



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

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

MEETING LOCATION Mammoth Lakes Suite Z, 437 Old Mammoth Rd, Suite Z, Mammoth Lakes, CA 93546

Regular Meeting October 15, 2019

TELECONFERENCE LOCATIONS:

1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517.

Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

and number of persons wishing to address the Board.)

2. RECOGNITIONS

A. Employee Service Award Ceremony

Departments: CAO

30 minutes

(Steve Barwick, CAO) - Presentation by the Board of Supervisors, Steve Barwick, and Managers to Mono County employees, celebrating years of service to the County.

Recommended Action: Present awards, gratitude and congratulations to employees who have earned awards for years of service and dedication to the County.

Fiscal Impact: The cost of the awards is included in the CAO budget.

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

5. CONSENT AGENDA

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

A. Mono Arts Council - California Arts Council's State-Local Partnership Program

Departments: Board of Supervisors

The State-Local Partnership Program (SLPP) provides general operating support and technical assistance for county-designated local arts agencies. The purpose of the SLPP is to foster cultural development on the local level through a partnership between the State and the counties of California.

Recommended Action: Approve resolution R19-____, Designating Mono Arts Council as the local partner for the California Arts Council's State-Local Partnership Program (SLPP) and supporting Mono Council for the Art's Council's 2020-2022 grant application.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

All items listed are located in the Office of the Clerk of the Board, and are available for review. Direction may be given to staff regarding, and/or the Board may discuss, any

item of correspondence listed on the agenda.

A. Letter from Twin Lakes Resort

Departments: Clerk of the Board

Correspondence received from Twin Lakes Resort regarding flavored tobacco sales in Mono County.

B. Resolutions from MCOE and MUSD

Departments: Clerk of the Board

Resolutions received from the Mono County Office of Education and the Mammoth Unified School District regarding the sale of flavored tobacco.

C. Letter from R. Scot and Katherine Buell

Departments: Clerk of the Board

Letter received from R. Scot and Katherine Buell regarding power poles in the Antelope Valley.

7. REGULAR AGENDA - MORNING

A. PSPS Action Items Workshop

Departments: Information Technology / Sheriff

30 minutes

(Nate Greenberg, Ingrid Braun) - This item will be a workshop in which staff works collaboratively with the Board of Supervisors and public to develop and prioritize a list of tasks related to work being done by the County to address the impacts of Public Safety Power Shutoffs.

Recommended Action: Provide staff direction.

Fiscal Impact: None at this time.

B. Workshop on Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy

Departments: Public Health

1 hour

(Sandra Pearce) - Workshop on Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy

Recommended Action: 1. Receive presentation by staff on efforts to collaborate with the Town of Mammoth Lakes to develop consistent policies between the unincorporated and incorporated areas of Mono County and to work with retailers toward the ultimate goal of banning all flavored tobacco products as directed by the Board on July 10, 2018. 2. Following presentation, direct staff to proceed with one

of the following: a. Make no changes to the current ordinance. Mono County Code (MCC) Chapter 7.92.070 (E) shall sunset and menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco will be banned. Retailers will no longer be able to order any new flavored tobacco products effective 11/1/19 but could sell the remainder of their inventory; b. Extend the sunset clause in MCC Chapter 7.92.070(E) to a date determined by the Board; retailers will be able to continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco until the new sunset date; c. Remove the sunset provision entirely and retailers can continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco indefinitely; and, d. Provide any desired direction to staff.

Fiscal Impact: There is no impact to the Mono County General Fund.

C. Proposed Senate Bill 2 Application for Funds Targeted at Increased Housing Production

Departments: Community Development

30 minutes

(Bentley Regehr) - Presentation by Bentley Regehr regarding Senate Bill 2, the Building Homes and Jobs Act, planning grant application.

Recommended Action: 1. Provide direction to staff on the proposed application for SB-2 funds. 2. Modify as desired and approve the proposed SB-2 application to fund a) prescriptive designs for accessory dwelling units and b) an update to the County's greenhouse gas emissions data and creation of a CEQA streamlining checklist.

Fiscal Impact: SB-2 funds \$160,000 of eligible housing programs that otherwise would have been funded by the General Fund.

D. Housing Mitigation Ordinance (HMO) Workshop

Departments: Community Development / Finance

1 hour

(Wendy Sugimura, Megan Mahaffey) - Presentation regarding updating the Housing Mitigation Ordinance.

Recommended Action: 1. Provide direction on the desired mitigation measures and direct staff to bring back a Housing Mitigation Ordinance (HMO) for adoption consideration with the supporting nexus and fee studies; or 2. Direct staff to rescind the Housing Mitigation Ordinance (HMO). 3. Provide any other direction to staff.

Fiscal Impact: None at this time except for staff time. A new HMO would provide revenue for housing program implementation.

E. Contribution to Mammoth Lakes Basin Fuels Reduction Project

Departments: Board of Supervisors

10 minutes

(Dave Easterby and Betty Hylton, Mammoth Lakes Fire Safe Council) - Proposed payment of \$30,425 to the Mammoth Lakes Fire Safe Council in support of the Lakes Basin Fuel Reduction Project.

Recommended Action: Approve County payment of \$30,425 to the Mammoth Lakes Fire Safe Council in support of the Lakes Basin Fuel Reduction Project and direct staff to take necessary steps to finalize payment agreement, and return to the Board for necessary approvals, for the appropriation and transfer of said funds.

Fiscal Impact: The requested contribution is \$30,425.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

9. CLOSED SESSION

A. Closed Session - Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Steve Barwick, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Larsen. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

C. Closed Session - Public Employment

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

D. Closed Session - Public Employment

PUBLIC EMPLOYEE DISCIPLINE, DISMISSAL, RELEASE. Government Code

section 54957.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

11. 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 October 15, 2019

Departments: Board of Supervisors

TIME REQUIRED

SUBJECT Mono Arts Council - California Arts
 Council's State-Local Partnership
 Program

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The State-Local Partnership Program (SLPP) provides general operating support and technical assistance for county-designated local arts agencies. The purpose of the SLPP is to foster cultural development on the local level through a partnership between the State and the counties of California.

RECOMMENDED ACTION:

Approve resolution R19-___, Designating Mono Arts Council as the local partner for the California Arts Council's State-Local Partnership Program (SLPP) and supporting Mono Council for the Art's Council's 2020-2022 grant application.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report
Resolution

History

Time	Who	Approval
10/4/2019 3:31 PM	County Administrative Office	Yes

10/7/2019 12:40 PM

County Counsel

Yes

10/4/2019 1:15 PM

Finance

Yes



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

BOARD OF SUPERVISORS COUNTY OF MONO

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

October 15, 2019

To: Board of Supervisors

From: Kristin Reese, Executive Director of Mono Arts Council

Subject: Resolution naming Mono Arts Council as Mono County's State – Local Partner for the California Arts Council's State-Local Partnership Program (SLPP)

Discussion:

Mono Arts Council's mission is to facilitate and encourage art appreciate through education, advocacy and art-inspired programs and events. Mono Arts Council (MAC) provides arts education programs in Mono County schools as well as summer and after-school arts camps and activities. MAC also produces arts festivals, including the Mammoth Lakes Labor Day Festival of the Arts, which celebrated its 50th anniversary this year.

The State-Local Partnership (SLP) program is rooted in the California Arts Council's (CAC) vision of strong, sustained public support for the arts. It embodies the CAC's beliefs that the arts are a societal cornerstone that bring people together and build community, and that the CAC has a role to play in increasing access to the arts for Californians who live or work in areas where the arts are scarce, nonexistent, or vulnerable. The State-Local Partnership program provides general operating support and technical assistance for county-designated local arts agencies. The purpose of the SLP program is to foster cultural development on the local level through a partnership between the State and the counties of California. The nature of this partnership includes funding, information exchange, cooperative activities, and leadership. The partnership enables individuals, organizations, and communities to create, present, and preserve the arts of all cultures to enrich the quality of life for all Californians. A local arts agency is defined as the official county-designated organization that supports arts and cultural activity in service to individuals and communities throughout an entire county. Local arts agencies provide financial support, services, or other programming to a variety of arts organizations, individual artists, and the community as a whole. A local arts agency can be an agency of local government, a nonprofit organization, or a hybrid of the two.

Recommended Action:

Approve a resolution designating Mono Arts Council as the local partner for the California Arts Council's State-Local Partnership Program (SLPP) and supporting Mono Council for the Art's Council's 2020-2022 grant application.

Fiscal Impact:

None.



R19-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS DESIGNATING MONO ARTS COUNCIL
AS THE LOCAL PARTNER FOR THE CALIFORNIA ARTS COUNCIL'S
STATE-LOCAL PARTNERSHIP PROGRAM (SLPP)
AND SUPPORTING MONO COUNCIL FOR THE ART'S COUNCIL'S
2020-2022 GRANT APPLICATION**

WHEREAS, the California Arts Council, a state agency that advances California through the arts and creativity, has created the State-Local Partnership Program (SLPP) in order to foster cultural development on the local level through a partnership between the State and the counties of California. The partnership is established between the California Arts Council and the State's local arts agencies. The nature of this partnership includes funding, information exchange, cooperative activities, and leadership to stimulate and enable individuals, organizations, and communities to create, present, and preserve the arts of all cultures to enrich the quality of life for all Californians; and,

WHEREAS, the Mono County Board of Supervisors wishes to designate the Mono Arts Council (MAC), a nonprofit organization whose mission is to facilitate and encourage art appreciate through education, advocacy and art-inspired programs and events, as the official partner of the SLPP and to authorize and support MAC's 2020-2022 SLEPP grant application.

