through use of emerging technologies". Over years, has been a voice in policy development and provider of seed funding for projects that advance digital literacy and broadband deployment and adoption.

California State Association of Counties

Robust lobbying and advocacy effort around broadband on behalf of county members statewide

RURAL CALIFORNIA

Rural County Representatives of California (RCRC)

Robust lobbying and advocacy effort around broadband on behalf of 37-member rural counties

Golden State Connect Authority

Joint Powers Authority established by Rural County Representatives of California (RCRC) to accelerate the deployment of broadband to rural California

- provides tools that educate and inform local government involvement in planning and directing broadband deployment and adoption
- will deploy open-access, public benefit last mile broadband infrastructure
- provides links to innovative approaches, possible partners, and efficient utilization of public resources at scale

REGIONAL

California Rural and Urban Regional Broadband Consortia

Established in 2010 and re-authorized in 2017, the CPUC Regional Broadband Consortia Account funds regional broadband consortiums whose purpose is “to facilitate the deployment of broadband services by assisting infrastructure grant applicants in the project development or grant application process”. There are currently 13 Regional Broadband Consortiums.

COUNTY

Many counties have established a Broadband Task Force comprised of stakeholders from across public and private sectors – government, education, first responders, business, economic development, healthcare, Incumbent Service Providers (ISPs) – to inform development of broadband strategic plans, Comprehensive Economic Development Strategies, and countywide broadband policies.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California

Rulemaking 20-09-001 (Filed 09/02/21)

OPENING COMMENTS OF THE COUNTY OF MONO TO ORDER INSTITUTING RULEMAKING 20-09-001

September 2, 2021

Jennifer Kreitz, Chair
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California

Rulemaking 20-09-001 (Filed 8/6/21)

OPENING COMMENTS OF THE COUNTY OF MONO TO ORDER INSTITUTING RULEMAKING 20-09-001

I. Introduction

In accordance with Rule 6.2 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rules”), the County of Mono submits comments to the Order Instituting Rulemaking 20-09-001 (“Rulemaking”).

II. Comments

1. Identifying Existing Middle Mile Infrastructure

The entire Eastern Sierra region, including Mono County, benefits from an existing open-access middle-mile network commonly known as Digital 395. This project was jointly funded by the federal Broadband Technology Opportunities Program (BTOP) and the California Advanced Services Fund (CASF) and has been operating since 2013.

Digital 395 delivers competitively priced, carrier grade service without capacity constraints to government, education, and medical anchor institutions in Mono County, plus backhaul to numerous last-mile providers. As a result of Digital 395 and those providers, Gigabit broadband is available to more than 90% of households in Mono County. Additionally, all of Mono County’s facilities and a number of other public entities’ facilities are directly connected to and utilizing Digital 395 for network and internet services.

Given the existence of Digital 395 and its alignment with the State’s objectives for a comprehensive open-access middle-mile network, we estimate that there are approximately 165 miles of route identified in the Anchor Build Fiber Highways document which do not need to be constructed in Mono County. In place of this mileage, Mono County would like to instead request allocation of money to cover the construction of 53 miles of new middle-mile network as ‘lateral’ builds off Digital 395 and redirect the remaining allocation of approximately 100 miles to Inyo County for priorities needed in their jurisdiction. The requested route modifications in Mono County are as follows:

Eliminate the following routes and lease from Digital 395:

1. Highway 395 corridor from Mono/Inyo County line to state line (approx. 119 mi.)
2. Highway 6 corridor from Mono/Inyo County line (approx. 29 mi.)
3. Highway 158 from Highway 395 junction to June Lake Village (approx. 2.5 mi.)
4. Highway 203 from Highway 395 to The Village at Mammoth (approx. 4 mi.)

Maintain the construction of the following route segments as proposed:

5. Highway 203 from The Village at Mammoth to Mono/Madera County line (approx. 5 mi.)
6. Highway 158 from June Lake Village to June Lake Down Canyon (approx. 3.5 mi.)

Add the following route segments as extensions to the Digital 395 network:

7. Benton Crossing Road from Highway 395 to Whitmore County Facilities (approx. 1 mi.)
8. Highway 203 from Mono/Madera County line into Reds Meadow (approx. 8.5 mi.)
9. Highway 158 from proposed segment end to Silver Lake (approx. 1mi.)
10. Twin Lakes Road from Highway 395 in Bridgeport to Fire Station #2 (approx. 13.5 mi.)
11. Lake Mary Road from The Village at Mammoth to Mammoth Community Water District Facility (approx. 3 mi.)
12. Highway 120 west from Highway 395 junction to Yosemite National Park entrance (approx. 12 mi.)
13. Bodie Road from Highway 395 to Bodie State Park (approx. 13 mi.)

With regard to construction of new middle-mile route, Mono County believes that it may be far more efficient and cost effective to utilize municipally owned rights of way (such as County and Town roads and trails) rather than State and Federal highway corridors. We believe that this approach achieves the same outcome, reduces the complexity of planning and permitting, and provides for better route design where ‘hand-off’ locations exist within communities, rather than in highway rights of way.

2. Priority Areas

Mono County generally agrees with the supposition that one of the barriers to ubiquitous broadband availability at 100mbps or greater is partially due to middle-mile gaps. However, in Mono County, the larger contributing factor to the last-mile network construction has been the evaluation of projects proposed via CASF where cost per household is too great to justify the project. The request(s) made to extend or construct additional middle-mile segments in Mono County are driven primarily by the need to have open-access networks available at all public facilities and critical infrastructure sites, address public safety communication needs, and close the middle-mile ‘gap’ into regions where last-mile networks cannot be built due to middle-mile construction costs.

3. Assessing the Affordability of Middle Mile Infrastructure

While Mono County is not privy to the costs or arrangements between service providers and Digital 395, as a direct customer we believe that the cost associated with the service we receive is appropriate, reasonable and affordable. We do believe that it is reasonable for service costs in rural markets such as ours to be different than in urban markets, so long as they are reasonable and offered consistently for customers within the same category of use.

4. Leasing Existing Infrastructure

Mono County is a member of the California Broadband Cooperative (CBC) – the 501(c)12 entity which manages Digital 395. In order for the network to be successful and remain operational, it is imperative that it is leveraged by anchor institutions and service providers in the region. We feel strongly that the State should leverage its existing investment in Digital 395 by becoming a member of the cooperative and leasing capacity from the network in order to meet its objective(s) in the region.

5. Interconnection

Mono County believes that there are opportunities for interconnection to Digital 395 at the Highway 89 / Highway 395 junction to provide service into Alpine County. Further, we feel it is important to recognize that efficiently providing service into the other eastern portions of Alpine County would most effectively be done by following Highway 88 with an interconnection to Digital 395 in Minden, NV. While this would require a portion of the route to be constructed outside of California, it may be logical to obligate additional money to Digital 395 to construct this segment to the state line and then lease capacity along that portion of the route.

6. Network Route Capacity

Mono County feels that it is imperative for the State to recognize the importance of municipally owned conduit and to allow for local agencies, including Local Transportation Commissions, to obligate transportation improvement dollars to the development of these conduit networks when road construction and rehabilitation projects are carried out.

III. Conclusion

The County of Mono's participation in this proceeding will not prejudice any party and will not delay the schedule or broaden the scope of the issues in the proceeding. For the reasons stated above, the County of Mono respectfully requests that the CPUC grant this Motion for Party Status filing.

Dated: September 2, 2021

Respectfully submitted,

/s/ Jennifer Kreitz
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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking
Regarding Broadband Infrastructure
Deployment and to Support Service Providers
in the State of California.

R. 20-09-001

**REPLY COMMENTS OF THE COUNTY OF MONO, CALIFORNIA TO THE
COMMENTS OF THE CORPORATION FOR EDUCATION NETWORK INITIATIVES
IN CALIFORNIA (CENIC) AND THE CALIFORNIA EMERGING TECHNOLOGY
FUND (CETF) ON THE STAFF PROPOSAL ON THE FEDERAL FUNDING ACCOUNT**

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November 15, 2021

**BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA**

Order Instituting Rulemaking
Regarding Broadband Infrastructure
Deployment and to Support Service Providers
in the State of California.

R. 20-09-001

**REPLY COMMENTS OF THE COUNTY OF MONO, CALIFORNIA TO THE
COMMENTS OF THE CORPORATION FOR EDUCATION NETWORK INITIATIVES
IN CALIFORNIA (CENIC) AND THE CALIFORNIA EMERGING TECHNOLOGY
FUND (CETF) ON THE STAFF PROPOSAL ON THE FEDERAL FUNDING ACCOUNT**

I. Introduction

Mono County, California (“County”) was granted party status in Rulemaking 20-09-001 by E-mail Ruling Granting Party Status to 21 Entities, dated September 14, 2021. The County respectfully submits these reply comments in accordance with Rule 6.2 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure and pursuant to the Assigned Commissioner’s Ruling issued on September 23, 2021, requesting comment on the Staff Proposal to Implement the Federal Funding Account (“FFA”) grant program (the “Staff Proposal”). These comments are specifically submitted in response to the comments of the Corporation for Education Network Initiatives in California (CENIC) and the California Emergency Technology Fund (CETF), filed October 29, 2021.

II. Discussion

**A. THE COMMISSION SHOULD PROVIDE INFORMATION REGARDING THE
TOTAL FFA ALLOCATION PER COUNTY AS SOON AS POSSIBLE**

Mono County is actively working to identify last-mile projects based on available funding and informed by local priority and need. To improve the effectiveness of this effort, the County encourages the Commission to prioritize the work required to arrive at a more accurate accounting of the allocation of funding to be provided to each county. Mono County understands that each

county will receive a ‘base allocation’ of \$5 million, with an increment for each household not served with at least 100Mbps of broadband. However, it remains unclear what the dollar value of that increment will be, or as an extension, what the total allocation of FFA funds will be. Given the time required to determine and develop projects which could be built with these funds, and the Commission’s time frame for qualifying, awarding, and completing those projects, it is important for counties, including Mono County, to understand what the upper limit of the funding allocation will be as soon as possible.

