PO Box 347 Mammoth Lakes, CA 93546 760.924.1800, fax 924.1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760.932.5420, fax 932.5431 www.monocounty.ca.gov

# AGENDA

Wednesday, June 3, 2015 – 3:00 p.m. Town/County Conference Room, Minaret Village Mall Mammoth Lakes, California

- 1. CALL TO ORDER
- 2. PUBLIC COMMENT
- 3. MINUTES: Review and approve minutes of May 6, 2015 p. 1
- 4. PUBLIC HEARING: Consider adoption of 2015-16 Final Budget p. 4
- 5. **MEMBERSHIP:** Consider appointing regular and alternate public member *p.* 7
- 6. STATUS REPORT: Inyo LAFCO review of Southern Mono Healthcare District's Bishop services *p. 12*
- 7. **INFORMATIONAL:** Letter responding to Mono City and Lee Vining FPDs regarding merger potential *p. 16*
- 8. ADJOURN

## Mono County Local Agency Formation Commission

PO Box 347 Mammoth Lakes, CA 93546 760.924.1800, fax 924.1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760.932.5420, fax 932.5431 www.monocounty.ca.gov

# **DRAFT MINUTES**

May 6, 2015

**COMMISSIONERS PRESENT:** Fred Stump & Tim Alpers (by phone), Mono County; Jo Bacon, Town of Mammoth Lakes; Earl Henderson & Hank Brown, special districts; John Ross, public member; Bruce Woodworth, alternate public member.

STAFF PRESENT: Scott Burns, executive officer; Brent Calloway, analyst; C.D. Ritter, secretary

GUEST: Chris Lizza, Lee Vining FPD

**1. CALL TO ORDER:** Chair Earl Henderson called the meeting to order at 3:04 p.m. in the Town/County Conference Room, Minaret Village Mall, Mammoth Lakes.

### 2. PUBLIC COMMENT: None

### 3. MINUTES:

**<u>MOTION</u>**: Approve minutes of June 4, 2014, as submitted. (Brown/Bacon. Ayes: 4. Abstain due to absence: Henderson & Stump.)

### 4. PUBLIC HEARING: 2015-16 Preliminary Budget

Scott Burns presented a status-quo budget from last year. Special Districts (25) are not well off, so three agreed to split third of funding for special districts. No significant proposals, except Southern Mono Healthcare District providing services in Bishop. Question if written approval is needed. Reviewing SOIs and MSRs, integrating into other planning documents. Release EIR this summer, work with Lee Vining and Mono City FPDs on possible consolidation

**OPEN PUBLIC COMMENT:** Brown: Enough money for consolidation, but mentioned possible grant. Lee Vining FPD = \$27,816, Mono City FPD = \$16,100. Make sure have enough money to cover their expenses.

Burns: Projected to be slow process [consolidation]. Both boards would have to concur. Make sure of comfort level to move forward. The LTC proposed \$10,000-\$15,000 to look at emergency access to all FPD sites. Other sources might provide funding, approaching \$25,000-\$35,000. Might not have to tap separate budget item for it. Also consider consolidation of healthcare, wealthy districts. Normally ask agencies to fund reorganization study; didn't meet income qualifications for CDBG grant.

Stump: List teleconference location on agenda. Have Alpers listen in.

Bacon: Call third meeting if needed for budget amendment. CLOSE PUBLIC COMMENT.

**MOTION:** Approve preliminary budget (Stump/Bacon. Ayes: 6-0.)

### 5. MEMBERSHIP

A. **Resignation of public member John Ross:** Initiated recruitment. Thought alternate would become regular member, but law does not allow that. Solicit for regular and alternate members. LAFCO determines who gets appointed. Vote from each entity.

**<u>MOTION</u>**: Accept resignation with regret, initiate public solicitation for regular and alternate, interview June 3. (Bacon/Brown. Ayes: 6-0.)