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1 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
2 **MONO RESOLVES** that:

3 **SECTION ONE:** The Mono Arts Council (MAC) is hereby designated as the official
4 partner of the State Local Partnership Program; and,

5 **SECTION TWO:** MAC is authorized to submit a 2020-2022 grant application to the
6 State-Local Partnership Program and such application is supported by Mono County.
7

8 **PASSED, APPROVED** and **ADOPTED** this 15th day of October, 2019, by the
9 following vote, to wit:
10

11 **AYES:**

12 **NOES:**

13 **ABSENT:**

14 **ABSTAIN:**
15
16
17

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

21 **ATTEST:**

APPROVED AS TO FORM:

22
23
24 _____
25 Scheereen Dedman, Senior Deputy
26 Clerk of the Board

27 _____
28 Stacey Simon
29 County Counsel
30
31
32



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Letter from Twin Lakes Resort

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Correspondence received from Twin Lakes Resort regarding flavored tobacco sales in Mono County.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[letter](#)

History

Time	Who	Approval
10/9/2019 4:32 PM	County Administrative Office	Yes
10/9/2019 4:55 PM	County Counsel	Yes
10/7/2019 6:15 PM	Finance	Yes

October 3, 2019

To whom it may concern,

I am writing in regards to the upcoming review of the ordinance about flavored tobacco. We hope that Mono County will consider revising this ordinance. I understand that the ordinance is to help keep these flavored items away from our children and I am 100% in favor of that. I do believe that the flavored marketing is more geared to vape products, not menthol cigarettes and chewing tobacco.

We hope that if this is something that is going to be done that it would be done at the state level to keep things fair in the market through the county and state. It is not fair to the local businesses to not be able to sell tobacco that the neighboring towns are able to sell.

Thank you for taking the time to hear our concerns.

Have a wonderful day.

Best Regards,

Tim & Misti Sullivan

Twin Lakes Resort

Bridgeport, California



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Resolutions from MCOE and MUSD

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Resolutions received from the Mono County Office of Education and the Mammoth Unified School District regarding the sale of flavored tobacco.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
10/9/2019 4:34 PM	County Administrative Office	Yes
10/9/2019 4:56 PM	County Counsel	Yes
10/9/2019 5:28 PM	Finance	Yes

**Mammoth Unified School District
Mammoth Lakes, California
Resolution # (18/19)-18**

IN SUPPORT OF A CITYWIDE TOBACCO RETAIL LICENSING ORDINANCE TO ENSURE TOBACCO RETAILERS DO NOT SELL TOBACCO PRODUCTS TO YOUNG PEOPLE AND TO PROHIBIT SALE OF FLAVORED TOBACCO PRODUCTS IN THE TOWN OF MAMMOTH LAKES

WHEREAS, Mammoth Unified School District works with Mono County Office of Education, Mono County Public Health, Mammoth Lakes Police Department and other partnering public agencies to discourage tobacco use by MUSD students through our participation in local Tobacco Use Prevention Education (TUPE) efforts; and

WHEREAS, MUSD and others engage in these efforts because educators clearly understand the importance of education to help prevent tobacco-related illnesses, knowing the best way to prevent tobacco-related illnesses is to keep youth from starting to smoke in the first place; and

WHEREAS, the tobacco industry has now targeted young people and vulnerable communities with tobacco products that mask the harsh taste of tobacco with flavors highly appealing to youth (including bubble gum, cotton candy, grape, gummy bear, and menthol flavors); and

WHEREAS, it is known that tobacco companies and retailers profit from the research-proven fact that the earlier a person starts to use tobacco, the harder it will become for them to quit; and

WHEREAS, research shows tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products, resulting in disproportionate rates of tobacco related disease and death (e.g., 95% of Black youth smokers, 61% of Asian youth smokers, and 58% of Latino youth smokers report use of menthol-flavored cigarettes); and

WHEREAS, according to MUSD's recent 2017-2018 California Healthy Kids Survey results, 69% of MUSD 11th graders believe it is either very easy or fairly easy to obtain e-cigarettes or vaping devices, 27% of MUSD 11th grade students report current use of e-cigarettes or other vaping devices, and 12% of MUSD 11th grade students report daily use of electronic cigarettes or other vaping devices.

NOW, THEREFORE, BE IT RESOLVED that the Mammoth Unified Board of Education and the Mammoth Unified School District join others in support of a citywide Tobacco Retail Licensing Ordinance to ensure tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the Town of Mammoth Lakes, including menthol cigarettes; and

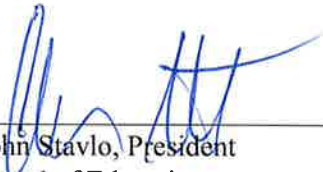
FURTHERMORE, BE IT RESOLVED that the Mammoth Unified Board of Education and the Mammoth Unified School District support creating minimum package sizes and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas.

PASSED AND ADOPTED by the following vote this 13th day of June, 2019.

AYES: 3 MEMBERS: _____

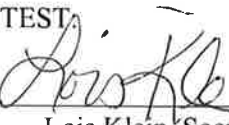
NOES: 0 MEMBERS: _____

ABSENT: 2 MEMBERS: _____



John Stavlo, President
Board of Education
Mammoth Unified School District
Mono County, State of California

ATTEST



By: _____
Lois Klein, Secretary
Board of Education
Mammoth Unified School District
Mono County, State of California

**Resolution NO. 2019-06
MONO COUNTY BOARD OF EDUCATION**

**IN SUPPORT OF A CITYWIDE AND COUNTY WIDE TOBACCO RETAIL
LICENSING ORDINANCE TO ENSURE TOBACCO RETAILERS DO NOT SELL
TOBACCO PRODUCTS TO YOUNG PEOPLE AND TO PROHIBIT SALE OF
FLAVORED TOBACCO PRODUCTS IN THE TOWN OF MAMMOTH LAKES AND
THE COUNTY OF MONO**

WHEREAS, Mono County Office of Education (MCOE) works with Mono County Public Health, Mammoth Lakes Police Department and other partnering public agencies to discourage tobacco use by students through participation in local Tobacco Use Prevention Education (TUPE) efforts; and

WHEREAS, MCOE and others engage in these efforts because educators clearly understand the importance of **education to help prevent** tobacco-related illnesses, knowing the best way to prevent tobacco-related illnesses is to keep youth from starting to smoke in the first place; and

WHEREAS, the tobacco industry has now targeted young people and vulnerable communities with tobacco products that mask the harsh taste of tobacco with flavors highly appealing to youth (including bubble gum, cotton candy, grape, gummy bear, and menthol flavors); and

WHEREAS, it is known that tobacco companies and retailers' profit from the research-proven fact that the earlier a person starts to use tobacco, the harder it will become for them to quit; and

WHEREAS, research shows tobacco companies have historically targeted communities of color with aggressive marketing of mentholated tobacco products, resulting in disproportionate rates of tobacco related disease and death (e.g., 95% of African American youth smokers, 61% of Asian youth smokers, and 58% of Latino youth smokers report use of menthol-flavored cigarettes); and

WHEREAS, the FDA has declared that youth vaping is an epidemic; the FDA plans to restrict the sale of most flavored e-cigarettes in retail stores and gas stations soon; and

NOW, THEREFORE, BE IT RESOLVED that the Mono County Board of Education join others in support of a citywide Tobacco Retail Licensing Ordinance to ensure tobacco retailers do not sell tobacco products to young people and to prohibit the sale of flavored tobacco products in the Town of Mammoth Lakes, and Mono County, including menthol cigarettes; and

FURTHERMORE, BE IT RESOLVED that the Mono County Board of Education support creating minimum package sizes and minimum price for tobacco products, as well as prohibiting the sale of tobacco in pharmacies or near child-sensitive areas.

PASSED AND ADOPTED by the following vote this 3rd day of October, 2019.

AYES: 3 MEMBERS: Titus, Jennison & Suppa

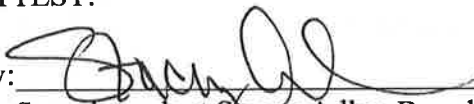
NOES: 1 MEMBERS: Mandichak

ABSENT: 1 MEMBERS: Bouska



Dave Titus, Board President
Mono County Board of Education
Mono County, State of California

ATTEST:

By: 
Superintendent Stacey Adler, Board Secretary
Mono County Board of Education
Mono County, State of California

October 9, 2019

John Peters
District Supervisor, District 4
Mono County, CA

Dear Supervisor Peters,

At our AVRPAC meeting last week there was some discussion around underground power lines. I was quite frankly, dumbfounded when we were told that the County and Liberty Utilities install new development power underground. The following two parcels have had homes constructed on them over the past three years.

162 Wunderlich Way, APN 002-440-030-000
194 Wunderlich Way, APN 002-440-029-000 (construction not yet completed)

The residence at 162 Wunderlich Way received approval from Mono County to run above ground power lines taking off from the power lines that serve my house (built in the 1960s) and installing two additional poles to bring power to the home site. 18 months later, 194 Wunderlich Way received approval to run an additional 5 power lines from the same junction. Most of these poles are clearly visible from Hwy 395, not to mention my home. See exhibits with photos.

After the October AVRPAC meeting, we pulled the Mono County General Plan and reviewed the following section. The General Plan clearly states "Utility Distribution Lines to Individual Development shall be installed underground unless the applicant has obtained a Director Review Permit". The General Plan then goes on to outline the guidelines for the Director Review Permit. I have called out several of these that were not adhered to in the Director Review process.

1. *The overhead lines will not significantly disrupt the visual character.* See photos. These lines are **clearly visible from 395** and add new visual clutter to the viewscape to the west of the highway. The topography and vegetation do not disguise these lines and by placing the poles on top of the bluffs only accentuates their presence. There are not any acceptable alignments with less visual impact based on where these houses were built and lastly, the project did not reduce the overall number of power lines in the area and the approval of one project led to the approval of the additional project adding five more poles and having to couple one because the existing pole was not sufficient.
2. *The placement of overhead lines is environmentally preferable.* The placement of the twinned pole now poses a hazard to our plowing operations. The County also failed to require the applicants to bring the road up to fire code so placing the poles along and in the Wunderlich ROW does not reduce fire hazard. I doubt the applicants provided evidence of how these poles would be maintained to mitigate fire risk since all road maintenance has been at our

initiative and expense for the past 18 years and remains so. Both subject properties burned to the ground in 2007.

