



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

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

Regular Meeting April 4, 2023

TELECONFERENCE INFORMATION

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

1. Mammoth Teleconference Location – for meetings held on the first and second Tuesday of each month - Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA. 93546;
2. Bridgeport Teleconference Location – for meetings held on the third Tuesday of each Month - Mono County Courthouse, Second Floor Board Chambers, 278 Main Street, Bridgeport, CA. 93517;
3. Zoom Webinar.
Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/88595789548> or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 885 9578 9548.

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

To join the meeting by telephone: Dial (669) 900-6833, then enter Zoom Webinar ID 885 9578 9548. To provide public comment, press *9 to raise your hand and *6 to mute/unmute.

If you are unable to join the Zoom Webinar of the Board meeting, you may still view the live stream of the meeting by visiting: https://monocounty.granicus.com/MediaPlayer.php?publish_id=e7d204c7-e668-44f4-be12-b19e6bd13e27

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

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

2. RECOGNITIONS

A. Proclamation Designating the Month of April 2023 as Child Abuse Prevention Month

Departments: Clerk of the Board

10 minutes

(Kevin Lian, Mono County Child Care Council Program Coordinator) -
Proclamation designating April 2023 as Child Abuse Prevention Month.

Recommended Action: Approve the Proclamation designating April 2023 as Child Abuse Prevention Month.

Fiscal Impact: None.

3. COUNTY ADMINISTRATIVE OFFICER

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

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

5. CONSENT AGENDA

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

A. Monthly Treasury Transaction Report

Departments: Finance

Treasury Transaction Report for the month ending 2/28/2023.

Recommended Action: Approve the Treasury Transaction Report for the month ending 2/28/2023.

Fiscal Impact: None.

B. Mono County Economic Development, Tourism, and Film Commission Reappointments

Departments: Economic Development

Reappoint Erinn Wells and Steve Morrison to four-year terms on the Mono County Economic Development, Tourism, and Film Commission.

Recommended Action: Reappoint Erinn Wells and Steve Morrison to the Mono County Economic Development, Tourism, and Film Commission for 4-year terms beginning April 30, 2023 and ending April 30, 2027.

Fiscal Impact: None.

C. Correction of Term Expiration Date for Jacinda Croissant's Reappointment to the Mono County Child Care Council

Departments: Clerk of the Board

On February 21, 2022, the Board of Supervisors approved the reappointment of Jacinda Croissant for a two-year term to the Mono County Child Care Council. Unfortunately, the recommended action contained a typo, with the term expiring February 21, 2024, instead of two years from the date of approval, February 21, 2025. This item seeks to correct the term expiration date for this reappointment.

Recommended Action: Reappoint Jacinda Croissant to the Mono County Child Care Council, for a two-year term expiring February 21, 2025.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

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

A. Letter of Support for the Mono Lake Kutzadika'a Tribe Funding Request

Letter of support from the Mono County Board of Supervisors regarding the Mono Lake Kutzadika'a Tribe is seeking funding to purchase a private parcel of 160 acres located ten miles east of Yosemite National Park and five miles west of Mono Lake, California, and bring the parcel back to tribal ownership to manage the buildings and scenic landscape for multiple uses, executed by Chair Duggan.

B. Letter of Support for Mono County Ambulance Replacement

Letter of Support for Mono County Ambulance Replacement on behalf of the Mono County Board of Supervisors to Congressman Kiley, executed by Chair Duggan.

C. Letters Seeking Assistance in Securing Federal Funding for Projects in Mono County

Letters to Senator Padilla, Senator Feinstein and Congressman Kiley requesting federal funding in FY2024 to replace Mono County's Medic 7 Paramedic Station in Bridgeport, executed by Chair Duggan. The letters are consistent with the Board's adopted legislative platform.

D. Letter of Support for G.C. Forest Products' Grant Application

Letter of support for G.C. Forest Products' Application to FY 2022-2023 Business and Workforce Development Grant Program executed by Chair Duggan on behalf of the Mono County Board of Supervisors Supervisors consistent with the County's legislative platform and policies.

7. REGULAR AGENDA - MORNING

A. PUBLIC HEARING: Appeal of the Planning Commission's Approval of an Accessory Structure Over 20' in Height

Departments: Community Development

PUBLIC HEARING: 9:00 AM (10 minutes)

(Wendy Sugimura, Community Development Director) - Appeal of the Planning Commission's approval of Use Permit 23-001/Sherer for a garage over 20' and less than 35' in height at 1273 Swall Meadows Road, APN 064-140-014-000. The appeal was schedule to comply with General Plan timeframes; the appellant has requested the hearing be continued to May 2, 2023.