B. PROGRAM PROCEDURES SHOULD BE STREAMLINED AND SIMPLIFIED

In reviewing the Staff Proposal for the FFA and comments from CETF pursuant to the management of the program, Mono County also agrees that the FFA program should be much more streamlined and less burdensome. Given that funds will be directly allocated to counties, it is important for Mono County to have as efficient a process as possible to ‘qualify’ a project for funding and receive a disbursement of funds with which we may carry out such a project. As the Staff Proposal is currently written, it suggests that the County either serve as a provider itself or have an immediate relationship with the provider of choice to apply for and qualify for the funding. This places administrative burdens on the County and greatly slows the overall process to apply for and have a project be awarded. Alternatively, it would seem appropriate to have simple criteria which a project must meet to qualify, yet not require the level of ranking as presented through the scoring system suggested.

C. MONO COUNTY AGREES WITH CETF’S COMMENT THAT LOCAL AGENCY KNOWLEDGE SHOULD BE LEVERAGED

Mono County agrees with the comment made by the California Emerging Technology Fund (CETF) with regard to leveraging the knowledge of local agencies and Regional Broadband Consortia when refining priority areas for middle-mile or FFA funding. Mono County has made broadband a strategic priority since 2010 and is a Class A Member of the California Broadband Cooperative – the governing entity for Digital 395. As an agency, the County has a well-developed understanding of the remaining in-County priorities for broadband deployment and feels strongly that local intelligence should be accepted as a viable means of input wherever and whenever possible. This should not be relegated to Regional Consortium, but also local agencies which have expertise and focus on broadband related projects. Though the Eastern Sierra Connect Regional

Broadband Consortium is not currently operating as a Regional Consortium under the CPUC, the entity governing the Consortium (the Eastern Sierra Council of Governments) does operate and sees broadband as an area of collaboration within the COG and can apply resources and expertise as needed. In this regard, Mono County also substantially agrees with CETF's comment suggesting that a single household should qualify as a "significant number of households", and that local agencies should be able to appropriate FFA dollars to projects as determined necessary by the jurisdiction.

D. THE POOL OF MIDDLE-MILE CARRIERS THAT QUALIFY FOR THE PROGRAM SHOULD BE EXPANDED

Finally, Mono County agrees with the comment made by the Corporation for Education Network Initiatives in California ("CENIC") pertaining to the interconnect with middle-mile networks when leveraging FFA funding for last mile builds. The County strongly believes that any network which meets the traditional definition of Open Access under the National Telecommunications and Infrastructure Agency and is operating in a manner similar to the intended Statewide Middle-Mile Network should qualify as a viable middle-mile carrier within this program. Considering that Digital 395 substantially resembles the intended objectives of the Statewide Middle-Mile network and may be leveraged for new last-mile projects today, the County would rather not have to wait until all aspects of the statewide network have been resolved to leverage FFA monies.

III. Conclusion

Mono County appreciates the opportunity to submit these comments and applauds the Commission's desire to take an innovative approach to closing the Digital Divide in California.

Respectfully submitted,

/s/ Nate Greenberg

Nate Greenberg
Director, Information Technology

November 10, 2021



FILED
11/10/21
04:59 PM

TJG/cmf 11/10/2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Regarding Broadband Infrastructure
Deployment and to Support Service
Providers in the State of California.

Rulemaking 20-09-001

**E-MAIL RULING REQUESTING COMMENTS ON PROPOSAL
FOR APPORTIONMENT OF FUNDS FOR FEDERAL FUNDING
ACCOUNT GRANT PROGRAM**

Dated November 10, 2021, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge

From: Glegola, Thomas J. <thomas.glegola@cpuc.ca.gov>; **Sent:** Wednesday, November 10, 2021 10:28 PM; **To:** DAzevedo@AARP.org; FPilot@DreamingLucid.net; Tad.G@CommLegal.org; Ben@SIFInetworks.com; ACLP@nyls.edu; MSaperstein@USTelecom.org; JBubar@aol.com; Corian@NextCenturyCities.org; Jenna@PublicKnowledge.org; betty.sanders@charter.com; betty.sanders@charter.com; Steve.Bowen@BowenLawGroup.com; DigitalDivide@CalFund.org; MOwens@Counsel.LAcounty.gov; RVanDerLeeden@SempraUtilities.com; DRatray@UniteLA.com; Houston@SCaG.ca.gov; MSantana@WeingartFnd.org; Bill.Allen@LAedc.org; noah.aptekar@gmail.com; LFox@cenic.org; Gloria.Ing@sce.com; RKMoore@GSwater.com; Edward@ucan.org; CFaber@SempraUtilities.com; emartinez@cvag.org; Jesus.G.Roman@Verizon.com; MSlawson@GeoLinks.com; evotaw@varcomm.biz; SSimon@mono.ca.gov; JGriffiths@InyoCounty.us; DClark@SebastianCorp.com; DClark@sebastiancorp.com; DanD@PonderosaTel.com; steveblum@tellusventure.com; MinerJudy@FHDA.edu; DigitalEquityCa@gmail.com; RKoss@AdamsBroadwell.com; JHadsell@CVC.edu; Zarchy, Daniel <Daniel.Zarchy@cpuc.ca.gov>; William.Sanders@SFCityAtty.org; RCosta@turn.org; Itzel@UtilityAdvocates.org; Grant.Guerra@pge.com; ServiceList.CPUC@PerkinsCoie.com; William.Kissinger@MorganLewis.com; Marg@TobiasLO.com; Nelsonya.Causby@att.com; Ernesto@eff.org; MSchreiber@cwclaw.com; MDay@GoodinMacBride.com; smalllecs@cwclaw.com; sbanola@cwclaw.com; SuzanneToller@dwt.com; Rachelle@ChongLaw.net; PGETariffs@pge.com; Joshua.Trauner@CrownCastle.com; Anita@icommlaw.com; Anita@iCommLaw.com; VincentL@Greenlining.org; Service@cforat.org; SRBryanJr@Pintelco.com; Imre.Kabai@isd.sccgov.org; Vaughn.Villaverde@AACI.org; MDewan@scoecoe.org; ExecDirector@sccsba.org; Jorge@chpscc.org; Calvin.Sandeen@sonoma-county.org; KCordero@YurokTribe.nsn.us; BrendaS@volcanotel.com; ggierczak@surewest.com; GNeill@Counties.org; JKinney@CalCable.org; Lobby@EllisonWilson.com; Kristin.Jacobson@us.DLApiper.com; TRhine@RCRCnet.org; David.Espinoza@ValleyVision.org; waihun@cot.net; JTLowers@sisqtel.net; Dan.Marsh@LibertyUtilities.com; Gail.Long@tdstelecom.com; gail.long@tdstelecom.com; gail.long@tdstelecom.com; amincheff@incompas.org; RegRelCPUCCases@pge.com; Darren@BRBLawGroup.com; drew_martin@berkeley.edu; gail.long@tdstelecom.com; Jim.L@CommLegal.org; JxYr@pge.com; Kristen.Camuglia@cox.com; L7SH@pge.com; Itspublicaffairsllc@gmail.com; Lyndall.Nipps@dish.com; shawn.parker@sifinetworks.com; shayna@42comms.com; ted@utilityadvocates.org; ACLP@nyls.edu; jalsayegh@ustelecom.org; JALanglins@jenner.com; JohnNelson@dwt.com; MHurwitz@Willkie.com; ESchmidt@willkie.com; Francella@NextCenturyCities.org; Ryan@NextCenturyCities.org; SBerlin@fh2.com; kelly.a.fennell@att.com; Christopher@ilsr.org; JWolf@Magellan-Advisors.com; Ted.Gilliam@Zayo.com; rex.knowles@verizon.com; William.Haas@T-Mobile.com; CivilAndHumanRights@LACity.org; JBarrios@CalFund.org; Jeanne.Holm@LACity.org; PLoo@cio.LAcounty.gov; JMiddleton2@SoCalGas.com; adahan@greatpublicschoolsnow.org; CPUCfilings@jenner.com; ZZankel@Jenner.com; case.admin@sce.com; ElizabethB.Gomez@sce.com; JONI.KEY@SCE.COM; WMB0911@gmail.com; asalas@turn.org; CMailloux@turn.org; Esther.Northrup@cox.com; Atrial@sdge.com; CentralFiles@SempraUtilities.com; rgiles@semprautilities.com; EMartin8@SDGE.com; Sanjiv.Nanda@Yahoo.com; Paul.Marconi@bves.com; fredyanney@gmail.com; RVolker@Digital395.com; JKreitz@Mono.ca.gov; comworkeradvocate@gmail.com; pmilrod@centralcallegal.org; prachi@nationaldiversitycoalition.org; Abramson, Alexander J. <Alexander.Abramson@cpuc.ca.gov>; Johnson, Ana Maria <anamaria.johnson@cpuc.ca.gov>; Klutey, Andrew <Andrew.Klutey@cpuc.ca.gov>; Ye, Bixia <Bixia.Ye@cpuc.ca.gov>; Fong, Brewster <Brewster.Fong@cpuc.ca.gov>; Choe, Candace <candace.choe@cpuc.ca.gov>; cch@cpuc.ca.gov; Chen, Connie <Connie.Chen@cpuc.ca.gov>; Lee, Diana <diana.lee@cpuc.ca.gov>; Gallardo, Enrique <Enrique.Gallardo@cpuc.ca.gov>; Steiner, Hannah <Hannah.Steiner@cpuc.ca.gov>; Beck, Kate <Kate.Beck@cpuc.ca.gov>; Lippi, Kimberly

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Cc: ALJ Docket Office <ALJ_Docket_Office@cpuc.ca.gov>; ALJ Docket Office <ALJ_Docket_Office@cpuc.ca.gov>; ALJ_Support ID <alj_supportid@cpuc.ca.gov>

Subject: Administrative Law Judge's Email Ruling Requesting Comments on Proposal for Apportionment of Funds for Federal Funding Account Grant Program (R.20-09-001)

To All Parties:

This email ruling requests comments on the apportionment of funds for the Federal Funding Account grant program, created by SB 156. Parties are requested to file and serve comments by November 30, 2021. The deadline for reply comments is December 10, 2021.

1. Background

Public Utilities Code §§281(n) (3)(A) and §§281(n) (3)(B) respectively direct the Commission to spend \$2 billion on broadband Internet infrastructure projects, with \$1 billion allocated to projects urban counties and \$1 billion allocated to projects in rural counties. The Commission initially must allocate \$5 million for projects in each county and then allocate the remaining funds in the respective urban or rural allocation, based on each county's proportionate share of households without access to broadband Internet access service speeds of at least 100 megabits per second download.