3. *Financial hardship.* Both of these homes are stick built homes. Installing overhead lines is definitely less expensive than routing underground, but it is still quite expensive. When we bought our home in 2001, we were told to expect to pay \$10,000/pole if we bought where the power grid had not been installed. With the cost of solar installations becoming competitive, I have a hard time figuring out how the County justified financial hardship when the cost to install 5 poles probably exceeds the cost of a well planned off grid solar installation. (With the State wide PSPS today, off grid solar looks more attractive)

We think the County owes adjacent property owners with a view of these new power poles, an explanation for the issuance of these Director Review Permits without meeting the requirements of the General Plan for installing overhead lines. Mono County has not established a clear logic for the installation of seven new overhead power poles in this situation. We request the County remedy this situation by complying with the requirements of the General Plan and removing these poles and placing the new services underground.

We look forward to hearing from you on this matter.

R. Scot and Katherine Buell
209 Wunderlich Way (APN 002-440-032-000) and
109611 Hwy 395 (APN 002-440-031-000)
Coleville, CA
ktbuell@hotmail.com

cc: Hailey Lang
Mark Langner
Indra Smith

11.010 Placement of Utility Infrastructure.

1. Exemption for Regulated Public Utilities.

The provisions of this section shall not apply to distribution and transmission lines owned and operated as part of the statewide electrical network regulated by the California Public Utilities Commission (PUC). The authority for this exemption is set forth in the California Constitution, Article XII, Section 8, which vests exclusive regulatory authority over the distribution and transmission lines of these utilities in the California Public Utilities Commission. However, the County shall work with the PUC and applicant to cooperatively meet the standards set forth in Section F.

2. Uses Permitted.

Underground facilities for the distribution of gas, water, sewer, telephone, television, communications and electricity shall be allowed in all designations.

3. Definitions.

For the purposes of this section, the following definitions shall apply:

"Individual development" means an individual development project, such as a single-family residence and/or Accessory Dwelling Unit, a garage, a single commercial use, one apartment building, or similar uses. It does not mean a subdivision, land division, condominium development, or development of more than one detached unit at the same time.

"Overhead utility lines" means utility distribution lines and service laterals that are installed above ground, either overhead, in an above-ground conduit, or in some other manner.

"Subdivision" means the division of any unit or units of improved or unimproved land as further defined in Section 02.1520 and the Mono County Subdivision Ordinance.

"Utility" means gas, water, sewer, telephone, television, communications and electricity.

"Wireline" is a general term that is used to describe a connection to the Internet that is provided via hardwire, as in the case of DSL, cable, or fiber-based technologies.

4. Utility Distribution Lines to Individual Development.

Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.

II-262

Land Use Element - 2018

LAND USE ELEMENT

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible.

In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) shall make at least one of the following findings in addition to the required Director Review or Use Permit findings, and shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:

1. The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:

1. In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for

additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.

2. Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.
3. Are there other potential alignments that would have less visual impact?
4. Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.

The Director or the Commission may consider additional information pertaining to the visual character of the area that is deemed relevant to the application.

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:
 1. Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;
 2. Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, above-ground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);
 3. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;
 4. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;
 5. Are there other potential alignments that would avoid potential environmental impacts?; and

II-263

Land Use Element – 2018

MONO COUNTY GENERAL PLAN

f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area that is deemed relevant to the application.

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:
 1. Is the cost of the line to be installed excessive?
 2. Will the installation of underground utilities require trenching under a stream bed?
 3. Will the installation of underground utilities require unreasonable trenching or blasting through rock?
 4. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.

Figure 1 Former virgin view now #194. Driveway too steep and plenty of vegetation





Figure 2 As if one pole wasn't enough



Figure 3 Drive to #162. Too steep. All new poles

Figure 4 Former virgin view from #194





Figure 5 View as I drive up the ROW



Figure 6 Hwy 395 clearly visible



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Information Technology / Sheriff

TIME REQUIRED 30 minutes

PERSONS APPEARING BEFORE THE BOARD Nate Greenberg, Ingrid Braun

SUBJECT PSPS Action Items Workshop

AGENDA DESCRIPTION:

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

This item will be a workshop in which staff works collaboratively with the Board of Supervisors and public to develop and prioritize a list of tasks related to work being done by the County to address the impacts of Public Safety Power Shutoffs.

RECOMMENDED ACTION:

Provide staff direction.

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:

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

Time	Who	Approval
10/9/2019 4:33 PM	County Administrative Office	Yes
10/9/2019 4:56 PM	County Counsel	Yes
10/9/2019 5:28 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Public Health

TIME REQUIRED 1 hour

**PERSONS
APPEARING
BEFORE THE
BOARD** Sandra Pearce

SUBJECT Workshop on Mono County Code
Chapter 7.92 Pertaining to the
County's Smoking and Tobacco
Policy

AGENDA DESCRIPTION:

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

Workshop on Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy

RECOMMENDED ACTION:

1. Receive presentation by staff on efforts to collaborate with the Town of Mammoth Lakes to develop consistent policies between the unincorporated and incorporated areas of Mono County and to work with retailers toward the ultimate goal of banning all flavored tobacco products as directed by the Board on July 10, 2018. 2. Following presentation, direct staff to proceed with one of the following: a. Make no changes to the current ordinance. Mono County Code (MCC) Chapter 7.92.070 (E) shall sunset and menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco will be banned. Retailers will no longer be able to order any new flavored tobacco products effective 11/1/19 but could sell the remainder of their inventory; b. Extend the sunset clause in MCC Chapter 7.92.070(E) to a date determined by the Board; retailers will be able to continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco until the new sunset date; c. Remove the sunset provision entirely and retailers can continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco indefinitely; and, d. Provide any desired direction to staff.

FISCAL IMPACT:

There is no impact to the Mono County General Fund.

CONTACT NAME: Sandra Pearce

PHONE/EMAIL: 760.924.1818 / spearce@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[BOS Staff Report](#)

[Mono County Code Chapter 7.92](#)

History

Time	Who	Approval
10/4/2019 3:34 PM	County Administrative Office	Yes
10/7/2019 1:42 PM	County Counsel	Yes
10/4/2019 1:14 PM	Finance	Yes



MONO COUNTY HEALTH DEPARTMENT

Public Health

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

DATE: October 15, 2019
TO: Honorable Board of Supervisors
FROM: Sandra Pearce, Public Health Director
SUBJECT: Workshop on Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy

Recommendation

1. Receive presentation by staff on efforts to collaborate with the Town of Mammoth Lakes to develop consistent policies between the unincorporated and incorporated areas of Mono County and to work with retailers toward the ultimate goal of banning all flavored tobacco products as directed by your Board on July 10, 2018.
2. Following presentation, direct staff to proceed with one of the following:
 - a. Make no changes. Mono County Code (MCC) Chapter 7.92.070 (E) shall sunset and menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco will be banned. Retailers will no longer be able to order any new flavored tobacco products effective 11/1/19 but could sell the remainder of their inventory.
 - b. Extend the sunset clause to a date determined by the Board. Retailers can continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco until the new sunset date.
 - c. Remove the sunset provision entirely and retailers can continue purchasing and selling menthol cigarettes and flavored cigars, little cigars, cigarillos, snuff and chewing tobacco indefinitely.
 - d. Provide any desired direction to staff.

Discussion

On April 17, 2018, your Board adopted Ordinance 18-03 Amending Chapter 7.92 of the Mono County Code Pertaining to the County's Smoking and Tobacco Policy. The amendments included the creation of smoke free zones 20 feet from business doorways, windows, ventilation systems, and outdoor dining; inclusion of electronic cigarettes and vaping in the definition of smoking; and the elimination of flavored and menthol tobacco sales in the County. Additionally, this amendment contained a placeholder for the multi-unit housing component, to be re-visited at a later date.

On July 10, 2018, your Board made its first reading of proposed Ordinance 18-12, further amending MCC Chapter 7.92 to allow for the sale of certain, specified, flavored tobacco

products until the sunset date of October 31, 2019. Ordinance 18-12 was adopted on July 17, 2018 with the following language:

This section shall not apply to menthol cigarettes; cigars, little cigars or cigarillos with a characterizing flavor (e.g., products of the type sold by swisher sweets, black and mild, backwoods, etc.); or chewing tobacco or snuff with a characterizing flavor (e.g., products of the type sold by copenhagen, skoal, grizzly, etc.). This subsection E shall automatically sunset October 31, 2019.

The Board's direction for the Health Department's Tobacco Control Program at the July 10, 2018 meeting was to work toward the goal of banning all flavored tobacco products, by collaborating with the Town of Mammoth Lakes to develop consistent policies between unincorporated and incorporated areas of Mono County, and by working with retailers to advise them of the ban of all flavored tobacco products effective 10/31/19. This workshop is an opportunity to present progress made in these areas.

In alignment with its recommendation to ban all flavored tobacco products, the Tobacco Control Program continues to work toward the ultimate goal of a total flavor ban in both Mono County and the Town of Mammoth Lakes. With the sunset of the flavored tobacco exception MCC Chapter 7.92.070 (E) on 10/31/19, this goal will be achieved for Mono County. However, at this time, the Town of Mammoth Lakes has not passed an ordinance prohibiting flavored tobacco, the Tobacco Control Program's outreach efforts to tobacco retailers has not been as robust as planned, and some North County retailers would like to continue selling the flavored tobacco products listed in MCC Chapter 7.92.070 (E).

In conclusion, tobacco continues to be the number one cause of preventable death, disease and disability in the United States. Every year, nearly 40,000 Californians die from a tobacco-related disease.¹ In 2009, the total costs of smoking including direct costs and lost productivity in Mono County was \$2,699 per smoker, amounting to \$388 per resident.² Lifelong smoking and other tobacco use begins early in life. In California, 63% of smokers start by the age of 18, and 97% start by age 26.³ If cigarette smoking continues at the current rate among youth in the United States, about 1 of every 13 Americans aged 17 years or younger who are alive today will die early from a smoking-related illness.⁴ The use of flavor and menthol additives in tobacco products has long been an industry strategy to mask the natural harshness and taste of tobacco, making initiation easier for younger and beginner smokers.³ Menthol cigarettes are a "starter" product for youth and use of menthol is more likely among females ages 12-17 than any other age group.⁵ More than two fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes.⁶ The demographics of smokeless tobacco users have changed with young men 50% more likely than the oldest men to be regular users of smokeless tobacco, including chew and snuff.^{7,8} Reducing access to flavored tobacco products is a key strategy to decrease initiation of and use of tobacco by Mono County youth.