### B. Public solicitation for vacancy: Under way.

C. Appointment at June 3 meeting: Review letter of interest.

### 6. POTENTIAL MERGER OF MONO CITY & LEE VINING FPDs; REORGANIZATION REVIEW:

Supervisor Tim Alpers, whose district includes these entities, listened by phone. Burns had conversations with both districts over recent months. One letter focused on grant opportunity (didn't work out). Both districts want more information. Reorganization review/outreach needed at this point. Both recognize it'll take time. Streamlined process if both agree to go forward.

Lizza: Lee Vining fire captain, not representing board of commissioners. Fire fighter for 10 years. Lee Vining covers huge area, get 100 calls/year. In over its head with activity and management deficiencies. Due to lack of population, a merger is appealing. Need to understand the issues, to know what it would mean to merge districts. Lack of resources in both. How could they get equalized? How to manage property tax revenues? No grasp of numbers.

Stump: Contact Roberta Reed for technical assistance, Stump offered to send to Lizza an email.

Lizza: State puts out numbers. Comparing Lee Vining budget to Big Pine, Independence, or Lone Pine, they have more money.

Stump: Inyo decided long ago to disperse tax revenues to districts and is unique for that. Tribal money shows on state support. Bishop Paiute contribution is quite large.

Lizza: Commissioners could not attend meeting. Both FPDs have significant capital needs, but no capacity for grant research. Only solution seems to be a merger. Include Conway and Lundy?

Stump: Only time in Mono history FPD expanded and got prop tax was in June Lake. Could gain more responsibility, but not more revenue.

Brown: Most FPDs in county are dirt poor.

Lizza: Can't even have decent training; at standstill now.

Henderson: Local LAFCOs are urged to consolidate districts.

Bacon: Some money to help learn of options?

Burns: Get in contact with finance staff, find studies elsewhere. Could appoint formal reorganization committee, but staff time is tied up next six months. However, if both districts are ready, could formalize reorganization process. Maybe issues are not that complex.

Stump: Suggestion: Respond in writing to both, obtain resolution from each board, list of questions to be answered, suggestions for seats on governing board (three vs. two), make sure Supervisor Alpers is in loop. Witnessed turf wars, did not want LAFCO to become target if perceived "County is doing something to them."

Lizza: Nobody's taking a position due to multiple issues. Ask for resolution in support of LAFCO assisting to get answers.

Henderson: Consensus of both boards. Not understand how funding is distributed.

Lizza: Boards have been asked, but don't have answers.

Woodworth: Fesko's blue ribbon group involved? Lizza: No.

Burns: Ask for LAFCO technical assistance, solicit list of questions, and provide information on what consolidated government board would look like.

7. INYO LAFCO REVIEW OF SOUTHERN MONO HEALTHCARE DISTRICT'S BISHOP SERVICES: Scott Burns was contacted in February by Northern Inyo Hospital to convene emergency meeting to consider the matter. Representatives, staff from both hospitals, planning divisions, and both LAFCOs attended. Unclear about NIH's contention that Southern Mono Healthcare District (SMHD) needed approval to provide services. Agreed that Mono counsel would talk to Inyo's counsel, but Inyo didn't want to authorize funding for counsel. Healthcare districts can provide services outside district. Inyo LAFCO provided staff report in packet, directed staff to prepare letter to SMHD that it is subject to requirements of Inyo LAFCO. Letter not yet sent.

Looking at SOIs, our sphere acknowledges providing service in Bishop and Bridgeport. SOI didn't suggest boundary be extended into Inyo, but need to consider regional healthcare system to serve

Eastern Sierra. Existing districts would reorganize into single entity. Northern Inyo Hospital boundaries are incorrect; wants readjustment to serve Chalfant, Paradise, and Swall Meadows. Sphere extends east to state line and north of Bridgeport.

Stump: If extend service, should be SMHD. Burns: Issues cross county lines, so must come to agreement.