2. Proposal

Various federal and state agencies use different definitions and methodologies to determine whether a county or another geographic area is “rural” or “urban.” For purposes of awarding grants from the Federal Funding Account, this ruling proposes to classify counties as “rural” or “urban” using a method similar to the classification used by the Federal Office of Management and Budget (OMB). “Urban” counties would be the same as “metropolitan” counties and “rural” counties would be the same as “nonmetropolitan” counties.

Metropolitan areas are defined as broad labor-market areas that include: 1) core counties with one or more urbanized areas with 50,000 or more people; and 2) outlying counties that are economically tied to the core counties as measured by labor-force commuting. Nonmetropolitan counties are outside the boundaries of metropolitan areas and are further subdivided into two types: 1) “micropolitan” (micro) areas, which are nonmetropolitan labor-market areas centered on urban clusters of 10,000-49,999 persons; and 2) all remaining counties. The OMB methodology identifies 21 nonmetro counties in California. Thirteen counties are identified as “rural” – Alpine, Amador, Calaveras, Colusa, Glenn, Inyo, Mariposa, Modoc, Mono, Plumas, Sierra, Siskiyou, and Trinity – and eight counties as being “micropolitan” – Del Norte, Humboldt, Lake, Lassen, Mendocino, Nevada, Tehama, and Tuolumne.

The OMB Analysis’ definition of counties based on their metropolitan and nonmetropolitan areas has the greatest consideration for rural areas of California that do not have direct economic ties to urban metropolitan areas, thereby justifying a greater need for the economic development derived from internet connectivity. Using this method, Table 1, below, indicates the proposed project funding allocation on a county basis. Proposed funding amounts reflect both the \$5 million allocation, as well as the allocation of the remaining funds. The 21 counties that would be defined as “rural” using this method are highlighted.

Table 1. Proposed Funding Breakdown by County Using OMB’s Method

County	Number of Unserved Households at 100 Mbps Download	Proposed Funding
Alameda	11,898	\$22.24 M
Alpine	367	\$7.92 M
Amador	9,632	\$81.76 M
Butte	8,657	\$17.54 M
Calaveras	4,761	\$42.94 M
Colusa	4,419	\$40.22 M
Contra Costa	6,772	\$14.81 M
Del Norte	976	\$12.78 M
El Dorado	19,716	\$33.57 M
Fresno	34,236	\$54.61 M

Glenn	3,704	\$34.52 M
Humboldt	10,063	\$85.2 M
Imperial	5,458	\$12.91 M
Inyo	1,517	\$17.09 M
Kern	16,038	\$28.24 M
Kings	6,031	\$13.74 M
Lake	4,324	\$39.46 M
Lassen	3,673	\$34.27 M
Los Angeles	60,752	\$93.04 M
Madera	11,362	\$21.46 M
Marin	3,987	\$10.78 M
Mariposa	6,613	\$57.7 M
Mendocino	9,674	\$82.09 M
Merced	13,571	\$24.67 M
Modoc	3,493	\$32.84 M
Mono	1,033	\$13.23 M
Monterey	7,484	\$15.84 M
Napa	3,478	\$10.04 M
Nevada	12,891	\$107.73 M
Orange	53,039	\$81.86 M
Placer	15,397	\$27.31 M
Plumas	6,879	\$59.82 M
Riverside	27,820	\$45.31 M
Sacramento	20,552	\$34.78 M
San Benito	1,003	\$6.45 M
San Bernardino	33,335	\$53.31 M
San Diego	46,512	\$72.4 M
San Francisco	3,288	\$9.76 M
San Joaquin	14,896	\$26.59 M
San Luis Obispo	10,575	\$20.32 M
San Mateo	3,307	\$9.79 M
Santa Barbara	6,627	\$14.6 M
Santa Clara	18,907	\$32.4 M
Santa Cruz	3,245	\$9.7 M
Shasta	16,729	\$29.24 M
Sierra	1,385	\$16.04 M
Siskiyou	7,526	\$64.98 M
Solano	7,320	\$15.61 M
Sonoma	8,677	\$17.57 M
Stanislaus	12,407	\$22.98 M
Sutter	2,841	\$9.12 M
Tehama	12,879	\$107.64 M
Trinity	4,551	\$41.27 M

Tulare	24,463	\$40.45 M
Tuolumne	1,946	\$20.51 M
Ventura	9,365	\$18.57 M
Yolo	6,335	\$14.18 M
Yuba	6,342	\$14.19 M
Total	674,728	\$2 B

3. Alternative Methods

While this ruling proposes using a method similar to the one employed by OMB, parties are asked to comment on alternative methods, including, one relying on the U.S. Census Bureau's determinations, and one where individual counties self-identify as rural, as is the case with the membership of the Rural County Representatives of California (RCRC), an association representing California's small, rural counties on issues that are unique to them and includes 37 member counties. Table 2, below, compares the funding allocations using both methods, as well as the proposed method.

An Excel workbook containing the underlying data for all three methods is available on the Commission's website at: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-infrastructure-deployment> under "Additional Information About Proceeding" (third bullet).

Table 2. Federal Funding Account Distribution Comparisons

County	Number of Unserved Households at 100 Mbps Download	U.S. Census Bureau Rural Definition (11 Rural Counties)	OMB Rural Definition (21 Rural Counties)	RCRC Rural Definition (37 Rural Counties)
Alameda	11,898	\$19.85 M	\$22.24 M	\$31.6 M
Alpine	367	\$10.62 M	\$7.92 M	\$6.09 M
Amador	9,632	\$152.38 M	\$81.76 M	\$33.61 M
Butte	8,657	\$15.8 M	\$17.54 M	\$30.71 M
Calaveras	4,761	\$77.85 M	\$42.94 M	\$19.14 M
Colusa	4,419	\$10.52 M	\$40.22 M	\$18.13 M
Contra Costa	6,772	\$13.45 M	\$14.81 M	\$20.14 M
Del Norte	976	\$6.22 M	\$12.78 M	\$7.9 M
El Dorado	19,716	\$29.61 M	\$33.57 M	\$63.56 M
Fresno	34,236	\$47.73 M	\$54.61 M	\$81.54 M
Glenn	3,704	\$9.62 M	\$34.52 M	\$16. M
Humboldt	10,063	\$17.56 M	\$85.2 M	\$34.89 M
Imperial	5,458	\$11.81 M	\$12.91 M	\$21.21 M
Inyo	1,517	\$6.89 M	\$17.09 M	\$9.51 M
Kern	16,038	\$25.02 M	\$28.24 M	\$40.86 M
Kings	6,031	\$12.53 M	\$13.74 M	\$18.48 M
Lake	4,324	\$10.4 M	\$39.46 M	\$17.84 M
Lassen	3,673	\$61.2 M	\$34.27 M	\$15.91 M
Los Angeles	60,752	\$80.82 M	\$93.04 M	\$140.82 M
Madera	11,362	\$19.18 M	\$21.46 M	\$38.75 M

Marin	3,987	\$9.98 M	\$10.78 M	\$13.91 M
Mariposa	6,613	\$106.19 M	\$57.7 M	\$24.64 M
Mendocino	9,674	\$17.07 M	\$82.09 M	\$33.73 M
Merced	13,571	\$21.94 M	\$24.67 M	\$45.31 M
Modoc	3,493	\$58.45 M	\$32.84 M	\$15.37 M
Mono	1,033	\$6.29 M	\$13.23 M	\$8.07 M
Monterey	7,484	\$14.34 M	\$15.84 M	\$27.23 M
Napa	3,478	\$9.34 M	\$10.04 M	\$15.33 M
Nevada	12,891	\$21.09 M	\$107.73 M	\$43.29 M
Orange	53,039	\$71.19 M	\$81.86 M	\$123.58 M
Placer	15,397	\$24.22 M	\$27.31 M	\$50.73 M
Plumas	6,879	\$110.26 M	\$59.82 M	\$25.43 M
Riverside	27,820	\$39.72 M	\$45.31 M	\$67.2 M
Sacramento	20,552	\$30.65 M	\$34.78 M	\$50.95 M
San Benito	1,003	\$6.25 M	\$6.45 M	\$7.98 M
San Bernardino	33,335	\$46.6 M	\$53.31 M	\$79.52 M
San Diego	46,512	\$63.05 M	\$72.4 M	\$108.98 M
San Francisco	3,288	\$9.1 M	\$9.76 M	\$12.35 M
San Joaquin	14,896	\$23.59 M	\$26.59 M	\$38.3 M
San Luis Obispo	10,575	\$18.2 M	\$20.32 M	\$36.41 M
San Mateo	3,307	\$9.13 M	\$9.79 M	\$12.39 M
Santa Barbara	6,627	\$13.27 M	\$14.6 M	\$19.82 M
Santa Clara	18,907	\$28.6 M	\$32.4 M	\$47.27 M
Santa Cruz	3,245	\$9.05 M	\$9.7 M	\$12.25 M
Shasta	16,729	\$25.88 M	\$29.24 M	\$54.69 M
Sierra	1,385	\$26.19 M	\$16.04 M	\$9.11 M
Siskiyou	7,526	\$120.16 M	\$64.98 M	\$27.35 M
Solano	7,320	\$14.14 M	\$15.61 M	\$21.36 M
Sonoma	8,677	\$15.83 M	\$17.57 M	\$30.77 M
Stanislaus	12,407	\$20.48 M	\$22.98 M	\$32.74 M
Sutter	2,841	\$8.55 M	\$9.12 M	\$13.44 M
Tehama	12,879	\$202.07 M	\$107.64 M	\$43.25 M
Trinity	4,551	\$74.64 M	\$41.27 M	\$18.52 M
Tulare	24,463	\$35.53 M	\$40.45 M	\$77.66 M
Tuolumne	1,946	\$7.43 M	\$20.51 M	\$10.78 M
Ventura	9,365	\$16.69 M	\$18.57 M	\$25.94 M
Yolo	6,335	\$12.91 M	\$14.18 M	\$23.82 M
Yuba	6,342	\$12.91 M	\$14.19 M	\$23.84 M
Total	674,728	\$2 B	\$2 B	\$2 B
		Note: Includes \$5 Million Base + Unserved Apportionment. Rural County Designations are Highlighted Green		

4. Questions for Parties

Parties are asked to comment on the following questions:

1. For the purpose of calculating Federal Funding Account apportionments, is it reasonable to use the OMB definitions of metropolitan and nonmetropolitan for identifying urban and rural counties? Should the Commission use a modified version of this method?
2. Should the Commission instead use a methodology that relies on the U.S. Census Bureau's definitions of urban and rural? Should the Commission modify the thresholds used by the U.S. Census Bureau to include additional counties?
3. Should the Commission instead use RCRC membership to define rural and urban counties?
4. Are there alternative analyses or methodologies that the Commission should consider?