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 924-1831

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

Fiscal impact

There is no impact to the Mono County General Fund.

For questions regarding this item, please call Sandra Pearce at 760.924.1818

Enclosure

Mono County Code Chapter 7.92

References

- 1 California Tobacco Control Program Overview, 2016
- 2 Institute for Health and Aging, School of Nursing, University of California, San Francisco. The Cost of Smoking in California, 2009
- 3 California Medical Association White Paper. Flavored and Mentholated Tobacco Products: Enticing a New Generation of Users, 2016
- 4 U.S. Department of Health and Human Services. The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General, 2014
- 5 Giovino et al. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco Control*, 2015;24(1):28-37.
- 6 King et al. Flavored-little-cigar and flavored cigarette use among U.S. middle and high school students. *J Adolesc Health*. 2014;54(1):40-6.
- 7 National Cancer Institute. Smokeless Tobacco and Public Health: A Global Perspective, 2016
- 8 CDC. Surveillance for Selected Tobacco-Use Behaviors—United States, 1900-1994. *Morbidity and Mortality Weekly Report*. 1994;43(SS-03).

Chapter 7.92 - SMOKING POLICIES AND RESTRICTIONS

Editor's note— Ord. No. 18-03, § 1(Att. A), adopted April 17, 2018, amended Chapter 7.92 in its entirety to read as herein set out. Former Chapter 7.92, §§ 7.92.010—7.92.030, pertained to tobacco, and derived from Ord. No. 02-06, 2002.

7.92.010 - Definitions.

- A. "County" shall mean the County of Mono.
- B. "County building" shall mean any county-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the county road shops and all community and senior centers.
- C. "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or any other entity formed for profit-making purposes or that has an employee, as defined in this section.
- D. "Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted by tobacco, either prior to or during use of the tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, nut or spice provided, however, that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.
- E. "Dining area" means any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.
- F. "Electronic smoking device" means an electronic device that can be used to deliver an inhaled dose of nicotine or tobacco or any other substances, including any component, part or accessory of such a device, whether or not sold separately.
- G. "Employee" means any person who is employed; retained as an independent contractor by any employer, as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit, or volunteer entity.
- H. "Employer" means any person, partnership, corporation, association, nonprofit or other entity which employs or retains the service of one or more persons or supervises volunteers.
- I. "Enclosed area" means:
 - 1. An area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
 - a. Any type of overhead cover whether or not that cover includes vents or other openings and at least three walls or other vertical constraints to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or

- b. Four walls or other vertical constraints to airflow including, but not limited to, vegetation that exceeds six feet in height, whether or not those boundaries include vents or other openings.
- J. "Flavored tobacco product" means any tobacco product or smoking product that imparts a characterizing flavor.
 - K. "Labeling" means written, printed, or graphic matter upon any tobacco product or any of its packaging, or accompanying such tobacco product.
 - L. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product; or imports a finished tobacco product for sale or distribution into the United States.
 - M. "Multi-unit residence" means any residential structure with two or more units and has at least one or more shared walls, floors, or ceilings. Additionally, a residential structure that has two or more units and has a shared ventilation system is considered a multi-unit residence.

A multi-unit residence does not include the following:

 1. A single-family residence with a detached in-law or secondary dwelling unit;
 2. A single, contiguous residence in which rent is shared by the residents; and
 3. A hotel or motel that meets the requirements of California Civil Code section 1940, subdivision (b)(2).
 - N. "Multi-unit residence common area" means any indoor or outdoor common area of a multi-unit residence accessible to and usable by more than one residence, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play areas, swimming pools and recreation areas.
 - O. "Nonprofit entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.
 - P. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.
 - Q. "Place of employment" means any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, and private

residences that are used as childcare or health care facilities subject to licensing requirements.

- R. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- S. "Playground" means any park or recreational area designated in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on county property.
- T. "Public place" means any place, public or private, open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, Playgrounds, taxis and buses.
- U. "Reasonable distance" means a distance of at least twenty feet to ensure that occupants of a building and those entering or existing the building are not exposed to secondhand smoke created by smokers outside of the building.
- V. "Recreational area" means any area, public or private, open to the public for recreational purposes regardless of any fee requirement, including, for example, parks, gardens, sporting facilities, stadiums, and playgrounds, but excluding those areas where the county lacks jurisdictional authority to regulate.
- W. "Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.
- X. "Smoke" or "smoking" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated tobacco product or cannabis (as defined in Chapter 5.60 of the Mono County Code) intended for inhalation, whether natural or synthetic, in any manner or in any form including but not limited to a cigar, cigarette, cigarillo, vaporizer, joint, pipe, hookah or electronic smoking device. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.
- Y. "Smoking product" means any substance or product containing nicotine or tobacco that is meant to be used in conjunction with an e-cigarette or any other type of smoking or vaporizing contraption including but not limited to joints, cigarettes, cigars, bong or pipes. "Smoking product" also means, Indian cigarettes called "bidis", and cartridges and liquid solutions for e-cigarettes, which may be utilized for smoking, chewing, inhaling or other manner of ingestion.
- Z. "Tobacco paraphernalia" means any item designed or marketed for the consumption, use, or preparation of tobacco products.
- AA. "Tobacco" or "tobacco product" means:

1. Any product containing, made, or derived from tobacco leaf or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff.
 2. Any electronic device that delivers nicotine or other similar substances to the person inhaling from the device, including, but not limited to any type of vaping device, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
 3. Any component, part, cartridge or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.
 4. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product (e.g., Nicorette gum, patch, etc.) or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- BB. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.
- CC. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as for example, a private balcony, porch, deck or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a motel or hotel; a dormitory room.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.020 - Prohibitions—Locations where smoking is prohibited.

- A. Except as otherwise provided in this chapter, smoking is prohibited in the following enclosed and unenclosed locations in the county:
1. All areas where smoking is prohibited by state or federal law, including, but not limited to, indoor workplaces, bars and restaurants (California Labor Code Section 6404.5); state, County, and city buildings (California Government Code Sections 7596 through 7598); tot lots and Playgrounds (California Health and Safety Code Section 104495); and pursuant to (California Health and Safety Code Section 11362.3).
 2. County vehicles.
 3. Public parks.
 4. Recreational areas.
 5. Service areas.

6. Dining areas.
 7. Public places, when being used for a public event, including a sporting event, farmer's market, parade, craft fair, or any event which may be open to or attended by the general public, provided that smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this chapter or other law.
- B. Nothing in this chapter prohibits any person or employer with legal control over any property from prohibiting smoking on any part of such property.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.030 - Reasonable smoking distance required—Twenty feet.

Smoking shall occur at a reasonable distance of at least twenty feet outside any enclosed area and from entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems or any other means so that those indoors and those entering or leaving the building are not involuntarily exposed to secondhand smoke, including any secondhand smoke from an electronic smoking device or vapor.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.040 - Reserved.

7.92.050 - Posting of signs.

Posting of signs shall be the responsibility of the owner, operator, manager or other person having control of the place where smoking is prohibited by this chapter in cooperation with the Mono County Public Health Department. Except in facilities owned or leased by County, state, or federal governmental entities, "No Smoking" signs with letters of not less than one-half inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly posted where smoking is prohibited in accordance with this chapter. Where applicable, all signs shall clearly state that smoking is prohibited within twenty feet of any enclosed area as defined in Section 7.92.010(l) and within twenty feet of entrances, operable windows and ventilation systems. Any owner, manager, operator, employer or employee or other person having control of a place where smoking is prohibited by this chapter shall not be deemed to be in violation of this chapter if signs have been posted in a manner consistent with the requirements of this section. For purposes of this chapter, the Mono County Public Health Department shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the county.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.060 - Duty of person, employer, business or nonprofit entity.

Notwithstanding any other provision of this chapter, any owner, landlord, employer, business, nonprofit entity, or any other person who controls any property, establishment, or place of employment regulated by this chapter may declare any part of such area in which smoking would otherwise be permitted to be a nonsmoking area.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.070 - Sale of flavored tobacco products prohibited.

- A. Except as provided in subsections D and E, it shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.
- B. There shall be a rebuttable presumption that a tobacco retailer in possession of flavored tobacco products, including but not limited to individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with the intent to sell or offer them for sale.
- C. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:
 - 1. Made a public statement or claim that the tobacco product imparts a characterizing flavor;
 - 2. Used text and/or images on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or
 - 3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.
- D. Any Tobacco retailer whose inventory includes flavored tobacco products at the time this chapter becomes effective may continue to sell the flavored tobacco product(s) until the supply is exhausted but shall not thereafter order new supplies.
- E. This section shall not apply to menthol cigarettes; cigars, little cigars or cigarillos with a characterizing flavor (e.g., products of the type sold by swisher sweets, black and mild, backwoods, etc.); or chewing tobacco or snuff with a characterizing flavor (e.g., products of the type sold by copenhagen, skoal, grizzly, etc.). This subsection E shall automatically sunset October 31, 2019.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

7.92.080 - Penalties and enforcement.

- A. Unless the applicable section of this chapter provides that violation is a misdemeanor, any person or business violating any provision of this chapter, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory

penalties) of one hundred dollars for the first violation, two hundred dollars for the second violation, and five hundred dollars for any subsequent violation. For purposes of this chapter, each day of noncompliance shall be considered a separate violation.