Recommended Action: 1. The appellant has requested the appeal hearing be continued to May 2, 2023. The Board may defer the staff report to the May 2 meeting, open the public hearing and take any public comment, and then continue the hearing to May 2 at 9:30 am. OR 2. Hold a public hearing, consider the appeal, and take one of the following actions: (1) adopt resolution denying the appeal and affirming the Planning Commission's approval of Use Permit 23-001/Sherer for an accessory structure over 20' in height; (2) grant the appeal in part and deny the appeal in part, thereby affirming a portion of the Planning Commission's action and reversing a portion, as specified; or (3) grant the appeal, thereby reversing the Planning Commission's approval of Use Permit 23-001/Sherer. If the Board's intention is to grant the appeal in whole or in part, staff recommends that the Board move to tentatively grant the appeal and direct staff to return with written findings within 30 days.

Fiscal Impact: The cost of Community Development staff to work on the appeal

is paid by the appellant. Minor costs to other departments are covered by their regular budgets.

B. Winter Storm Update

Departments: Emergency Management

45 minutes

(Chris Mokracek, Director of Emergency Management) - Presentation by Chris Mokracek providing an update on the impacts of and response to the winter storms impacting Mono County in 2023.

Recommended Action: None, informational only. Provide any desired direction to staff.

Fiscal Impact: None.

C. Ordinance Amending Mono County Code Section 2.60.090 - Office of Emergency Services

Departments: CAO

10 minutes

(Mary Booher, Acting County Administrative Officer) - Proposed ordinance amending existing section 2.06.090 of the Mono County Code to memorialize the establishment of the Office of Emergency Services within the Office of the County Administrator and designate the County Administrative Officer, or his or her designee, as the Director of Emergency Services, thereby replacing the Mono County Sheriff as the Director of Emergency Services and the Sheriff's Department as the Office of Emergency Services.

Recommended Action: Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

Fiscal Impact: None.

D. Consolidation of Public Health and Social Services Departments

Departments: CAO

30 minutes

(Mary Booher, Acting County Administrative Officer) - Presentation by Mary Booher regarding consolidation of Public Health and Social Services.

Recommended Action: The Board (1) receive a report from staff regarding possible consolidation of Public Health and Social Services into a consolidated agency; (2) direct staff to establish positions for the consolidated agency Director and consolidated agency lead fiscal position; (3) direct staff to develop the recommended organizational structure for the Consolidated agency; and (4) direct County Counsel to make the necessary ordinance changes to effectuate the creation of a consolidated agency.

Fiscal Impact: None.

E. Employment Agreement - Interim County Administrative Officer

Departments: County Counsel

5 minutes

(Stacey Simon, County Counsel) - Proposed resolution approving a contract with Mary Booher as Interim County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Approve Resolution approving a contract with Mary Booher as Interim County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: The estimated cost of this retired annuitant contract for the remainder of the fiscal year is \$78,030, of which \$76,016 is salary and \$2,014 is payroll taxes. The total cost for an entire fiscal year is approximately \$100,012, of which \$97,430 is salary and \$2,582 is payroll taxes. There is enough budget savings in the County Administration FY 2022/23 budget to cover the cost of this contract.

F. Employment Agreement - Assistant Director of Finance - Auditor/Controller

Departments: Finance

5 minutes

(Janet Dutcher, Director of Finance) - Proposed resolution approving a contract with Kim Bunn as Assistant Director of Finance - Auditor/Controller, and prescribing the compensation, appointment, and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Approve Resolution, approving a contract with Kim Bunn as Assistant Director of Finance - Auditor-Controller, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Estimated cost of this position for the remainder of the fiscal year is \$39,228, of which \$28,482 is salary and \$10,746 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$169,990, of which \$123,424 is salary and \$46,566 is benefits. This is included in the Finance FY 2022/23 budget.

G. Board Ad Hoc Committees

Departments: CAO

10 minutes

(Mary Booher, Acting County Administrative Officer) - Establishment of Board ad hoc committees on the following topics: (1) evaluation of potential locations for county-supported housing development ("Housing Ad Hoc Committee"); (2) negotiation of a tax-sharing agreement related to an annexation of property by the Mammoth Community Water District ("Tax Sharing Ad Hoc Committee"); and (3) negotiation of an Educational Revenue Augmentation Fund (ERAF) calculation adjustment with the Long Valley Fire Protection District (LVFPD) ("ERAF Committee").

Recommended Action: Establish Housing Ad Hoc Committee, Tax Sharing Ad Hoc Committee and ERAF Ad Hoc Committee and appoint two members of the Board of Supervisors to each committee.

Fiscal Impact: None.

H. Contract with Municipal Resource Group, LLC

Departments: CAO

10 minutes

(Mary Booher, Acting County Administrative Officer) - Proposed contract with Municipal Resource Group, LLC (MRG) pertaining to the provision of consulting support and project services. This contract supersedes and replaces two prior agreements between the County and MRG.