Parties with suggested modifications or alternate proposals are directed to provide as an attachment to their Opening Comments a detailed spreadsheet of the proposed changes and underlying analyses for consideration by the Commission.

IT IS SO RULED.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

Thomas J. Glegola
Administrative Law Judge
California Public Utilities Commission

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

11/15/21
04:59 PM

Petition to Adopt, Amend, or Repeal a
Regulation Pursuant to Pub. Util. Code Section
1708.5.

Petition 21-10-003
(Filed Sept. 29, 2021)

**REPLY OF THE COUNTIES OF INYO, MONO, NEVADA AND PLACER, AND THE TOWNS OF
MAMMOTH LAKES AND TRUCKEE (THE "RURAL COMMUNITIES COALITION")
TO THE RESPONSES TO THE PETITION OF THE PUBLIC ADVOCATES OFFICE FOR
RULEMAKING TO AMEND GENERAL ORDER 133-D TO ESTABLISH MINIMUM
SERVICE QUALITY STANDARDS FOR ALL ESSENTIAL COMMUNICATIONS
SERVICES**

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November 15, 2021

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Petition to Adopt, Amend, or Repeal a
Regulation Pursuant to Pub. Util. Code Section
1708.5.

Petition 21-10-003
(Filed Sept. 29, 2021)

**REPLY OF THE COUNTIES OF INYO, MONO, NEVADA AND PLACER, AND THE TOWNS
OF MAMMOTH LAKES AND TRUCKEE (THE “RURAL COMMUNITIES COALITION”)
TO THE RESPONSES TO RESPONSES TO THE PETITION OF THE PUBLIC ADVOCATES
OFFICE FOR RULEMAKING TO AMEND GENERAL ORDER 133-D TO ESTABLISH
MINIMUM SERVICE QUALITY STANDARDS FOR ALL ESSENTIAL COMMUNICATIONS
SERVICES**

Pursuant to Rule 6.3(d) of the Commission’s Rules of Practice and Procedure, and the schedule established by the assigned Administrative Law Judge in an email ruling dated November 4, 2021 setting a revised date of November 15, 2021 for filing replies to responses to the Petition of the Public Advocates Office (“PAO”) for Rulemaking to Amend General Order 133-D to Establish Minimum Service Quality Standards for All Essential Communications Services (“Petition”), the Counties of Inyo, Mono, Nevada and Placer, and the Towns of Mammoth Lakes and Truckee (the “Rural Communities Coalition”) hereby submit this reply, and request party status in this proceeding.

I. THERE IS A FACTUAL PREDICATE AND INDEED AN URGENT NEED FOR COMMISSION ACTION

The Rural Communities Coalition urges the California Public Utility Commission (“Commission”) to institute a rulemaking proceeding in response to the Petition.

The jurisdictions that comprise the Rural Communities Coalition collectively serve as home to over half a million permanent residents in rural areas covering nearly 10 percent of the territory of the State of California. In addition, popular tourist destinations that are a vital part of California’s tourism

economy lie within these jurisdictions and require support for millions of seasonal visitors.¹ These are also regions that lie in high fire threat areas where the Commission has already recognized that a minimum level of service is critical to save lives.² Reliable communications services are critical to the very survival and prosperity of these regions, and indeed communities across the State. As PAO noted, “Californians rely on communications services such as broadband, wireless (voice, texting, and data), Voice-over-Internet Protocol (VoIP) and traditional Plain Old Telephone Service (POTS) (collectively “Essential Services”) for alerts and assistance during emergencies, to obtain information, to attend

¹ For example:

Inyo County is a remote and sparsely populated county located in the heart of California’s “back yard” along the Eastern Sierra Nevada. Inyo County reaches across 10,192 square miles, and its dispersed small towns and communities are physically connected by a sparse system of roads and highways. Although home to only 19,000 full-time residents, Inyo County serves as a popular destination for millions of visitors annually. Death Valley National Park, access to Sequoia and Kings Canyon National Parks, Mt. Whitney, the Alabama Hills, ten of California’s twelve 14,000 foot peaks, the Ancient Bristlecone Pine Forest, the Owens River, and world class rock climbing areas are just a few of the many attractions that bring people into the region.

Mono County is a remote and sparsely populated “frontier” county located on the eastern slope of the Sierra Nevada mountains. With scenic US Hwy 395 as its only main artery, Mono County reaches across 3,200 square miles. While home to only 14,000 full-time residents, Mono County’s population swells to more than 50,000 during annual periods of peak visitation and annual totals similar to visitation in Inyo County. The majority of visitors and part-time residents come from the Southern California area, but Mono County also hosts travelers from across California and around the world. Mammoth Mountain Ski Area, Mono Lake, Bodie State Historic Park, Devils Postpile National Monument and the eastern entrance to Yosemite National Park are just a few of the many attractions that bring people into the region.

Mammoth Lakes is a mountain community located on the east slope of the Sierra Nevada mountains. With a population of only about 8,300 residents and lying for the most part above 8,000 feet in elevation, Mammoth Lakes is small and remote. The local economy is almost completely tourism-based, and Mammoth Lakes is one of the primary economic engines for the entire Eastern Sierra region. Most visitors come from Southern California, but other travelers arrive from all over the United States and many parts of the world to visit Mammoth Mountain Ski Area or to make Mammoth Lakes their base to explore the Eastern Sierra.

Placer County stretches northeast from the greater Sacramento area through the Sierra Foothills to the Lake Tahoe region. Placer covers approximately 1,500 square miles with a population in 2019 of about 390,000. The geographic diversity of Placer County creates opportunities and challenges for its residents and visitors. While the more urbanized western portions of the County largely have a modern telecommunication infrastructure, the eastern rural and mountain portions of the County rely on much less developed infrastructure, and, in some cases, no infrastructure at all. This less developed infrastructure needs to accommodate local residents and visitors year round.

Truckee is a mountain community located in eastern **Nevada County**, just north of Lake Tahoe and not far from Reno, Nevada. With a population of only about 18,000 residents and lying for the most part above 6,000 feet in elevation, Truckee is small and remote. The local economy is mostly tourism-based, and Truckee is the economic hub of the North Lake Tahoe region. Most visitors come from Sacramento and the Bay Area, but other travelers arrive from all over the United States and many parts of the world to visit the numerous nearby ski areas or national forests or to make Truckee their base to explore the Lake Tahoe region. The community’s remoteness and heavy reliance on tourism make reliable and high-quality broadband service a necessity. In addition, the best available data indicates that during the COVID-19 pandemic Truckee's population may have grown by 10%, as second homeowners have moved to Truckee full-time and new residents have arrived from more populated areas. This growth has further strained an already inadequate broadband and communications infrastructure.

² D. 20-07-011; D. 21-02-029.

online classes, to work from home, to visit doctors remotely, to schedule vaccine appointments during a pandemic, to participate in the political process, to engage with community and society, and to keep in touch with family, friends, and loved ones.”³ This is especially true in rural communities.

Contrary to generalized industry claims that all is good and there is no need for Commission action,⁴ in the experience of the Rural Communities Coalition member communities, competition in the delivery of communications services, particularly broadband and Voice-over-Internet Protocol (VoIP) telephone services, is not robust in their region, the quality of available services is wholly inadequate, and customer service is completely unreliable. The Rural Communities Coalition communities’ experience with Suddenlink Communications (“Suddenlink”), the largest provider of VoIP telephone and broadband services in their communities, is emblematic of the negative consequences that result from an absence of minimum standards for service quality and customer service. Below are some illustrations.

- **In Mono County**, Suddenlink, has implemented a remote and decentralized approach to management, resulting in the overall quality of its service dramatically dropping over the last several years. Poor network performance, regular outages, lack of local or regional customer service, long lead times and no shows on scheduled service calls have led to hundreds of customer complaints, mostly fielded by Mono County elected officials and staff. The communities served by Suddenlink have called upon Mono County to “solve the Suddenlink problem”. That problem truly prevents portions of the county, including the more densely populated Mammoth Lakes area, from achieving reliable service,

³ Petition at 1.

⁴ Response of US Telecom – The Broadband Association at 2; Response of the California Cable and Telecommunications Association at 9-11; Response of CTIA – The Wireless Association (“CTIA”) at 1-3.

affecting not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response.

- **The Town of Mammoth Lakes** shares many of Mono County's concerns over the state of broadband within its territory. The community's remoteness and heavy reliance on tourism make reliable and high-quality broadband and other communications services a necessity. The completion of the Digital 395 Middle-Mile project in 2013 dramatically improved broadband opportunities in the Eastern Sierra, but a number of challenges are still present. Suddenlink is the largest provider of broadband service in Mammoth Lakes and its remote and decentralized approach to management has resulted in the same deterioration in overall quality of its service , poor network performance, regular outages, lack of local or regional customer service, long lead times for service calls, and uncertainty over whether Suddenlink personnel appearing for scheduled service calls. Numerous customer complaints have been received by Town staff, and residents, businesses, and visitors have demanded that the Town do something to improve the situation. The status quo of unreliable service, overburdened networks during peak visitation periods, and inadequate customer service affects not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response, as well as the tourist economy upon which the entire community is dependent.
- **Nevada County** has long struggled with consumer complaints about the lack of cable service which requires the county to routinely field consumer complaints and attempt to facilitate resolutions for the consumers. Nevada County's problems with Suddenlink's services go as far back as to 2004 when Cequel III Communications purchased the USA

Media cable system in the county, and then Cequel III was later purchased by Suddenlink. To provide digital TV and Internet services, the outdated plant was updated but with technology that still utilized the legacy coaxial cable plant. This strategy has resulted in numerous service delivery issues over the years including service outages, difficult to resolve intermediate service quality issues, and outages that can last up to multiple days/weeks due to long times for repairs. Frustration for consumers was compounded with the closure of in-county local customer service offices where consumers previously could swap out defective equipment or talk to a local customer service representative. Over the many years, the County routinely fields consumer complaints and tries to facilitate resolutions for the consumers. Three years ago Suddenlink was invited to the Lake of the Pines, a local home owners association, monthly “general manager’s” community meeting. Over 130 community residents attended and were very vocal in their numerous complaints with Suddenlink services. Such a large gathering for only a portion of their service area in our county was remarkable. Many people moved to Nevada County during the pandemic to take advantage of the ability to work from home in a more affordable location, further increasing the importance of having quality communications services available.