- B. The provisions of this chapter may be enforced through civil and/or criminal proceedings including, but not limited to, action for nuisance abatement pursuant to Mono County Code Chapter 7.20, administrative citation pursuant to Mono County Code Chapter 1.12, following the procedures set forth in subsection D, and/or injunctive relief. In any enforcement action, the county may seek reimbursement for the costs of investigation, inspection or monitoring leading to the establishment of the violation, and for the reasonable costs of preparing and bringing the enforcement action. The remedies provided by this Section 7.92.080 are nonexclusive, cumulative and in addition to any other remedy the County may have at law or in equity.
- C. The Mono County Public Health Director or his/her designee ("director") is authorized to enforce, on behalf of the county, the provisions of this chapter, and to refer such enforcement to the Mono County Code Compliance Division as provided in subsection D below. Any Person may request that the director investigate a violation of this chapter by filing a written complaint with the public health department.
- D. The following procedures may be followed by the director upon receipt of a written complaint and shall be followed prior to referring enforcement to Mono County Code Compliance:
 - 1. The director shall contact the owner, operator or manager of the establishment, (the "establishment") or person that is the subject of the complaint to investigate the nature and extent of the violation and may conduct such additional investigation as may be necessary, to determine whether the violation occurred.
 - 2. If the director concludes that a violation occurred, he or she shall provide to the owner, operator or manager of the establishment or person committing the violation a copy of the provisions of this chapter and such advisory assistance to avoid future violations as may be necessary to achieve compliance.
 - 3. Upon receipt of a second written complaint involving the same person or establishment, the director shall attempt to meet with the owner, operator or manager or person alleged to have violated this chapter to further investigate the matter and shall conduct such additional investigation as may be necessary. If it is determined that a subsequent violation has occurred, the director shall mail, certified mail, postage prepaid, return receipt requested, a written directive to the owner, operator, manager or other person, explaining in detail the steps required in order to achieve future compliance and advising that the county may initiate enforcement proceedings pursuant to Chapters 1.12 or 7.20, or pursue such other enforcement as is authorized by law, in the event of a subsequent violation.
 - 4. Upon receipt of a third written complaint regarding the same person or establishment, the director may refer the matter to Mono County Code Compliance for further investigation and enforcement pursuant to Chapters 1.12 and/or 7.20, provided that

the code compliance division confirms that it has sufficient resources available to process the complaint.

5. Any violation determined by the code compliance division to have occurred following issuance of a notice of violation in accordance with Chapter 1.12, shall constitute cause for issuance of an administrative citation under that chapter, except that the amount of the penalty imposed for each violation shall be as set forth in subsection 7.92.080(A) and the hearing officer for any administrative appeal shall be a member of the board of supervisors or its designee.
- E. The director, and code compliance specialist if applicable, shall maintain clear and thorough records and logs of all investigations and communications made in relation to every written complaint filed with the public health department pursuant to this section.

(Ord. No. 18-03, § 1(Att. A), 4-17-2018; Ord. No. 18-12, § 1(Att. A), 7-17-2018)

https://library.municode.com/ca/mono_county/codes/code_of_ordinances?nodeId=TIT7HEWE_CH7.92SMPORE



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Community Development

TIME REQUIRED 30 minutes

PERSONS APPEARING BEFORE THE BOARD Bentley Regehr

SUBJECT Proposed Senate Bill 2 Application for Funds Targeted at Increased Housing Production

AGENDA DESCRIPTION:

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

Presentation by Bentley Regehr regarding Senate Bill 2, the Building Homes and Jobs Act, planning grant application.

RECOMMENDED ACTION:

1. Provide direction to staff on the proposed application for SB-2 funds. 2. Modify as desired and approve the proposed SB-2 application to fund a) prescriptive designs for accessory dwelling units and b) an update to the County's greenhouse gas emissions data and creation of a CEQA streamlining checklist.

FISCAL IMPACT:

SB-2 funds \$160,000 of eligible housing programs that otherwise would have been funded by the General Fund.

CONTACT NAME: Bentley Regehr

PHONE/EMAIL: 760-924-4602 / bregehr@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
staff report

History

Time	Who	Approval
10/4/2019 3:33 PM	County Administrative Office	Yes
10/9/2019 4:55 PM	County Counsel	Yes

10/3/2019 7:09 AM

Finance

Yes

Mono County Community Development Department

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

October 1, 2019

TO: Honorable Board of Supervisors

FROM: Bentley Regehr, Planning Analyst
Hailey Lang, Planning Analyst

RE: Proposed Senate Bill-2 Application for Funds Targeted at Increased Housing Production

RECOMMENDATION

1. Provide direction to staff on the proposed application for SB-2 funds.
2. Modify as desired and approve the proposed SB-2 application to fund 1) prescriptive designs for accessory dwelling units and 2) an update to the County's greenhouse gas emissions data and creation of a CEQA streamlining checklist.

BACKGROUND

Senate Bill (SB)-2 was passed in 2017 to create a stable, ongoing funding source to address housing in California. Funding is collected through a \$75 document recording fee on real estate transactions in the state and half of Year One (FY 2020) revenues have been allocated toward a planning grants program. The planning grants program is a one-time program that provides financial and technical assistance to all local governments with the ultimate goal of streamlining housing approvals and accelerating housing production. The program is non-competitive and has an over-the-counter application process through Housing and Community Development (HCD). Applications must be submitted by November 30, 2019, to be eligible. The maximum funding available for Mono County in Year One is \$160,000.

Eligible activities must demonstrate a nexus to accelerating housing production and include:

- Updates to general plans, community plans, specific plans, and local planning related to implementation of sustainable communities strategies
- Updates to zoning ordinances
- Environmental analyses that eliminate the need for project-specific review
- Local process improvements that improve and expedite local planning
- Pre-approved site plans

HCD has identified Policy Priority Areas, which have been distinguished as particularly impactful strategies to accelerating housing production. Applications that include the following areas will be automatically deemed eligible for funding:

- Rezone to permit by-right
- Objective design and development standards

- Specific plans or form based codes coupled with CEQA streamlining
- Accessory Dwelling Units (ADU) or other low-cost building strategies
- Expedited permit processing
- Housing related infrastructure financing and fee reduction strategies.

The program also includes a technical assistance program. State governments are grouped into 11 geographical regions, each with their own liaison. The liaison can help identify SB-2 eligible activities and assist with writing scopes of work, site assessment, revising existing housing approval standards, and coordinating with local agencies. The technical assistance program runs through June 30, 2022.

DISCUSSION

Staff met with HCD representatives in May to discuss potential eligible programs as part of a local SB-2 workshop that included the Town of Mammoth Lakes, Inyo County and Alpine County. A wide variety of programs were discussed and the following were identified for their eligibility and direct link to increased housing production:

- Prescriptive designs for Accessory Dwelling Units (ADUs):
 - A prescriptive design reduces costs by providing engineered designs for the production of ADUs, which are often affordable by design. ADUs have been identified as a Priority Policy Area. ADUs using the County's prescriptive designs may be conditioned to prohibit short-term rentals.
- Update of the County's Greenhouse Gas Emissions data and creation of a streamlining checklist under the California Environmental Quality Act (CEQA):
 - CEQA requires an analysis and mitigation of greenhouse gas (ghg) emissions and contains a streamlining provision under §15183.5 to facilitate qualifying projects. An update of the County's ghg inventory and reduction plan, and development of a streamlining checklist, would reduce CEQA costs for future housing projects. For example, it would have saved a recent use permit applicant \$1,500, and we are anticipating several similar projects that could benefit based on inquiries.

In addition to the planning grant, staff also anticipates utilization of the technical assistance program. The HCD regional liaison is available during the grant period to review the SB-2 application for eligibility and provide advice on the creation of programs, including strategies to fund infrastructure improvements, do outreach to local utility agencies, and establish partnerships with housing developers.

FISCAL IMPACT

Upon Board approval, staff will submit an over-the-counter request for \$160,000 to the California Department of Housing and Community Development (HCD) for SB-2 funds. SB-2 funds are administered through reimbursement and require regular progress reports that show increased housing production or a reduction in staff time and resources due to the implementation of the proposed programs. Annual monitoring of deed restricted ADUs utilizing prescriptive designs are not covered by SB-2 funds and would need a separate, ongoing funding source.

10/4/2019 3:30 PM	County Administrative Office	Yes
10/10/2019 9:15 AM	County Counsel	Yes
10/4/2019 1:18 PM	Finance	Yes

Mono County Community Development Department

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

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

October 15, 2019

TO: The Honorable Board of Supervisors

FROM: Wendy Sugimura, Community Development Director
Megan Mahaffey, Accountant

RE: Housing Mitigation Ordinance (HMO) Workshop

RECOMMENDATION

1. Provide direction on the desired mitigation measures and direct staff to bring back a Housing Mitigation Ordinance (HMO) for adoption consideration with the supporting nexus and fee studies; or
2. Direct staff to rescind the Housing Mitigation Ordinance (HMO); or
3. Provide any other direction to staff.

FISCAL IMPACT

None at this time other than staff time. An adopted HMO would create new revenue for housing programs.

BACKGROUND

In 2017, the Housing Needs Assessment was completed by BBC Research & Consulting, which indicated that unincorporated Mono County has a need for 120-170 housing units to accommodate current needs and future employment growth. The assessment contained three recommendations: 1) update the HMO, 2) incentivize the creation of new affordable and workforce housing, and 3) collaborate with the Town of Mammoth Lakes on their housing action items. In response, the necessary nexus and fee studies to update the HMO were completed and presented to the Board in June 2018 (Attachment 1); the toolbox was refined and prioritized by the Regional Planning Advisory Committees (RPACs), Planning Commission, and Board of Supervisors (Attachment 2); and the Town and County Community Development directors discussed possible collaborative opportunities.

In July 2019, the Board revisited the Housing Mitigation Ordinance and extended the suspension to December 31, 2019. In addition to the recommended fee structure, the Board requested a "reduced fee" structure and a menu of options to address various concerns and raised several issues for further discussion.

Summary of Fee Studies from EPS:

Four nexus/fee studies were completed including 1) ownership nexus fee study, 2) rental nexus fee study, 3) commercial linkage fee study, and 4) inclusionary housing in-lieu fee study. The first two studies determine the maximum allowable fee that can legally be charged for new residential units for either rent or ownership. The commercial linkage fee study determines the maximum allowable fee for commercial development. An inclusionary

requirement¹ sets aside a portion of market rate units for households earning lower incomes either by requiring dedication of on-site units delivered by the developer or the payment of in-lieu fees, dedication of land, acquisition and preservation of existing units, or other means of compliance.