Ross: Precedent elsewhere? Burns: Yes. Funding level gets small fraction from property taxes. Could operate as private entities. Healthcare in Mammoth sends to Reno and Bishop. LAFCO originally was involved with infrastructure, so healthcare does not fit in easily. Healthcare district law says it's OK to serve beyond boundaries.

Stump: Potential for head-butting exists. Burns: Mono counsel spoke to Inyo counsel, and both LAFCO staffs want to work together. Competition for orthopedic services is the issue. Not enough patient load to justify both hospitals fully staffing orthopedics.

Stump: If competition improves patient care, I'm all for it. If Northern Inyo Hospital gave permission, it invited this.

Burns: Some agreement, but still sorting out. Agreement would exempt from LAFCO review. Calloway: If operate out of district, should go through LAFCO.

8. SPHERES OF INFLUENCE (SOIs) & MUNICIPAL SERVICE REVIEWS (MSRs): Brent Calloway recalled looking at reality of updating MSRs, lots of information in them six to seven years ago. Small staff can't devote time now. Requirements in MSR are quite simple in Cortese-Knox-Hertzberg. Most large LAFCOs update only required part.

Model has interactive format. Might need account to get into ArcGIS Online Mono and Mammoth Lakes. Look up Mono LAFCO to see boundaries, districts in county. On/off buttons for items. Instead of paper maps, go to webpage. Mutual water companies are shown on map. MSR button shows dots. Service review determination, SOI findings, SOI recommendations, reorganization recommendation. Land use designations (zoning in town) in county are shown in individual colors. Vacant distinguished from developed parcels. County buildout data with density multiplied by parcel size. Hilton Creek CSD has website link with budgets, ordinances, minutes, meeting dates, General Plan map with fault, flood hazards, avalanche mapping, development credits, Williamson Act contracts, scenic overlay, etc. AB8 is reference to state requirements for secured property tax disbursement. Have all background information, want to ensure words make sense; that's all that needs to change. Haven't reviewed all MSRs this year. Have EIR deadline if want to include MSRs.

Stump: Helpful to list potential changes? Calloway: Some require formal processes. Stump: Most are status quo. Burns: Reorganization is contemplated, could take time. Refinements/adjustments shown on map.

Woodworth: Department of Water Resources has information.

**9.** ADJOURN at 4:27 p.m. to next meeting at 2 p.m. on June 3, 2015.

Prepared by C.D. Ritter, LAFCO secretary

## Mono County Local Agency Formation Commission

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## DRAFT STAFF REPORT

June 3, 2015

TO: Mono LAFCO

FROM: Scott Burns, Executive Officer

RE: 2015-16 FINAL BUDGET

### RECOMMENDATION

Following the close of the public hearing, find that reduced staffing and program costs reflected in the proposed budget will still allow Mono LAFCO to fulfill its purposes and requirements, and adopt the attached final budget for fiscal year 2015-16.

### BACKGROUND

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), a public hearing is scheduled today to adopt the final budget for fiscal year 2015-16. The budget must be at least equal to the budget adopted for the previous fiscal year unless the commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirements of the Act.

Last month, your Commission adopted a preliminary budget that reflects a slight reduction in costs from the current year budget of \$12,135. This reduction reflects the elimination of a cost allocation methodology previously applied by Mono County, in this case amounting to \$602. The proposed final budget includes this reduction.

### ALTERNATIVE APPORTIONMENT

The CKH Act establishes methods for apportioning LAFCO staffing and program costs among the County, Town and special districts. The law allows alternative apportionment methods, which Mono LAFCO has used in the past to avoid impacting financially constrained special districts. Prior to two years ago, LAFCO costs were fully borne by the Town of Mammoth Lakes and Mono County. The past two years, the Commission applied an alternative apportionment method consisting of a third from Mono County; a third from the Town of Mammoth Lakes; and a third from special districts, with the special district share provided exclusively from the Southern Mono Healthcare District and the Mammoth Community Water District, rather than from all independent special districts.