- In **Inyo County**, the completion of the Digital 395 Middle-Mile project (\$120m ARRA/CASF funded) in 2013 dramatically improved the *potential* for broadband opportunities along the Eastern Sierra, however, a number of challenges remain. Suddenlink has implemented the same changes to its service delivery and management as in other rural areas it serves, resulting in hundreds of customer complaints, mostly fielded by Inyo County elected officials and staff. Inyo County communities (primarily those

served by Suddenlink) have inundated the County with complaints about the lack of reliable broadband services. This problem truly prevents the majority of the county, including the more densely populated Bishop area, from achieving reliable service, affecting not only day-to-day activities, but critical functions such as schooling during the COVID pandemic, government operations and emergency response.

- **In Placer County**, broadband services remain uneven particularly in the unincorporated rural and mountains portions. The County continues to seek funding to support improvement of broadband service and has developed a grant program to identify specific rural and mountain communities with the highest need for the upcoming infrastructure. Many residents and visitors have few Internet service options and in some cases no option at all. A number of available service options are typically unreliable, slow and often expensive for what customers receive in comparison to the more urbanized parts of Placer County. A 2020 Placer County Internet survey found that 62% of respondents had less than 25 Mbps service and 22% of respondents had less than 5 Mbps download speeds. These service levels are below, and in many cases far below, federal standards. One of the County's largest providers of rural and mountain area broadband service, Suddenlink/Altice, has seen a significant drop in the quality of its service over the last several years. Multiple ongoing issues, including poor network performance, repeated outages, lack of local or regional customer service, and service call issues all have led to hundreds of customer complaints to the County. Placer County elected officials and staff have fielded these complaints with little substantive improvement to date from Suddenlink/Altice. There is an impact on Public Safety as well as Public Safety providers utilize the public communications infrastructure for their communications, including

during Public Safety Power Shutoff events. In the cases of service outages or deficiencies, Public Safety updates that would come over VoIP phone or cell phone may not occur.

- The **Town of Truckee** shares the experience and concerns of Mammoth Lakes, and Inyo, Mono, Nevada, and Placer Counties over the state of broadband and communications services within its territory. The largest provider of broadband service in Truckee is Suddenlink, and its remote and decentralized approach to management has dramatically and negatively affected the overall quality of its service in the last several years. Town staff receive numerous customer complaints about poor network performance, regular outages, lack of local or regional customer service, long lead times for service calls, and uncertainty over Suddenlink personnel appearing for scheduled service calls. Residents, businesses, and visitors have demanded that the Town of Truckee do something to improve the broadband situation. The status quo of unreliable service, overburdened networks during peak visitation periods, and inadequate customer service affects not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response, as well as the tourist economy upon which the community is dependent

These communities have a direct and immediate need for Commission action to support reliable communications services and establish effective customer service standards.

II. THE RULEMAKING SHOULD INCLUDE SEPARATE HEARINGS FOR EACH TYPE OF ESSENTIAL SERVICE AND AMPLE OPPORTUNITIES FOR DIRECT PUBLIC INPUT

The Rural Communities Coalition generally agrees with the PAO's proposal for phasing the rulemaking, with the following two suggestions:

First, given the varying network and technological considerations, service quality metrics, and customer service standards to consider in regards to the different types of communications services, the Rural Communities Coalition suggests that the Commission hold separate hearings for each service type. These different "tracks" within Phase One would not be dissimilar to how the Commission separately considered resiliency requirements for wireless and wireline providers in Rulemaking 18-03-011. Just as wireline and wireless infrastructure presented different considerations as to resiliency requirements, so too do broadband, VoIP, and wireless as to service quality metrics and customer service standards. Separate tracks will also allow for more service-specific consideration of criticisms of the Petition raised by some responses that the proposed metrics are not appropriate for their service offerings⁵ and that there should be exceptions for small providers.⁶ Finally, separate tracks will help facilitate public participation in the rulemaking, as discussed below.

Second, the Rural Communities Coalition strongly believes that it is critical for the Commission to hear directly from consumers –whom service quality and customer service standards would be intended to benefit and protect – about their real world experiences with service quality and customer service in order to understand the dire need for minimum standards and meaningful enforcement mechanisms and formulate appropriate standards. Thus, the Rural Communities Coalition urges the Commission to hold public participation hearings in communities throughout the State, and in particular in the rural areas represented by the Rural Communities Coalition. Alternatively, if in-person meetings

⁵ Response of the Small LECs at 8; Response of Race Telecommunications, LLC at 4; Response of Consolidated at 3.

⁶ Response of the Small LECs at 9; Response of Race Telecommunications, LLC at 5.

are not permitted due to COVID-related restrictions, the Commission should provide options for remote participation by the public in these areas through virtual public events. These voices will not be adequately heard or represented through hearings held only at Commission headquarters in San Francisco. There is a wealth of precedent for holding such hearings as part of important communications sector proceedings, including, for example, the Public Participation Hearings and workshops held around the State related to the sale of Verizon's wireline assets to Frontier Communications back in 2015,⁷ and the Remote Public Forum announced earlier this month on AT&T's request to discontinue residential services in Frontier territory.⁸

III. THE COMMISSION HAS AUTHORITY TO INITIATE A RULEMAKING IN RESPONSE TO THE PETITION

In addition to questioning the need for rules, the industry responses questioned the scope of authority of the Commission to set rules for certain services.⁹ The Rural Communities Coalition believes that the Commission has jurisdiction to institute a rulemaking to address the matters raised in the Petition and is not precluded by law from doing so for the reasons laid out in the Petition itself and the Response of The Utility Reform Network (TURN), the Communications Workers of America (CWA), District 9, and the Center for Accessible Technology. Among other sources of authority, the Commission's "state police powers and jurisdiction over the network provide the foundation to update the service quality metrics to include current technologies such as wireless, interconnected VoIP, and broadband."¹⁰ To the extent that parties may wish to argue that the scope and sources of authority differ for different types of services or service standards, the suggestion made in Section II above to hold separate hearings on separate tracks

⁷ A.15-03-005.

⁸ A.21-05-007.

⁹ Response of Frontier at 2-6; Response of CTIA at 16-18; Response of California Cable and Telecommunications Association at 18-21.

¹⁰ Response of TURN at 1.

for each service type would facilitate the process of fully considering arguments related to these differing legal foundations for Commission action.

WHEREAS, the Rural Communities Coalition respectfully requests that the Commission initiate a rulemaking in response to PAO's Petition.

Respectfully submitted,

/s/ Gail A. Karish

Gail A. Karish
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Counsel for the Rural Communities
Coalition



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Community Development

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Community
Development Director; Stacey Simon,
County Counsel, Michael Draper,
Planning Analyst

SUBJECT Status of County Membership in the
Owens Valley Groundwater Authority
(OVGA)

AGENDA DESCRIPTION:

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

Potential withdrawal from membership in the Owens Valley Groundwater Authority (OVGA) Joint Powers Agency which is the current groundwater sustainability agency for the Owens Valley Groundwater Basin.

RECOMMENDED ACTION:

Consider OVGA membership options; if withdrawing, approve the draft letter (Attachment 1) notifying the Owens Valley Groundwater Agency (OVGA) of the County's intention to withdraw from the OVGA Joint Powers Agency pursuant to Article VI, Section 1.1 of the joint powers agreement and authorize the Board Chair to sign.

FISCAL IMPACT:

The OVGA reimburses Mono County for staff time. In addition, the County previously made a financial contribution to fund OVGA operations until a Groundwater Sustainability Plan (GSP) was completed. Contributions of \$75,514 is budgeted for FY 2021-22. If Mono County withdraws, this contribution covers the time period up until membership is terminated (June 30, 2022) and no further financial obligation will be incurred. If the County remains in the OVGA, the expected fiscal impact is an equal percentage share of the total budget (determined in March) for the upcoming year, plus an additional contribution to gain more voting shares, if unclaimed votes are available and if desired by the County.

CONTACT NAME: Michael Draper

PHONE/EMAIL: 760-924-1805 / mdraper@mono.ca.gov

SEND COPIES TO:

Stacey Simon, Michael Draper, Wendy Sugimura

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report
1 Withdrawal Letter

History

Time	Who	Approval
1/7/2022 11:40 AM	County Counsel	Yes
1/7/2022 12:54 PM	Finance	Yes
1/7/2022 3:03 PM	County Administrative Office	Yes

Mono County Community Development Department

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

Planning Division

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

Date: January 11, 2022

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

From: Wendy Sugimura, Community Development Director & OVGA staff
Stacey Simon, County Counsel
Michael Draper, Planning Analyst & OVGA staff

Re: **Update on Owens Valley Groundwater Sustainability Plan and Mono County's position within the GSA.**

RECOMMENDATION

Consider OVGA membership options; if withdrawing, approve the draft letter (Attachment 1) notifying the Owens Valley Groundwater Agency (OVGA) of the County's intention to withdraw from the OVGA Joint Powers Agency pursuant to Article VI, Section 1.1 of the joint powers agreement and authorize the Board Chair to sign.

FISCAL IMPACT

The OVGA reimburses Mono County for staff time. In addition, the County previously made a financial contribution to fund OVGA operations until a Groundwater Sustainability Plan (GSP) was completed. If Mono County withdraws, this contribution covers the time period up until membership is terminated (June 30, 2022) and no further financial obligation will be incurred. If the County remains in the OVGA, the expected fiscal impact is an equal percentage share of the total budget (determined in March) for the upcoming year, plus an additional contribution to gain more voting shares, if unclaimed votes are available and if desired by the County.