All studies were completed by Economic Planning Systems, Inc. (EPS) and are available for download at: <https://www.monocounty.ca.gov/planning/page/hmo-nexus-fee-studies>.

The following data illustrate the maximum allowable fees for various unit types if the full impacts of market-rate development were charged according to the EPS fees studies from 2018:

Maximum Fees for Rental Apartments

<u>Residential Prices</u>	<u>Fee per unit</u>	<u>Fee per square foot</u>
Studio/1-Bedroom (900 sq. ft.)	\$18,808	\$20.90
2-Bedroom (1,250 sq. ft.)	\$23,763	\$19.01
3-Bedroom (2,000 sq. ft.)	\$35,949	\$17.79

Maximum Fees for Ownership Units

<u>Residential Prices</u>	<u>Fee per unit</u>	<u>Fee per square foot</u>
\$350,000 (1,200 sq. ft.)	\$19,817	\$16.51
\$550,000 (1,600 sq. ft.)	\$29,404	\$18.38
\$750,000 (2,000 sq. ft.)	\$40,114	\$20.06
\$950,000 (2,400 sq. ft.)	\$51,435	\$21.43

Maximum Fees for Commercial Projects

<u>Land Use Category</u>	<u>Fee per sq. ft.</u>
Storage and Warehouses	\$26.40
Commercial	\$71.30
Industrial/Service Commercial	\$ 8.60
Visitor Accommodations	\$94.74

Clearly, the fully burdened, maximum fees raise feasibility concerns and are substantially higher than other local jurisdictions, including the Town of Mammoth Lakes (Attachment 3).

DISCUSSION

At the July 10, 2019, Board meeting, the following issues were raised, and responses are offered below for further discussion:

- Fee accountability: A concern over what the fees deliver was raised. The fees are one part of the funding mix to address housing needs in Mono County but not a single solution in and of themselves. The fees could be used to implement the 2018 housing toolbox with a focus on programs that have been identified as priorities, as well as other programs that meet housing needs through acquisition, rehabilitation, preservation, or subsidy. Further specificity and refinement of fee deliverables should be developed through County housing staff and program development, as discussed under the FY 19-20 budget.
- Pairing service availability with housing (Infrastructure Development Impact Fees): Infrastructure limitations (e.g., water, sewer, fire) are sometimes cited as barriers to increased density or general development. These

¹ After AB 1505, jurisdictions no longer need to prepare a nexus study to justify an affordable housing fee charged on rental residential projects. Mono County did both a nexus and fee study as to provide the traditional methodology as well as the new acceptable methodology for reference when determining appropriate fees.

service providers are typically independent special agencies and a separate development impact fee (DIF) schedule is more appropriate for increasing capacity than the HMO. Some agencies, such as the fire districts, currently charge fees which are collected by the County on their behalf at the time a building permit is issued. Most water providers collect their own connection fees from applicants, and the County requires a "will serve" letter prior to issuance of a building permit. Regardless, the HMO should be tied specifically to workforce and affordable housing needs, not general infrastructure needs or development activity.

- The following concerns are addressed by the reduced fee structure, menu of options, and market adjustment mechanisms described below: address disadvantaged communities, tailor to regional variables, mechanism to incentivize ADUs, scale to market, and consider what the market can bear.

Fee Structure Recommended by Studies

The following fees were recommended in June 2018 (based on the In-Lieu Fee Study and comparisons with the Town of Mammoth Lakes):

1. *Residential fees based on inclusionary requirements and in-lieu fees:*
 - a. 10% inclusionary requirement for single family development projects, affordable to Low- and Moderate-income households, meaning one affordable unit or parcel is required for every 10 market-rate units or parcels.
 - b. 6.7% inclusionary requirement for multifamily development projects, affordable to Low-income households, meaning one affordable unit or parcel is required for every 15 market-rate units or parcels. Projects with less than 15 units/parcels would be exempt.
 - c. Set the in-lieu fee at \$9,400 per market rate unit or \$7.83 per square foot.²
2. *Commercial Linkage Fees*
 - Storage and Warehouses: \$1/sq.ft.
 - Commercial: \$2/sq.ft.
 - Industrial/Service Commercial: \$1/sq.ft.
 - Visitor Accommodations: \$4,000 per room (approx. \$8/sq.ft., assuming 500 sq.ft. average room size)

Reduced Fee Structure (50% reduction)

The following reduced fee structure (reduced by 50%) for residential projects was crafted in response to the Board's request and, if desired could be applied to commercial linkage fees as well:

Residential fees based on inclusionary requirements and in-lieu fees:

- a. 5% inclusionary requirement for single family development projects, affordable to Low- and Moderate-income households, meaning one affordable unit or parcel is required for every 20 market-rate units or parcels.
- b. 3.35% inclusionary requirement for multifamily development projects, affordable to Low-income households, meaning one affordable unit or parcel is required for every 30 market-rate units or parcels). Projects with less than 30 units/parcels would be exempt.
- c. Set the in-lieu fee at \$4,600 per market rate unit or \$3.91 per square foot.³

² Establishing a lower fee will require adjusting the inclusionary requirements.

³ Establishing a lower fee will require adjusting the inclusionary requirements.

Reduced Fee Structure (80% reduction)

The following reduced fee structure (reduced by 80%) for residential projects was crafted in response to the Board's request and, if desired could be applied to commercial linkage fees as well:

Residential fees based on inclusionary requirements and in-lieu fees:

- a. 2% inclusionary requirement for single family development projects, affordable to Low- and Moderate-income households, meaning one affordable unit or parcel is required for every 50 market-rate units or parcels.
- b. 1.33% inclusionary requirement for multifamily development projects, affordable to Low-income households, meaning one affordable unit or parcel is required for every 75 market-rate units or parcels. Projects with less than 75 units/parcels would be exempt.
- c. Set the in-lieu fee at \$1,600 per market rate unit or \$1.33 per square foot.⁴

Menu of Options (could be applied to any fee structure)

The following menu of options was developed to address Board concerns raised at the July meeting:

1. Single-Family Residential Fees: A fee for the construction of a new SFR could be set at the recommended in-lieu fee of the selected fee schedule above, or scaled to square footage. The following menu of **exemptions** could also be applied to this fee:
 - a. SFR's <2,000 square feet (sf): The fee only applies to SFR's larger than 2,000 sf (the previous ordinance set the threshold at 2,500 sf and had a sliding scale that increased the fees as the size of the unit increased). This exemption allows SFRs in areas with minimum square footage requirements (which range from 1,500 sf to 1,800 sf) to still build without triggering fees, and smaller units tend to serve workforce housing needs.
 - b. Prohibition of short-term rentals (STRs): The prohibition would be documented through a Director Review (DR) permit.
 - c. Owner is a full-time resident and qualifies for a moderate- or below income level: Prevents those whom the HMO is intended to benefit from paying into the fees.
 - d. Accessory dwelling units (ADUs) up to the size permissible under a DR permit⁵ if STRs are prohibited; regulate STR prohibition through a DR permit. Note the past HMO exempted ADUs of all sizes (including larger units subject to use permit) but did not prohibit STRs.
 - e. Any unit that deed restricts future sales to moderate income levels or below.
 - f. Housing units in Oasis, given the agricultural nature of the area.
2. Other exemptions from the previous HMO:
 - a. A project consisting of the development of fewer than fifteen (15)⁶ duplexes, triplexes or other form of multi-family project not developed as a condominium or planned development project, where with the exception of one owner-occupied unit all other units will be leased as rental units, shall be exempt from the requirements of this chapter. The project must be deed-restricted to prevent the conversion to condominiums to be subject to the provisions of this section.
 - b. Multi-family units that will be rented to permanent residents of Mono County and that provide at least twenty-five percent (25%) of the available units to persons falling within the HUD affordable housing

⁴ Establishing a lower fee will require adjusting the inclusionary requirements.

⁵ Maximum size of ADUs by DR per Chapter 16 of the General Plan Land Use Element: 640 sf on a parcel less than one acre in size and 1,400 sf on a parcel over one acre in size.

⁶ This number would be modified if either the 50% or 80% reduced fee schedule is selected.

guidelines. To be eligible for this exemption the project must be deed-restricted to prevent the conversion of the multi-family units into condominiums and to ensure that the affordable units remain within the affordable housing guidelines.

- c. Residential development for agriculture workers.
- d. Mobile Home Park development.
- e. Any building that is replaced or repaired as a result of fire or other catastrophic damage or loss so long as the square footage is not increased.
- f. Any development that is being developed as an affordable housing project as defined by state law.
- g. Visitor accommodation projects of nine or fewer sleeping areas.
- h. Commercial development projects less than 2,000 sf.
- i. Industrial or service commercial projects less than 2,500 sf.
- j. Storage and warehouse projects less than 5,000 sf.
- k. Non-residential projects producing less than one (1) FTEE in any five-year period.
- l. Public and private elementary and secondary schools.
- m. Nursery school and daycare facilities that are open to public enrollment.
- n. Public libraries, art galleries, museums, and other non-recreational public facilities.
- o. Churches and other places of worship.

Flexibility to Adjust to the Market

In the June 2018 discussion, the Board requested that the fees be flexible in order to respond to market conditions. A typical method of adjusting fees is to tie the rate to a standardized index, such as the following:

- The Consumer Price Index is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.
- The Construction Price Index is based on the cost of construction for Single Family residences on the national level and based on data funded by HUD and collected in the Survey of Construction.
- The gross domestic product index is a comprehensive measure of the U.S. economy and its growth. The gross domestic product implicit price deflator, or GDP deflator, measures changes in the prices of goods and services produced in the United States, including those exported to other countries. Prices of imports are excluded.
- The Federal funds rate is the interest rate at which depository institutions lend reserve balances to other depository institutions overnight and is highly correlated to the prime interest rate published by US banks.

If the intent is for the HMO rates to reflect the construction market, then the Construction Price Index is recommended. If the intent is for the HMO rates to reflect general cost of living, then the Consumer Price Index is recommended.

In addition, the Board has the authority to adjust the fees under the maximum allowable fee limits by amending the ordinance. The ordinance could also be crafted such that the fee structure is adopted independently by resolution, giving the Board more flexibility to modify the fee structure in the future while the Ordinance is retained.