The adopted preliminary budget and proposed final budget reflect this same alternative budget apportionment method, which consists of a third (\$3,844) from Mono County; a third (\$3,844) from the Town of Mammoth Lakes; and a third (\$3,844) from the special districts. Instead of all independent special districts in Mono County contributing, this alternative apportionment consists of \$1,922 from Southern Mono Hospital District and \$1,922 from the Mammoth Community Water District.

## FY 15-16 BUDGET

The attached final budget for fiscal year 2015-16 calls for maintaining a status-quo funding level. LAFCO staff activity this past year has entailed:

- responding to occasional LAFCO inquiries;
- conducting reviews/updates of agency Spheres of Influence/Municipal Service Reviews;
- reviewing the accuracy of district maps with the Assessor and GIS Coordinator as a part of the above reviews;
- concluded review of mosquito abatement service options, with the agricultural commissioner not providing service to the Mammoth Lakes Mosquito Abatement District area;
- assisted Mono County and several County Service Areas on capital programming;
- examined potential special district roles for Digital 395;
- reviewed development projects and CEQA documents for potential LAFCO issues; and
- shared grant funds for coordination of the SOI/MSR updates with the county General Plan and Regional Transportation Plan updates.

Anticipated work tasks this year include:

- concluding review and update of Sphere of Influence/Municipal Service Reviews, including supporting CEQA documentation, in concert with the General Plan and Regional Transportation Plan updates
- responding to application activity, including application processing (Snowcreek)
- reflecting LAFCO policies in the Mono County General Plan update; and
- review plans, projects and environmental documents for LAFCO concerns, including the Inyo Forest Plan update.

This expected low level of activity, which is similar to last year, is reflected in the attached recommended FY 2015-16 final budget.

## ATTACHMENT

• Final FY 2015-16 Budget

# FY 2015-16 FINAL BUDGET

Salary and Benefits	\$8,733
Memberships (CALAFCO)	\$800
Office Expense	\$200
Travel and Training	\$1,500
Legal Notices	\$300
TOTAL	\$ 11,533

## Mono County Local Agency Formation Commission

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## STAFF REPORT

June 3, 2015

TO: Mono LAFCO

FROM: Scott Burns, executive officer

**RE:** Public Member Appointments

### Recommendations

Consider appointing Bruce Woodworth as the regular public member, and Vikki Bauer as the alternate public member.

### Background

As discussed last month, with the Commission's acceptance of John Ross's resignation as the regular public member, a vacancy exists for the regular public member position on LAFCO. In accordance with state law, the vacancy was posted for at least 21 days; a notice of solicitation was also published in local newspapers for both the alternate and regular member positions. Bruce Woodworth, the current alternate public member, has confirmed his interest in the regular public member position. A letter of interest in the alternate position was also submitted by Vikki Bauer, a June Lake resident. The following excerpt of the Cortese-Knox-Hertzberg Act reviews the public member selection requirement:

56325. There is hereby continued in existence in each county a local agency formation commission. Except as otherwise provided in this chapter, the commission shall consist of members selected as follows:

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also designate one alternate member who shall be appointed and serve pursuant to Section 56331. Selection of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

## Attachments

- Bruce Woodworth interest
- Vikki Bauer letter & resume

**CD** Ritter

Subject:

FW: LAFCO regular membership

RECEIVED MAY 28 2015 MONO COUNTY

Community Development

From: Alison & Bruce Woodworth [mailto:woodworthsaw@gmail.com] Sent: Thursday, May 28, 2015 10:49 AM To: Scott Burns Subject: LAFCO regular membership

05-28-2015.

Scott,

Please use this email to confirm my interest in serving on the LAFCO Board as a regular member.

See you next week.

Bruce

Alison & Bruce Woodworth 824 Burcham Flat Rd. Coleville, CA 96107 775-230-5093 650-387-4996 <u>woodworthsaw@gmail.com</u>

1

Mono County Local Agency Formation Commissioners4-14-2015RE: Letter of interest for appointment4-14-2015

Honorable Commission Members:

After several years away from government I am again interested in serving the county in which I reside. I have always played an active role in my community and county and wish to carry on with this work. I understand that there is an alternate LAFCO position available for a public at large member on your commission. Please consider this a letter of interest for that position. While on the Mono County Board of Supervisors I sat on LAFCO as The Board representative for many years and have the requisite skill set to help on your board. I would love the chance to use that skill set again to help small districts in Mono County.