BACKGROUND

A. The Sustainable Groundwater Management Act. In 2014, the California Legislature enacted the Sustainable Groundwater Management Act (SGMA), which authorizes local public agencies overlying groundwater basins that are designated by the California Department of Water Resources (DWR) as high- and medium-priority basins (as opposed to low and very low-priority basins) to establish "groundwater sustainability agencies" (GSAs) and to prepare GSPs to ensure those basins are sustainably managed. Under SGMA, if local public agencies in high- and medium-priority basins do not establish and adopt a GSP by specified deadlines, then those basins are subject to "state intervention," meaning that the State Water Resources Control Board would prepare and implement a GSP for them. Low- and very low-priority basins are not subject to state intervention.

B. The Owens Valley Groundwater Authority. In 2015, following the enactment of SGMA, DWR designated the Owens Valley Groundwater Basin (Basin) as a medium-priority basin, thus triggering GSA formation and a GSP adoption, or State intervention. Accordingly, local public agencies in Inyo and Mono Counties, including the County and the Tri-Valley Groundwater Management District (the "District"), elected to serve as the GSAs for their respective portions of the Basin. In 2017, Inyo County approached the local public agencies in the Basin, including the County and the District, with the idea of forming a Joint Powers Agency (JPA) to be the single GSA for the entire Basin.

After much discussion, the County and the District joined the JPA, rescinding their respective GSA status in order to cede to the OVGA the authority to be the single GSA for the entire Basin. In 2018, the OVGA was officially formed and shortly

thereafter recognized by DWR as the GSA for the Basin. Later in 2018, DWR awarded the OVGA a grant of approximately \$725,000 for the preparation of a GSP.

C. Reprioritization of the Owens Valley Groundwater Basin. In early 2019, DWR reclassified the Basin as low priority. This change eliminated the need for a GSA to be formed and a GSP to be prepared for the Basin. Accordingly, over the next several months, more than half of the original 13 members of the OVGA withdrew, reasoning that State intervention was no longer a threat. However, five of the original members of the OVGA, including Mono County, Inyo County, the City of Bishop, the Big Pine Community Services District and the Indian Creek Community Services District remained as OVGA members. The OVGA continued to prepare a GSP using the funds awarded by DWR for that purpose. In May of 2020, the Owens Valley Committee and the Lone Pine Paiute-Shoshone Tribe also joined the OVGA as “Interested Parties” under a provision of the joint powers agreement allowing for such membership.

D. December 12, 2020, Mono Board of Supervisors Meeting. At this meeting, the Board received a presentation from staff describing the OVGA’s actions and options for Mono County’s participation within the OVGA. Options included: a) remain an OVGA member and withdraw upon GSP adoption; b) seek approval from the OVGA to withdraw immediately; or c) remain a member of the OVGA.

After closing the public comment, the Board deliberated and voted 4-1 to remain an OVGA member until adoption of the GSP and then to withdraw.

Board members agreed that the issue is complex and there is a responsibility to maintain local control. The Board recognized that the OVGA’s JPA voting structure provides the County with a small fraction of weighted votes, therefore limiting the influence the County has with regards to voting on issues that affect its constituents.

DISCUSSION

A. Update on OVGA Activities. At the OVGA’s December 9, 2021, meeting, a GSP for the Basin was approved unanimously by the OVGA Board. Over the previous two years, a consultant working for OVGA had prepared GSP components and presented them to the OVGA in draft format for direction and comments. The components were revised based on comments received, and assembled into the administrative draft, which was circulated internally in August 2021. In September, the administrative draft was presented to the OVGA Board. A public review draft was released on September 23, 2021, for a 45-day public comment period. At the November OVGA meeting, the OVGA Board discussed comments received and gave staff direction regarding responses to comments in preparation of the final GSP (Appendix 6 of the final document). At the November meeting the Board also discussed two additions to the GSP regarding future projects: (1) refine the Groundwater Dependent Ecosystem map and develop a monitoring program; and (2) develop an outreach program associated with the development of a groundwater model for the Tri Valley if that project proceeds.

Many public comments on the GSP expressed dissatisfaction with the inability to regulate LADWP pumping within lands governed by the Long-Term Water Agreement between Los Angeles and Inyo County. This issue has been discussed over the years and it was addressed in the responses to comments and text was added to the GSP flagging the issue.

Prior to adopting the GSP, it was noted that this is a working document which can be amended upon provision of 90 days’ notice to any city or county within the area of the proposed amendment. After adopting the GSP, the GSA may implement any parts of the GSP that they desire (implementation is not required for low priority basins). The statutory deadline to submit a plan for medium and high-priority basins without triggering State intervention is January 31, 2022. While the Basin is not medium- or high-priority, that same deadline is imposed by the grant received by the OVGA to prepare the GSP. Lastly, the OVGA Board has indicated that in January, February, and March of 2022 it will meet to discuss which projects within the GSP to prioritize and draft a budget, including a staffing plan, which will need to be approved by April 1, 2022.

B. County Staff Commitment to the OVGA. Mono County typically provides three staff, one from County Counsel’s office and two from the Community Development Department. Although staff hours committed to the OVGA fluctuate considerably, in 2020 staff time obligation has totaled approximately 40 hours per quarter. Staff commitments to

specific projects, like sitting on the committee to develop the Community Engagement Plan (CEP), leading the Request For Proposals (RFP) for a website designer, and assisting with responses to comments result in more significant time commitments.

C. Update on Tri-Valley Groundwater Management District Activities and Request. The District has consistently expressed the concern that the OVGA's adoption of the GSP will result in regulatory restrictions and fees on groundwater extraction and use that will negatively impact the Tri-Valley area agricultural economies and residents. Again, any such attempt to implement and enforce the GSP in Mono County and the District would be by the OVGA, which is comprised of a majority of elected – and unelected – officials that are not accountable to Mono County or District residents and constituents. In order to avoid this possibility, the District has sought to regain its status as an exclusive GSA for its portion of the Basin, but its efforts have been unsuccessful. It is DWR's position that the District may only reacquire its status as GSA if the OVGA ceases to be the GSA for that region. The County's withdrawal from the OVGA would support the District's goal of regaining its GSA status by eliminating any legal authority which OVGA currently has to serve as the GSP within Mono County (including within the District). Finally, the District has expressed an intent to begin taking a more active planning and regulatory role with respect to groundwater management. Accordingly, the District has requested that the County withdraw from the OVGA.

D. County Continued Membership in the OVGA. The County's withdrawal from the OVGA would result in the Mono County portions of the Basin being removed from the jurisdiction of the OVGA and, more generally, any GSA. Because there would be some uncovered portions of the Basin, the OVGA would not be able to enforce the GSP or any related regulation or fee in the Mono County portions of the Basin. Similarly, if the Basin is re-rated to a medium priority or higher in the future, then the Mono County portions of the Basin would not be covered by the recently completed GSP or any GSA authority.

OPTIONS FOR RECOMMENDED ACTION

The County has three options pertaining to membership in the OVGA:

- A. Withdraw Completely from the OVGA. This is the recommended action, is consistent with previous Board direction and is based on the recent adoption of a GSP by the OVGA.

Analysis:

The joint powers agreement allows for a party to withdraw after a GSP is adopted, provided that notice is given three months in advance of the OVGA's adoption of its next annual budget. Because the budget is expected to be adopted at the OVGA's March 14, 2022, meeting, the deadline to file for withdrawal is January 14, 2022. The withdrawal would take effect on June 30, 2022, and there would be a continued commitment of staff resources until that time.

Re-ranking of the Basin by DWR as medium or high-priority would trigger State intervention in the basin unless Mono County (and/or the District for the Tri-Valley region) formed a GSA and adopted a GSP. Re-ranking may not occur before 2025, and staff anticipates a higher ranking due to concerns the California Department of Fish and Wildlife has expressed related to Fish Slough.

After withdrawing from the OVGA, the County may consider filing for GSA status for the portion of the Owens Valley Groundwater Basin within the county and could also consider filing GSA status for other currently low priority basins where groundwater is potentially a concern, such as Adobe Valley which is habitat for the Bi-State Sage Grouse Long Valley Population Management Unit. If this option is desired by the Board, staff will agendaize the item for a future Board meeting after the withdrawal from the OVGA is complete.

- B. "Partially Withdraw" from the OVGA. The County could remain a member of OVGA on the condition that the OVGA relinquish its GSA status over the Tri-Valley portion of the Basin by adjusting its boundary.

Analysis:

Mono County does not control the OVGA (or even have a majority vote on its board). Accordingly, if the Board elects this option, Mono County's request for the adjustment should state that if the adjustment is not made, then Mono County withdraws entirely. If the OVGA does redraw its jurisdictional boundaries to exclude Tri-Valley, the District could become the GSA for that area and would be in a position to develop and adopt a GSP for the area if the Basin were re-rated to a medium or higher priority in the future.

The remaining area of Mono County within the Basin would then remain covered by the recently adopted GSP and subject to the OVGA's GSA authority, should the Basin be re-rated to a medium or higher priority in the future.

- C. Remain a Member of the OVGA without Modification. Continuing the County's membership in the OVGA without modification will result in the OVGA's regulatory power extending to all areas of the Basin within Mono County, including Tri-Valley.

Analysis:

If the actions of the OVGA are acceptable to the County (for example, the OVGA decides not to enforce the adopted GSP due to the Basin's low rating), then Mono County could decide to remain a member of OVGA.

This option will result in the continued commitment of staff resources to the OVGA and payment of a portion of the OVGA's operating costs based on the formula set forth in the JPA.

Attachments:

1. Letter to the OVGA Executive Directory formally requesting membership withdrawal



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

January 11, 2022

Aaron Steinwand
Executive Manager
Owens Valley Groundwater Association
135 Jackson Street
Independence, CA 93526

RE: Request to withdraw from the Owens Valley Groundwater Authority.

Dear Mr. Steinwand:

As you know, Mono County is a signatory to the Joint Powers Authority (JPA) forming the Owens Valley Groundwater Authority (OVGA) and a funding board member. Mono County has provided staff support and participated in the development and adoption of the Groundwater Sustainability Plan (GSP) for the Owens Valley Groundwater Basin (Basin), which includes portions of the Tri-Valley and Wheeler Crest areas of Mono County.