Board Decision Points

Staff is seeking the following direction from the Board on whether an updated Housing Mitigation Ordinance should be brought back for consideration.

If yes:

- a. What level should the fees be set at: the fee schedule recommended by the studies, the 50% reduced fee schedule, the 80% reduced fee schedule, or some other level?
- b. Does the Board prefer units to be built on-site or receive fee revenues?
- c. Should a fee be charged for construction of new SFRs?
- d. Which options and exemptions should be included?
- e. Which economic index should be used to adjust the fee schedule and should the fee schedule be adopted separately by Resolution?

If no:

- a. Is there a desire or intent to repeal the HMO altogether, or
- b. Would the Board prefer to suspend the HMO for another six months to June 30, 2020?

ATTACHMENTS

1. Fee Study Presentation from June 2018
2. Prioritized Housing Toolbox from June 2018
3. Comparison of HMO fees across jurisdictions

Affordable Housing Fees Study

Decision Points and Options

presented to
Mono County Board of Supervisors

presented by
Ashleigh Kanat
Economic & Planning Systems, Inc.



June 2018

Oakland Sacramento Denver Los Angeles

0

INCLUSIONARY HOUSING PHILOSOPHY

- ❖ The construction of new, market-rate housing affects both the demand for and supply of affordable housing
 - Escalating housing prices are creating economic hardships for lower-income residents
 - The development of market-rate housing reduces the availability of developable land for affordable housing, and
 - New market-rate housing increases demand for retail and service jobs that typically pay modest wages



1

JUST ONE PART OF THE TOOLBOX

- ❖ Many jurisdictions throughout California have successfully implemented inclusionary housing ordinances that have led to the construction or preservation of affordable housing units.
- ❖ An inclusionary requirement sets aside a portion of market rate units for households earning lower incomes.
 - On-site units are delivered by housing developers who understand the market and the product type.
 - OR inclusionary requirement allows the payment of fees, dedication of land, acquisition and preservation of existing units, or other means of compliance.
- ❖ In-lieu fee generates revenue to implement other toolbox programs.
 - Such as: acquisition, rehabilitation, preservation, subsidy



2

MONO COUNTY FINDINGS

- ❖ Relative to the surveyed counties, only Alpine County has more households overpaying for housing.

County	Population Paying > 30% of Income to Housing
Mono	58%
Alpine	59%
Nevada	46%
Mariposa	44%
Tuolumne	43%
El Dorado	40%
Sierra	37%
Inyo	34%



3

MONO COUNTY FINDINGS

- ❖ The ratio of household income to median home price is 3.6 in Mono, meaning housing is less affordable than in Mariposa, Inyo, and Sierra but more affordable than in Tuolumne, El Dorado, Alpine, and Nevada.

County	Median Household Income	Median Home Value in County	Home Value / Income Ratio
<i>Mono</i>	\$80,179	\$286,100	3.6
Nevada	\$82,347	\$381,100	4.6
Alpine	\$79,167	\$329,500	4.2
El Dorado	\$101,258	\$379,200	3.7
Tuolumne	\$71,100	\$259,800	3.7
Mariposa	\$71,750	\$250,800	3.5
Inyo	\$88,648	\$235,500	2.7
Sierra	\$96,600	\$170,300	1.8



4

MONO COUNTY FINDINGS

- ❖ A household of three earning the median income in the County cannot afford a newly constructed rental unit.
 - Assuming no more than 30% of household income is spent on rent, an annual household income of \$73,100 can afford \$1,825 in rent each month.
 - An annual household income of \$96,500 is needed to afford the rents that support new construction.
- ❖ Even at moderate income levels, there is a gap between the cost of constructing a new unit and what a household can afford.
 - **IMPLICATION:** the development of new affordable housing in the County will not occur without support or subsidy of some kind.



5

IN-LIEU FEE RESULTS

- ❖ The calculated in-lieu fees are based on the current (but suspended) inclusionary requirement.
 - Single family, ownership: 10%, split between Low and Moderate = approx. \$9,400 per unit
 - Multifamily, rental: 6.7%, all Low = approx. \$9,400 per unit
 - IMPLICATION: While the County's inclusionary ratios are consistent with other jurisdictions, the fee is higher than what is currently charged in the Town of Mammoth Lakes.
 - As calculated, the in-lieu fees are well-below the maximum justifiable through nexus.



6

IN-LIEU FEE POLICY DIRECTION NEEDED

- ❖ Does County prefer units to be built on-site or to receive fee revenue?
 - Does County want to structure the inclusionary requirement and associated in-lieu fee to incentivize one or the other?
- ❖ Does County want to exempt (geographic) portions of the County?
- ❖ Is inclusionary requirement trigger of 10 units or more appropriate?



7

IN-LIEU FEE DECISION POINTS

❖ Options

- Reinstatement HMO w/ current inclusionary requirements and authorize in-lieu fee at approx. \$9,400 per unit.
- Reinstatement HMO w/ reduced inclusionary requirements to target fee levels more consistent with Town.
 - An inclusionary requirement of 6.7% (one affordable unit for every 15 units developed), split between Low and Moderate results in an in-lieu fee of \$6,258 – more in-line with Town’s current impact fee.
- Wait for Town to complete inclusionary requirement study to ensure consistency. The Town is just now beginning the process.
- Suspend HMO indefinitely.



COMMERCIAL LINKAGE RESULTS

❖ The maximum commercial linkage fees calculated are as follows:

Land Use Category	Maximum Fee per sq. ft.
Storage and Warehouses	\$26.40
Commercial	\$71.30
Industrial/Service Commercial	\$8.60
Visitor Accommodations	\$94.74

- IMPLICATION: The maximum fees raise feasibility concerns and are substantially higher than current fee levels in the Town of Mammoth Lakes.



COMMERCIAL LINKAGE FEE DECISION POINTS

❖ Options

- Reinststate HMO reflecting maximum fees.
- Do not charge affordable housing fees to nonresidential development.
- Reinststate HMO w/ reduced fees to target fee levels more consistent with Town.



10

FEE COMPARISONS



11

Location	Affordable Housing Requirements and Fees		
	Ownership	Rental	Nonresidential
Town of Mammoth Lakes	\$5,700 per unit	\$5,700 per unit	Lodging \$3,700 / room Retail/Restaurants \$2 / gross sf Office \$2 / gross sf Light Industrial \$1 / gross sf Service Uses \$2 / gross sf
Nevada County (Truckee Only)	15% Moderate-Income or 5% Above Moderate-Income, 5% Moderate-Income, and 5% Low- Income	15% Low-Income or 5% Moderate-Income, 5% Low- Income, and 5% Very-Low Income	N/A
Tuolumne County	10% Median-Income or Below Fee = 10% of the County-wide median sales price of a single-family residence in Tuolumne County	10% Low-Income or Below Fee = 10% of the County-wide median sales price of a single-family residence in Tuolumne County	N/A
Alpine County (Kirkwood Resort Only)	10% Employee Housing	33% Employee Housing	.03% Employee Housing
Inyo County	N/A	N/A	N/A
Sierra County	N/A	N/A	N/A
El Dorado County	N/A	N/A	N/A
Mariposa County	N/A	N/A	N/A



12

RHNA STATUS



13

RHNA STATUS AMONG SURVEYED COUNTIES

❖ Analysis in progress...



14

EPS RECOMMENDATIONS



15

EPS RECOMMENDATIONS

- ❖ Update HMO to reflect the following affordable housing fee programs:
 - Inclusionary Requirements and In-Lieu Fees
 - 10% inclusionary requirement for single family development projects, affordable to Low and Moderate income households (50/50)
 - 6.7% inclusionary requirement for multifamily development projects, affordable to Low income households
 - Set fee at \$9,400 per market rate unit to be updated annually per construction cost index
 - Establishing a lower fee will require adjusting the inclusionary requirements
 - Commercial Linkage Fees
 - Storage and Warehouses: \$1/sq.ft.
 - Commercial: \$2/sq.ft.
 - Industrial/Service Commercial: \$1/sq.ft.
 - Visitor Accommodations: \$4,000 per room (approx. \$8/sq.ft., assuming 500 sq.ft. average room size)



16

DISCUSSION AND QUESTIONS



17

Toolbox Prioritization by Resource

Current Staffing	Additional Staffing	Funding	Partnerships/Outside County Workflow
1.1A Update opportunity site database (4-0)	4.1A Add dedicated staff (5-0)	4.1A Add dedicated staff (5-0)	2.5A Pursue partnerships with other agencies in the County, such as TOML (4-1)
1.1B Regulatory changes that improve housing production potential (4-0)	1.2B Allocate additional resources to bolster staff capacity to review applications (5-0)	3.3C Identify opportunities to bolster the County's Revolving Loan Fund (3-0)	3.1A Bolster rehabilitation loan and grant program, in collaboration with TOML (3-1)
1.2C Identify future opportunities for CEQA streamlining (3-0)	1.1D Reduce barriers to “tiny home” construction (5-0)	3.1B Consider programs that may improve housing stock quality (4-0)	1.3A Evaluate if off-site infrastructure investment can improve development readiness
2.5A Pursue partnerships with other agencies in the County, such as TOML (4-1)	1.3C Evaluate feasibility/value of creating a housing land trust	1.1C Reduce barriers to second dwelling unit construction	1.3C Evaluate feasibility/value of creating a housing land trust
1.2A Identify additional opportunities for by-right review and approval	2.5D Partner with other agencies and employers to ensure that new employee housing qualifies toward meeting the County's RHNA targets	2.4D Establish a tax deferral program for affordable units	2.2A Purchase housing units at market rate, deed restrict, and then sell.
2.1A Reinstate HMO, including inclusionary requirements, along with an in-lieu fee	3.2B Explore how to incentivize property owners to convert short-term rentals into long-term rentals	2.4A Allow waivers or discounts of planning or development impact fees for affordable projects/units	2.5D Partner with other agencies and employers to ensure new employee housing qualifies toward meeting RHNA targets
2.3A Establish policy regarding future county land disposition	3.3B Review the language of deed restricting conditions to minimize unintended consequences		2.5C Investigate potential for developer partnerships
2.3B Prepare for disposition and development by reviewing current use and long-term needs for county-owned parcels	3.2A Conduct a study to evaluate the impact of short-term rentals in the County		2.5B Investigate potential for landlord partnerships
2.4B Identify zoning requirements for which more flexible approaches could incentivize more on-site affordable units			1.3B Identify opportunities for land-banking
2.4C Create density bonus beyond State maximum			
3.2C Consider further enhancing policy and enforcement of short term rentals			
3.2D Educate realtors about the short-term rental approval process			