Since leaving the board I have completed law school, mediation training and took the California Bar in February (I am still awaiting results). The issues at the Local Agency Formation Commission are both within the Town of Mammoth Lakes boundaries and the Mono County boundaries and I would be able to bring a Mono County perspective to the table. I look forward to the opportunity to serve Mono County again.

Thank you for your consideration,

Vikki Magee Bauer P.O. Box 810 June Lake, Ca 93529 <u>vikkibauer@easternsierramediation.org</u> <u>vikkibauer@gmail.com</u> 760/914-2233

	VIKKI MAGEE BAUER 100 Bruce St, P.O. Box 810, June Lake, Ca 93529 760/914-2233 VikkiBauer@gmail.com		
	LAFCO Public Board Member resume.		
Skills Summary	<ul> <li>8 years' experience as a county supervisor leading meetings and facilitating positive outcomes. Guiding discussion and mediating differences of opinion between fellow supervisors, staff and constituents.</li> <li>I have learned to listen well enough to find the keys to building consensus and crafting outcomes that suit a variety of different peoples' goals in creative ways.</li> <li>Effective problem solver and communicator. I have learned to communicate in a way that explains my meaning clearly and directly, leaving as little as possible to chance and assumption. I encourage the same from those I work with.</li> <li>"Can do" attitude; my positive outlook and friendly conversational style invites cooperation.</li> </ul>		
Experience	<ul> <li>Excellent working relationship with those I have worked with.</li> </ul>		
	<ul> <li>Vikki Bauer Consulting</li> <li>Northern Inyo Hospital- In my role as an organizational med conducted more than 100 confidential one on one interviews employees and communicated what they were seeing and fee governing board. In the midst of much conflict I was able to I of normalcy and offer suggestions for next steps.</li> <li>Co-taught conflict resolutions skills to county supervisors at Association of Counties.</li> <li>Taught conflict resolution skills and team building to Pioneer Care employees.</li> <li>Mono County Board of Supervisors</li> <li>Chaired countless public hearings, some that had a large emode.</li> <li>Chaired and steered the Eastern Sierra Transit Authority and Area Regional Transportation Authority into becoming a succother governmental agencies along with many other board as</li> <li>Worked with local, state and federal officials in many capacitit projects. Sat on the LAFCO Board as a Mono County Board of member.</li> <li>Came to a deep understanding of government relations and I experience with labor and management relations and commutations and commutation of the project of the state and federal officials and the project of the state and federal context of the state and federal officials and the project of the state and federal officials in many capacitit projects. Sat on the LAFCO Board as a Mono County Board of member.</li> </ul>	with hospital eling to the nelp restore a sense the California State the California Component. The Yosemite cessful model for ssignments. ties and on many of Supervisor the State California State the California Component.	
	Gull Lake Lodge10/90 to presentAll aspects of management, bookkeeping; payroll; forecasting.Understanding people well enough to keep my perspective still after 25 years!		
EDUCATION	Straus Institute at Pepperdine University School of Law	June 2013	
	Three day professional skills program		
	UC Davis Extension Certificate in Conflict Resolution More than 150 hour program (6 classes). Fifty of those hou MCLE hours and 20 were for human resource professional		

Northwestern California University, School of Law 11/08 to present I Completed my J.D. in September 2014 and sat for the Bar exam in California in February of 2015. I am waiting my results.

I Passed the First Year Law Students Examination in June of 2010 (also a requirement for online students, in order to continue studies).

I Completed a Bachelor of Science in Law January 2011.

#### California State University at Fullerton 1978 to 1981

I Completed 100 units towards a bachelors of science in management.