Article VI of the Joint Exercise of Powers Agreement, forming the JPA, contains the following withdrawal provision, which provides in relevant part:

A Member may not withdraw from this Agreement...until the GSP is approved for implementation. After the GSP is approved for implementation, any Member may withdraw from this Agreement upon written notice given (3) three months prior to the adoption of the next annual budget.

The GSP was approved at the December 9, 2021, OVGA meeting, triggering the timeline for member agencies to consider membership status. The Mono County Board of Supervisors considered the issue at its January 11, 2022, meeting and passed a motion to formally request to withdraw from the OVGA. Should any objections arise, the County notes that several of the original JPA/Board members were permitted to withdraw after the Basin was re-rated to low priority despite the GSP not yet being approved for implementation.

Mono County appreciates the working relationships that were developed over the last three years, the expertise and capabilities of the Inyo County and City of Bishop staff who support the OVGA, and recognize that a collaborative partnership may occur in the future if the Basin's ranking changes. The County thanks the OVGA Board for its service and for its diligence in

RE: Mono County withdrawal from the OVGA

January 11, 2022

Page 2 of 2

completing the GSP, and continues to support its mission of “locally tailored management of groundwater resources to protect and sustain the environment, local residents and communities, agriculture, and the economy” regardless of membership status.

If you have any questions regarding this request, please feel free to contact Michael Draper, Community Development Department Planning Analyst, at (760) 924-1805 or mdraper@mono.ca.gov.

Sincerely,

Bob Gardner, Chair
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

Departments: Public Works - Roads

TIME REQUIRED 15 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Kevin Julian, Road Operations
Superintendent

SUBJECT Road Closure, Bridgeport Valley
Winter Trail Grooming Pilot Program

AGENDA DESCRIPTION:

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

Proposed Resolutions authorizing seasonal closure of Buckeye Road and Buckeye Creek Road in support of the Bridgeport Valley Winter Trail Grooming Pilot Program

RECOMMENDED ACTION:

- 1) Adopt proposed resolution R22-__ "A resolution of the Mono County Board of Supervisors authorizing the seasonal closure of Buckeye Road and Buckeye Creek Road for the Bridgeport Valley Winter Trail Grooming Pilot Program."
- 2) Approve hold harmless agreement between Jimmy and Brinn Little and the County and authorize Chair to sign
- 3) Find the activity is Categoricaly Exempt from review under the California Environmental Quality Act and direct staff to file a Categorical Exemption (section 15301 – existing facilities) for the project

FISCAL IMPACT:

None.

CONTACT NAME: Kevin Julian

PHONE/EMAIL: 7609325449 / kjulian@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution
Exhibit A
Exhibit B

History

Time	Who	Approval
1/7/2022 9:40 AM	County Counsel	Yes
1/7/2022 9:50 AM	Finance	Yes
1/7/2022 3:04 PM	County Administrative Office	Yes



MONO COUNTY

DEPARTMENT OF PUBLIC WORKS

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

Date: January 11, 2022
To: Honorable Chair and Members of the Board of Supervisors
From: Kevin Julian, Road Operations Superintendent
Subject: Road Closure in support of Bridgeport Valley Winter Trail Grooming Pilot Program

Recommended Action:

1. Adopt proposed resolution R22-___ "A resolution of the Mono County Board of Supervisors authorizing the seasonal closure of Buckeye Road and Buckeye Creek Road for the Bridgeport Valley Winter Trail Grooming Pilot Program."
2. Approve hold harmless agreement between Jimmy and Brinn Little and the County and authorize Chair to sign.
3. Find the activity is Categorically Exempt from review under the California Environmental Quality Act and direct staff to file a Categorical Exemption (section 15301 – existing facilities) for the project.

Fiscal Impact: None.

Background:

Mono County works cooperatively with multiple land management agencies to implement and maintain sustainable recreation infrastructure and other recreational and interpretive products and programs. For this purpose, the Eastern Sierra Sustainable Recreation Coordinator (ESSRC) has coordinated with the Bridgeport Ranger District of Humboldt-Toiyabe National Forest to process a winter trail grooming proposal submitted by Bridgeport area residents, Jimmy and Brinn Little. This proposal requests authorization to groom 4.5 miles of winter-trail on Buckeye and Buckeye Creek Road(s) to provide the public with free winter-recreation opportunities in the Bridgeport Valley (Exhibit A).

The proposed groomed trail will be 6-12 feet in width with a Nordic track laid on one side to allow room for skate skiers, walkers, snowshoers, over snow vehicles (OSV), and winter fat-bikes. Grooming will be performed by volunteers using a tracked UTV towing a 72" Nordic trail groomer. This equipment is owned by the Little family and will be trailered from and stored at their private residence. Volunteers will be managed by the U.S. Forest Service under the terms of a standard Volunteer Service Agreement, Operating Plan, and Risk Assessment. Grooming operations will be consistent with Best Management Practices (BMPs) and minimum snow-depth requirements: *Groom when snow is of sufficient depth and density that allows grooming without undue disturbance to the underlying ground surface.* While several routes were considered for implementation, the preferred alternative

was selected based on a number of factors including: desirability/proximity to existing recreation nodes; road type/conditions; wildlife/environmental factors; topography/avalanche considerations; average snowpack; snow-plowing and staging area coordination; and functionality of tracked UTV grooming equipment.

Discussion:

Winter recreation in Mono County is widely recognized as having beneficial impacts to local communities in the form of economic activity and regional notoriety. As this pilot program aims to make use of county roads to provide additional recreational opportunities within the Bridgeport Valley, the subject roads must be closed in accordance with County policy which includes an approving Board Resolution.

Pending board resolution, Mono County will support this pilot program by executing a seasonal closure to wheeled vehicles on portions of Buckeye and Buckeye Creek Road and will assist in the development and deployment of appropriate etiquette and wayfinding signage. The Bridgeport Acting District Ranger is in support of the proposed program. This pilot program was developed in consultation with the Bridgeport RPAC and its use will be monitored for the duration of the Winter 2021/22 season (Jan – April 1). Future grooming of this and additional roads and trails will be analyzed under a separate analysis in consultation with Humboldt-Toiyabe National Forest. Temporary closures are designed to coincide with de facto closures caused by snow accumulation to protect road and resource disturbance and to support sustainable recreation offerings in Mono County.

Pursuant to Section 982 of the Streets and Highways Code, the attached Resolution has been prepared for Board consideration and approval.

If you have any questions regarding this item, please contact me at 760-932-5449. I may also be contacted by email at kjulian@mono.ca.gov.

Respectfully submitted,



Kevin Julian
Road Operations Superintendent

Attached:

- Reso R22-XX
- Exhibit A: Closure map
- Exhibit B: Notice of Exemption
- Exhibit C: County Grooming Agreement



RESOLUTION NO. R22-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE SEASONAL CLOSURE OF BUCKEYE
ROAD AND BUCKEYE CREEK ROAD FOR THE BRIDGEPORT
VALLEY WINTER TRAIL GROOMING PILOT PROGRAM**

WHEREAS, Bridgeport Resident's Jimmy and Brinn Little, in coordination with the Eastern Sierra Sustainable Recreation Coordinator and the Humboldt-Toiyabe National Forest, have requested the seasonal closure and use of certain County roads associated with the Bridgeport Valley Winter Trail Grooming Pilot Program; and

WHEREAS, in conformance with Section 982 of the California Streets and Highways Code, the Board of Supervisors is authorized to temporarily close County roads and grant the use thereof to the managers of said functions; and

WHEREAS, winter recreation opportunities such as the Bridgeport Valley Winter Trail Grooming Pilot Program result in substantial benefits to the residents and businesses of Mono County and visitors to the County; and

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors that Buckeye Road and Buckeye Creek Road, both County maintained roads, may be closed to wheeled vehicles in conformance with the County's Policy and made available to Jimmy and Brinn Little as volunteers under the management of the Humboldt-Toiyabe National Forest, Bridgeport Ranger District from January 5, 2022 through April 1, 2022.

BE IT FURTHER RESOLVED that the Mono County Board of Supervisors authorizes the Director of the Department of Public Works to utilize County equipment and personnel to effectuate said road closures.

APPROVED AND ADOPTED this ____ day of ____ 2022, by the following vote of the Board of Supervisors, County of Mono:

AYES:

NOES:

ABSENT:

ABSTAIN:

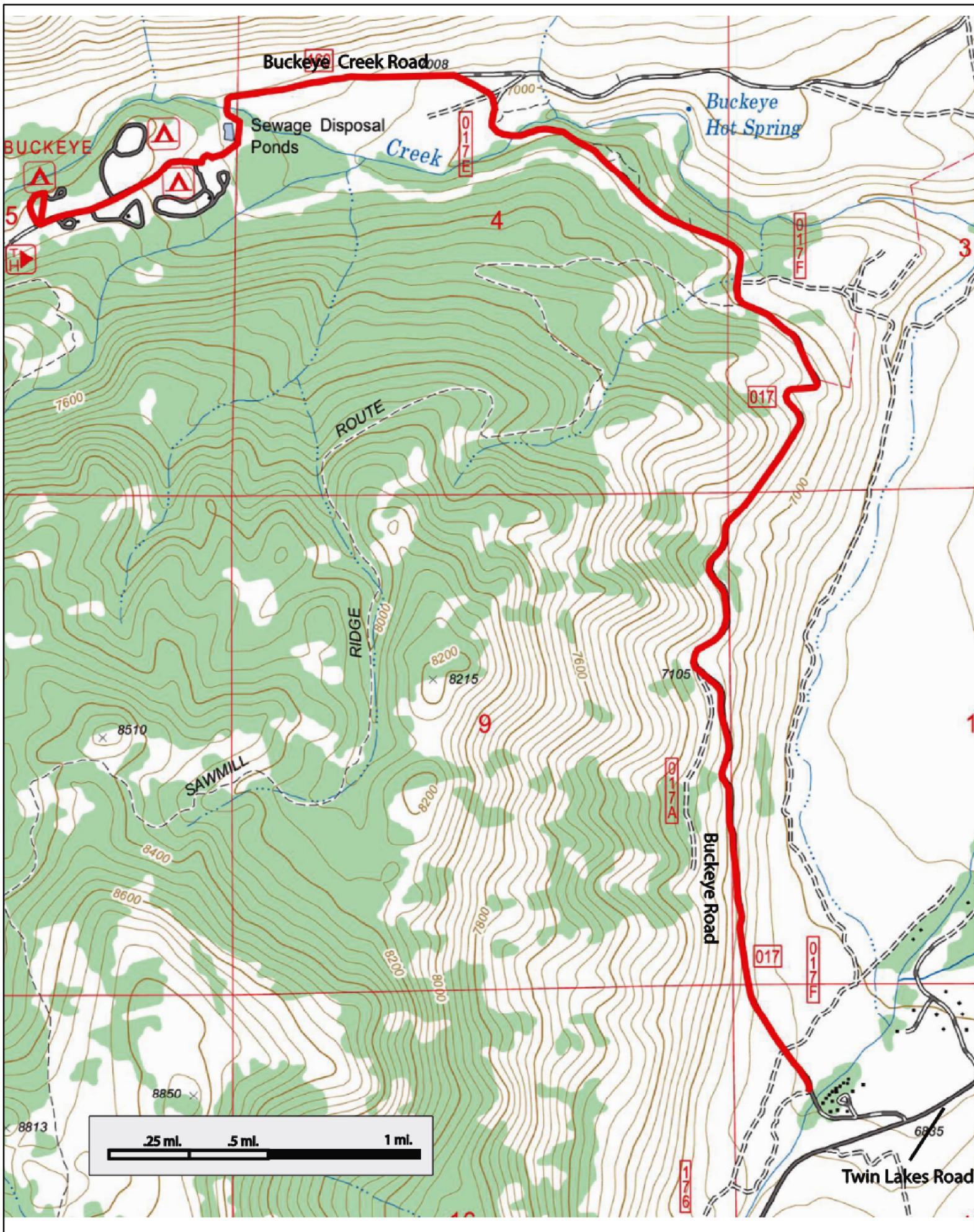
Bob Gardner, Chair
Mono County Board of Supervisors

ATTEST:

Approved as to Form:

Clerk of the Board

County Counsel





NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk / County of Mono
PO Box 237
Bridgeport, CA 93517

FROM: Mono County Department of Public Works
PO Box 457
Bridgeport, CA 93517

Project Title: Bridgeport Valley Winter Trails Grooming Pilot Program

Project Applicant: Mono County

Project Location – Buckeye Rd, Buckeye Creek Rd

Project Location - City: Bridgeport

Project Location - County: Mono

Description of Nature, Purpose, and Beneficiaries of Project:

This project will allow for the use of snow grooming equipment to be used for improving winter time recreation in the Bridgeport Valley. Subject road is a dirt road that typically receives no winter season maintenance and is minimally travelled by wheeled vehicles when snow is present. Grooming operations will be consistent with Best Management Practices (BMPs) and minimum snow-depth requirements: Groom when snow is of sufficient depth and density that allows grooming without undue disturbance to the underlying ground surface

Name of Public Agency Approving Project:

Mono County

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption. State type and section number: 15301
 Statutory Exemptions. State code number: 15262

(Address)

Reasons why project is exempt:

This project qualifies as Categorical Exemption 15301 – Class 1: Existing facilities, as seasonally closing the road to wheeled vehicles and grooming a snow covered surface will involve negligible or no expansion of use beyond that existing at the time of the lead agency determination.

Lead Agency

Contact Person: Kevin Julian

Area Code/Telephone/Extension: (760) 932-5449

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant



**Agreement regarding the Temporary Closure and Use of
Buckeye and Buckeye Creek Roads for the Bridgeport Valley
Winter Trail Grooming Pilot Program**

I. RECITALS

The Humboldt-Toiyabe National Forest, Bridgeport Ranger District (“USFS”) and Jimmy and Brinn Little (“Operators”) have agreed to establish a pilot winter trail grooming program in the Bridgeport Valley during the winter of 2022 (the “Bridgeport Valley Winter Trail Grooming Pilot Program” or the “Program”) for the purpose of showcasing and providing access to the outstanding winter resources of the Bridgeport Valley and the Humboldt-Toiyabe National Forest.

Pursuant to the Program, Operators and the USFS have agreed that Operators, as volunteers of the USFS, will mechanically groom winter recreational trails for Nordic skiing, snowmobiling, snowshoeing and similar uses by the public on Buckeye and Buckeye Creek Roads, which are County-maintained roads (the “Roads”) within the Humboldt-Toiyabe National Forest, and will advertise and post signs directing the public to the Roads as well as transport and/or host the public in their use of the Roads for winter recreational activities.

The County of Mono (County) supports the Bridgeport Valley Winter Trail Grooming Pilot Program and is willing to temporarily close Buckeye and Buckeye Creek Roads (the “Roads”) pursuant to Streets and Highways Code section 982 and grant the use, possession, management and control thereof to Operators for purposes of carrying out the Program in accordance with the terms and conditions set forth in this Agreement.

II. TERMS AND CONDITIONS

1. The above recitals are accepted by the Parties and adopted as a part of this Agreement.
2. Through execution of Volunteer Service Agreements (VSA) with the USFS, Operators have committed to the USFS that they will comply with an Operational Plan and Risk Assessment in their execution of the Program. The VSA, Operational Plan and Risk Assessment, and any documents incorporated or referenced therein, are hereafter referred to as the “USFS Requirements”.
3. Concurrently with approval of this Agreement, County has adopted a resolution pursuant to Streets and Highways Code section 982 temporarily closing the Roads and granting Operators the use, possession, management and control thereof, in conjunction with the USFS, for purposes of carrying out the Program (the “Resolution”). This Agreement, and the grant of use, possession, management and control made by resolution, shall remain in effect until the temporary closure is terminated by the County, or as otherwise provided in this Agreement.
4. Operators will comply with all provisions of the USFS Requirements in carrying out the Program. No amendment to the USFS Requirements (or any plan incorporated or referenced therein) shall be made without fifteen (15) days advanced written notice to County.

5. County shall have no obligation to compensate, reimburse or otherwise pay any costs or expenses associated with the establishment, operation, staffing, management or provision of the Program or otherwise incurred by Operators in connection therewith. Operators expressly assume all such costs and liabilities. Notwithstanding the foregoing, County shall provide County personnel and equipment to effectuate closure of the Roads as set forth in the Resolution.
6. County shall have no obligation to patrol, monitor, limit or otherwise regulate access to or use of the Roads and makes no guarantee or warranty as to their fitness for Operators' use or for use as part of the Program. Operators accept the Roads "as is" in their current condition and as same may change during the period of this Agreement due to natural or manmade processes or conditions.
7. In addition to their obligation to notify the USFS in such situations, Operators shall notify the County immediately if any of the following occur:
 - a. An incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
 - b. A structural, mechanical, or electrical malfunction or failure of a component of a facility designed for passenger transport or any operational actions that impair the function or operation of such a facility in a way that could affect public safety;
 - c. A search and rescue operation to locate a person; or
 - d. Any incident that has high potential for serious personal injury or death or significant property, environmental, or other natural resource damage, including avalanches, landslides, flooding, fire, structural failures, and release of hazardous materials.
8. Contact information for notice or other communication related to this Agreement or the Program is as follows:

Operators:

Jimmy and Brinn Little
HC 62 Box 1050
Bridgeport, CA 93517
jabliddle@gmail.com
Cell: (661) 619-6769

USFS:

Attn: Alex Van Raalte, Recreation Special Use Permit Administrator
ADDRESS: 1536 S. Carson St; Carson City, NV 89701
Cell: (775) 431- 7660

Sierra Front Interagency Dispatch Center: (775)-883-5995
After hours (775) 721-0312
Jon Knudson FS Law Enforcement office: (775) 884-8113 (775) 530-3617

County:

Mono County Public Works
Attn: Matthew Paruolo
P.O. Box 457
Bridgeport, CA 93517
Cell: (760) 616-4054

Mono County Sheriff's Office: (760) 932-7549
After hours/emergency: Call 911

9. Operators are volunteers of the USFS pursuant to the VSAs. Accordingly, any claim for personal injury or illness by Operators or anyone working with or through them on the Program shall be directed to the USFS.
10. As consideration for the closure of the Roads and grant of use, possession, management and control thereof by County, Operators shall hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from or in connection with, the closure and use of the Roads as described in this Agreement and in the USFS Requirements by Operators, Operators' agents, officers, employees. Operators' obligation to hold the County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use.
11. Operators shall maintain during the term of this Agreement a policy of Comprehensive Automobile/Vehicle Liability Insurance for bodily injury (including death) and property damage which provides total limits of not less than fifty thousand (\$50,000) per person/one hundred thousand dollars (\$100,000.00) per claim or occurrence applicable to all owned, non-owned and hired vehicles utilized in the Program. Operators shall provide County: (1) a certificate of insurance evidencing the coverage required; and ~~(2) an additional insured endorsement for general liability applying to County, its agents, officers and employees made on ISO form CG 20 10 11 85, or providing equivalent coverage.~~
12. This Agreement shall automatically terminate upon the opening of the Roads as set forth in the Resolution closing the Roads. Either party may terminate this Agreement upon ten (10) days' written notice without cause, or upon lesser notice if necessary to protect public health and safety.

III. Execution

Operators hereby warrant that the person(s) signing on its behalf below are legally authorized to bind Operator to the terms and conditions stated herein and is authorized and able to carry out the activities set forth herein.

Operators and County have entered into this Agreement as of this ____ day of January, 2022, through the following signatures.

OPERATOR:

Signature: _____

Jimmy Little

Date: January 6, 2022

Signature: _____

Brinn Little

Date: January 6, 2022

MONO COUNTY:

Bob Gardner, Board Chair

Date: _____

APPROVED AS TO FORM:

Mono County Counsel

APPROVED BY RISK MANAGEMENT:

Jay Sloane



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Anne Frievalt, Ryan Roe, and Oliver Yee. 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). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE January 11, 2022

TIME REQUIRED

SUBJECT Closed Session - Public Employee
 Evaluation

**PERSONS
APPEARING
BEFORE THE
BOARD**

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 Administrative Officer.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time

Who

Approval