Mono County Housing Programs Toolbox		Key: Strong Priority; Some support/mixed opinion; Neutral (no color); Not a priority								
Housing Toolbox Goals	Program	Program Implementation Actions	Top Priority for BOS	Not a priority for BOS	Current Staffing	Additional Staffing	Additional Funding	Partnership	Outside County Workflow	
1. Increase Overall Housing Supply, Consistent with County's Rural Character	1.1 Development Readiness	1.1A Update opportunity site database	4	0	X					
		1.1B Regulatory changes that improve housing production potential	4	0	X					
		1.1C Reduce barriers to second dwelling unit construction	0	2			X			
		1.1D Reduce barriers to "tiny home" construction	5	0		X				
	1.2 Project Review and Approval Streamlining	1.2A Identify additional opportunities for by-right review and approval	1	0	X					
		1.2B Allocate additional resources to bolster staff capacity to review applications	5	0		X				
		1.2C Identify future opportunities for CEQA streamlining	3	0	X					
	1.3 Proactive Investment	1.3A Evaluate if off-site infrastructure investment can improve development readiness	2	0					X	
		1.3B Identify opportunities for land-banking	0	1					X	X
		1.3C Evaluate feasibility/value of creating a housing land trust	1	0		X			X	

Housing Toolbox Goals	Program	Program Implementation Actions	Top Priority for BOS	Not a priority for BOS	Current Staffing	Additional Staffing	Additional Funding	Partnership	Outside County Workflow	
2. Increase Supply of Community Housing	2.1. Inclusionary Housing	2.1A	Reinstate HMO, including inclusionary requirements, along with an in-lieu fee	2	1	X				
	2.2 Acquisitions	2.2A	Purchase housing units at market rate, deed restrict, and then sell.	1	0			X	X	
	2.3 Public Land Offering	2.3A	Establish policy regarding future county land disposition	2	0	X				
		2.3B	Prepare for disposition and development by reviewing current use and long-term needs for county-owned parcels	2	0	X				
	2.4 Financial and Regulatory Incentives	2.4A	Allow waivers or discounts of planning or development impact fees for affordable projects/units	1	3	X		X		
		2.4B	Identify zoning requirements for which more flexible approaches could incentivize more on-site affordable units	2	0	X				
		2.4C	Create density bonus beyond State maximum	0	0	X				
		2.4D	Establish a tax deferral program for affordable units	1	2		X	X		
	2.5 Partnerships	2.5A	Pursue partnerships with other agencies in the County, such as TOML	4	1	X			X	
		2.5B	Investigate potential for landlord partnerships	0	1				X	X
		2.5C	Investigate potential for developer partnerships	1	0				X	X
		2.5D	Partner with other agencies and employers to ensure that new employee housing qualifies toward meeting the County's RHNA targets	2	1		X	X	X	

Housing Toolbox Goals	Program	Program Implementation Actions	Top Priority for BOS	Not a priority for BOS	Current Staffing	Additional Staffing	Additional Funding	Partnership	Outside County Workflow	
3. Retain Existing Community Housing	3.1 Rehabilitation Loans and Grants	3.1A	Bolster rehabilitation loan and grant program, in collaboration with TOML	3	1			X	X	
		3.1B	Consider programs that may improve housing stock quality	4	0			X	X	
	3.2 Short-term Rental Policies	3.2A	Conduct a study to evaluate the impact of short-term rentals in the County	0	1		X	X		
		3.2B	Explore how to incentivize property owners to convert short-term rentals into long-term rentals	2	0		X			
		3.2C	Consider further enhancing policy and enforcement	0	1	X				
		3.2D	Educate realtors about the short-term rental approval process	0	1	X				
	3.3 Acquisitions	3.3A	Identify opportunities to purchase and re-sell deed restricted units	1	0					X
		3.3B	Review the language of deed restricting conditions to minimize unintended consequences	1	0		X		X	
		3.3C	Identify opportunities to bolster the County's Revolving Loan Fund	3	0			X		
	4. Other	4.1 Additions by BOS	4.1A	Add Dedicated Staff	5	0		X	X	

Comparison of Housing Fees Across Jurisdictions

Location	Affordable Housing Requirements and Fees		
	Ownership	Rental	Nonresidential
Town of Mammoth Lakes	\$5,700 per unit	\$5,700 per unit	Lodging \$3,700 / room Retail/Restaurants \$2 / gross sf Office \$2 / gross sf Light Industrial \$1 / gross sf Service Uses \$2 / gross sf
Nevada County (Truckee Only)	15% Moderate-Income or 5% Above Moderate-Income, 5% Moderate-Income, and 5% Low- Income	15% Low-Income or 5% Moderate-Income, 5% Low- Income, and 5% Very-Low Income	N/A
Tuolumne County	10% Median-Income or Below Fee = 10% of the County-wide median sales price of a single-family residence in Tuolumne County	10% Low-Income or Below Fee = 10% of the County-wide median sales price of a single-family residence in Tuolumne County	N/A
Alpine County (Kirkwood Resort Only)	10% Employee Housing	33% Employee Housing	.03% Employee Housing
Inyo County	N/A	N/A	N/A
Sierra County	N/A	N/A	N/A
El Dorado County	N/A	N/A	N/A
Mariposa County	N/A	N/A	N/A



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

Departments: Board of Supervisors

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Dave Easterby and Betty Hylton,
Mammoth Lakes Fire Safe Council

SUBJECT Contribution to Mammoth Lakes
Basin Fuels Reduction Project

AGENDA DESCRIPTION:

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

Proposed payment of \$30,425 to the Mammoth Lakes Fire Safe Council in support of the Lakes Basin Fuel Reduction Project.

RECOMMENDED ACTION:

Approve County payment of \$30,425 to the Mammoth Lakes Fire Safe Council in support of the Lakes Basin Fuel Reduction Project and direct staff to take necessary steps to finalize payment agreement, and return to the Board for necessary approvals, for the appropriation and transfer of said funds.

FISCAL IMPACT:

The requested contribution is \$30,425.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time	Who	Approval
10/10/2019 1:57 PM	County Administrative Office	Yes
10/10/2019 11:31 AM	County Counsel	Yes

10/10/2019 12:26 PM

Finance

Yes



**CLERK – RECORDER – REGISTRAR
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF MONO**

**P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5530 • FAX (760) 932-5531**

Shannon Kendall
Clerk-Recorder-Registrar
760-932-5533
skendall@mono.ca.gov

Helen Nunn
Asst. Clerk-Recorder-Registrar
760-932-5534
hunn@mono.ca.gov

To: Board of Supervisors

Date: October 15, 2019

Re: Request from Mammoth Lakes Fire Safe Council for funding to support
Lakes Basin Fuels Reduction Project

Recommended Action

Approve County payment of \$30,425 to the Mammoth Lakes Fire Safe Council in support of the Lakes Basin Fuel Reduction Project and direct staff to take necessary steps to finalize agreement, and return to the Board for necessary approvals, for the appropriation and transfer of said funds.

Fiscal Impact

The requested contribution is \$30,425.

Discussion

On September 3rd, the Mammoth Lakes Fire Safe Council (MLFSC) presented information to the Board of Supervisors (BOS) regarding the Lakes Basin Hazardous Fuels Reduction Project (project) and requested a financial contribution to the project.

The request arrived too late to be included in the Mono County budget process and Janet Dutcher, Mono County Finance Director, recommended waiting to assess fund availability at the end of September. The BOS requested that the MLFSC approach other agencies to bridge the project's funding gap.

In early October, MLFSC provided an update to the BOS per discussions that occurred at the September 3rd meeting and reported that they were successful in requesting funding from other agencies.

On September 4th, the Mammoth Lakes Town Council voted unanimously to support the project and allocated \$60,425, one third of the \$181,276.20 project deficit, to the

MLFSC for the project. On September 16th, the Los Angeles Department of Water and Power (LADWP) also committed \$60,425 to contribute to the project's completion.

The MLFSC also communicated with Cal Rossi, Government Relations Manager from Southern California Edison (SCE), regarding the initial request to SCE to contribute funds to the project. Per direction from Cal Rossi, the MLFSC is completing an application, similar to a small grant application, requesting \$30,000 from SCE to contribute to the project.

Should the MLFSC be successful in receiving \$30,000 from SCE, the outstanding project deficit will be \$30,425. At its meeting on October 8, 2019, the Board of Supervisors requested that this item be agendaized for consideration of a contribution in that amount by Mono County. If the Board approves the contribution at its October 15 meeting, staff would prepare the necessary materials and return to the Board at a subsequent meeting, to effectuate the payment.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

TIME REQUIRED

SUBJECT Closed Session - Human Resources

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Steve Barwick, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Larsen. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
No Attachments Available

History

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

TIME REQUIRED

SUBJECT Closed Session - Existing Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Anne Larsen

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time	Who	Approval
10/4/2019 3:19 PM	County Administrative Office	Yes
9/19/2019 1:52 PM	County Counsel	Yes
9/25/2019 3:53 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

TIME REQUIRED

SUBJECT Closed Session - Public Employment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC 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:

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No Attachments Available

History

Time

Who

Approval



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 15, 2019

TIME REQUIRED

SUBJECT Closed Session - Public Employment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYEE DISCIPLINE, DISMISSAL, RELEASE. Government Code section 54957.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
10/10/2019 11:24 AM	County Administrative Office	Yes
10/10/2019 11:20 AM	County Counsel	Yes
10/10/2019 11:24 AM	Finance	Yes