Inyo Local Agency Formation Commission 168 North Edwards Street Post Office Drawer L Independence, California 93526 Phone: (760) 878-0263 FAX: (760) 878-0382 E-Mail: <u>inyolafco@inyocounty.us</u>

May 7, 2015

Southern Mono Health Care District c/o Gary Myers, Chief Executive Officer PO Box 660 Mammoth Lakes, CA 93546

RECEIVED MAY 18 LUID MONO COUNTY Community Development

#### Re: Southern Mono Health Care District's Bishop Operations

Dear Mr. Myers,

On behalf of the Inyo Local Agency Formation Commission (LAFCO), I wanted to convey to you our support for providing comprehensive cost-effective health care in the Eastern Sierra. As you know, the Inyo LAFCO discussed your agency's operations in Bishop within the boundaries of the Northern Inyo Hospital District (NIHD) on April 20, 2015 and directed that this letter be sent.

Government Code Section 56133 deals with out-of-area service agreements. Subsection (a) states that a district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county. Subsection (e) provides an exemption when public agencies agree among themselves that alternative or substitute services may be provided in another agency's jurisdiction "where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."

At this point Southern Mono Health Care District satisfies neither criteria. Therefore, at the April 20 meeting, the Commission authorized me to advise you that your Bishop operations have not been approved by the Inyo LAFCO as required in the absence of an agreement between you and Northern Inyo Healthcare District. We invite you to submit an application to comply with Government Code Section 56133.

Accordingly, attached are application forms; the fee deposit for processing an out of area service agreement is \$1,000. Note that Government Code Section 56133(c) indicates that the commission may authorize a district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in part if the entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents; therefore, please provide such documentation with any application.

Thank you for your prompt attention to this matter. Submission of your application prior to the next scheduled meeting on June 1<sup>st</sup> is encouraged. Inyo LAFCO will continue to work with you, Mono LAFCO, and the NIHD to resolve this issue. If you have any questions, please contact Joshua Hart, Inyo LAFCO Executive Officer, at (760) 878-8514 or at jhart@inyocounty.us.

Sincerely Dave Patters

Inyo LAFCO

cc: NIHD, Mono LAFCO, City of Bishop, Counsel

Enclosure

DAVID S. BAUMWOHL

J. CHRISTOPHER EDWARDS of Counsel

Post Office Box 1188 126 Old Manmoth Road, Suite 220 Manmoth Lakes, CA 93546-1188 P. 760.934.2000 F. 760.934.2600 www.manmothlawyers.com Law Offices of DAVID S. BAUMWOHL A Professional Corporation

May 28, 2015

VENTURA OFFICE Firm of Counsel MYERS, WIDDERS, GIBSON, JONES & FEINGOLD, LLP

> Post Office Box 7209 5425 Everglades Street Ventura, CA 93006-7209 P. 805.644.7188 F. 805.644.7390 www.mwgjlaw.com

Inyo Local Agency Formation Commission P.O. Drawer L Independence, CA 93526 *VIA US MAIL AND EMAIL* (inyolafco@inyocounty.us)

#### RE: Southern Mono Healthcare District; Bishop Clinic

Dear Commission Members:

This firm represents Southern Mono Healthcare District ("SMHD"). We have served SMHD as its general counsel since 1980 and are familiar with the matter presently at issue. We are in receipt of your letter to Gary Myers, dated May 7, 2015. This letter shall serve as the response of SMHD.

Please direct all further correspondence pertaining to these matters to our offices, in addition to SMHD directly through its CEO, Gary Myers.

SMHD respectfully declines your invitation to submit an application pursuant to Government Code §56133. It is the position of SMHD that the opening of its new Bishop facility on or about June 1 is not an action, activity, or otherwise, which is subject to §56133 and your request.

Your reliance on subpart (a) is misplaced. SMHD's action in relocating its existing Bishop facilities to the new location is not a contract or an agreement for SMHD to provide new or extended services outside of its jurisdictional boundaries. There is no contract or agreement at-issue. SMHD has been operating similar facilities in Bishop continuously since 2003. The new facility is Inyo Local Agency Formation Commission May 28, 2015 Page 2

neither a new service nor a new entry into the Northern Inyo County community.

If any part of the statute applies, it is the exemption or exception stated in subpart (e), even though your conclusion as to how it might be applicable is contrary to fact. When SMHD commenced activities in Bishop in 2003, it was at the request of Northern Inyo County Local Hospital District ("NIH") due to the absence of full-time orthopedic services. This void was the result of Dr. Jon McLennan, the lone full time orthopedist at the time, leaving the community.

A few years later, the Bishop area was left without full-time physical therapy services ("PT") due to the retirement of the owners and operators of the community's sole PT clinic. Once again, SMHD filled that void and provided the service; all with the knowledge and consent of NIH.

Whether or not the statute may have any applicability, the enabling legislation for healthcare districts (Health & Safety Code §§32000, et seq.), sets forth specific authority for precisely the activities at issue here. We direct your attention to Health & Safety Code §32121. The following subparts are applicable:

"(c) To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description within and without the limits of the district, and to control, dispose of, convey, and encumber the same and create a leasehold interest in the same for the benefit of the district."

"(j) To establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. (emphasis added)"

Inyo Local Agency Formation Commission May 28, 2015 Page 3

The SMHD board and administration reasonably and appropriately relied upon the foregoing specific and applicable legislation over the past 12 years with respect to each and every action taken, including initially commencing staffing orthopedic facilities in Bishop at the invitation and request of NIH, and in maintaining those services, including PT; all leading up to the recent action in relocating the district's operations to the new Main Street location.

The foregoing bases for SMHD declining to make an application to Inyo LAFCO are not exhaustive. Should this matter proceed to a point where SMHD is compelled to respond to any formal legal proceedings, SMHD reserves the right to present each and every applicable basis supporting its position.

Due to the timing of receiving your letter, discussing it with our client, and then providing you with this response, we are not in a position to attend your June meeting. Therefore, should you desire to substantively discuss this by way of a hearing, please defer the matter to your next meeting after June.

Should your counsel or any member of your commission board desire to discuss this matter further and outside of a formal commission meeting, please contact me.

Very truly yours,

David S. Baumwohl /s/

DAVID S. BAUMWOHL

DB/s

cc:

: SMHD Board of Directors Gary Myers CEO, SMHD Mono LAFCO c/o Stacy Simon, Asst. County Counsel

# MONO COUNTY LOCAL AGENCY FORMATION COMMISSION

PO Box 347 Mammoth Lakes, CA 93546 760.924.1800, fax 924.1801 commdev@mono.ca.gov PO Box 8 Bridgeport, CA 93517 760.932.5420, fax 932.5431 www.monocounty.ca.gov

May 28, 2015

Mono City Volunteer Fire Protection District PO Box 156 Lee Vining, CA 93541

Lee Vining Fire Protection District PO Box 246 Lee Vining, CA 93541

Dear Fire Protection Board:

Thank you for your letter of interest in investigating potential merging of the two Fire Protection Districts. Mono County Local Agency Formation Commission (LAFCO) considered your request at its May 6 meeting and included some resources for staff assistance in its proposed 2015-16 preliminary budget. In order to further review the potential consolidation, the Commission requested a resolution from each board formalizing its interest and support to assess merger options. The Commission also requested that each district provide a list of questions or concerns regarding consolidation, including composition of a consolidated governing board.

Again, thank you for your interest, and we look forward to working with your district in the coming year to review consolidation potential. Please call Analyst Brent Calloway at 760-924-1809 or me at 760-924-1807 if you have questions concerning this matter.

Sincerely,

Scott Burns Executive Officer

cc: Mono LAFCO

Attachments

- Lee Vining FPD letter to LAFCO April 7, 2015
- Mono City Volunteer FPD letter to LAFCO April 19, 2015