Recommended Action: Approve, and authorize the County Administrative Officer to sign, contract with Municipal Resource Group, LLC for consulting support and project services for the period February 1, 2023, through December 31, 2023 and a not-to-exceed amount of \$210,000.

Fiscal Impact: Up to \$210,000, over this and the next fiscal years

I. County Contribution to the National Center for Public Lands Counties

Departments: CAO

15 minutes

(Mary Booher, Acting County Administrative Officer) - Presentation by Mary Booher regarding the National Center for Public Lands Counties which was recently established by the National Association of Counties (NACo), Western Interstate Region (WIR) for the purpose of pursuing programs of interest to counties with significant areas of public land.

Recommended Action: Board approve a contribution of \$55,887 to the National Center for Public Lands Counties, using Local Assistance and Tribal Consistency Funds and direct staff to include appropriations in the final budget adjustments for the FY 2022-23 budget. Provide any additional direction to staff.

Fiscal Impact: Approval of this action would result in the use of \$55,887 of the General Fund. There are potential positive long-term benefits to the General Fund from the County's participation in NACo's National Center for Public Lands

Counties.

8. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Mary Booher, Stacey Simon, Janet Dutcher, Jack Conry, and Oliver Yee. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Correctional Deputy Sheriffs' Association. 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 Corporation; Cardinal Health, Inc.; McKesson Corporation; Purdue Pharma L.P.; Purdue Pharma, Inc., et al., United States District Court, Eastern District of California, Case No. 2:18-cv-01149-MCE-KJN

C. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of cases: *SCE v. State Board of Equalization* (Orange County Superior Court Case Nos.: 30-2022-01258057-CU-MC-CJC and 30-2022-01258109-CU-MC-CJC).

D. Closed Session - Exposure to Litigation

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

E. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer recruitment.

F. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: (1) Interim Assistant County Administrative Officer; (2) County Counsel.

9. BOARD MEMBER REPORTS

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

ADJOURN



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Clerk of the Board

TIME REQUIRED 10 minutes

SUBJECT Proclamation Designating the Month
of April 2023 as Child Abuse
Prevention Month

**PERSONS
APPEARING
BEFORE THE
BOARD**

Kevin Lian, Mono County Child Care
Council Program Coordinator

AGENDA DESCRIPTION:

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

Proclamation designating April 2023 as Child Abuse Prevention Month.

RECOMMENDED ACTION:

Approve the Proclamation designating April 2023 as Child Abuse Prevention Month.

FISCAL IMPACT:

None.

CONTACT NAME: Danielle Patrick

PHONE/EMAIL: 7609325535 / despinosa@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Proclamation](#)

History

Time	Who	Approval
3/22/2023 9:04 AM	County Counsel	Yes
3/22/2023 12:33 PM	Finance	Yes
3/23/2023 8:14 AM	County Administrative Office	Yes



***MONO COUNTY BOARD OF SUPERVISORS PROCLAMATION
DECLARING APRIL 2023
AS CHILD ABUSE PREVENTION MONTH***

WHEREAS, there are approximately 8 victims of child maltreatment per 1,000 children per year in the United States, according to 2020 federal data; and

WHEREAS, Child Abuse Prevention Month calls attention to all children, our most vulnerable community members and most vital resource to our community's future; and

WHEREAS, early childhood trauma has a lifelong impact on physical and mental health, including healthy brain development; and

WHEREAS, all children deserve to have safe, stable, nurturing homes and communities that foster healthy growth and development; and

WHEREAS, child abuse and neglect can be prevented in Mono County through partnerships between community members, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, the Child Abuse Prevention Council (CAPC) requests public support as they continue efforts to bring real hope for ending child abuse in the Mono County.

NOW, THEREFORE, BE IT PROCLAIMED, the Mono County Board of Supervisors hereby declares April 2023 be Child Abuse Prevention Month.

APPROVED AND ADOPTED this 4th day of April 2023, by the Mono County Board of Supervisors.

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Lynda Salcido, Supervisor District #5



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Finance

TIME REQUIRED

SUBJECT Monthly Treasury Transaction Report

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Treasury Transaction Report for the month ending 2/28/2023.

RECOMMENDED ACTION:

Approve the Treasury Transaction Report for the month ending 2/28/2023.

FISCAL IMPACT:

None.

CONTACT NAME: Gerald Frank

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Treasury Transaction Report for the month ending 2/28/2023

History

Time	Who	Approval
3/22/2023 9:28 AM	County Counsel	Yes
3/22/2023 12:34 PM	Finance	Yes
3/23/2023 8:20 AM	County Administrative Office	Yes



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Buy Transactions									
Buy	2/2/2023	06406RAF4	500,000.00	Bank of New York Mellon 3.4 1/29/2028-27	95.44	477,200.00	141.67	4.43	477,341.67
Buy	2/8/2023	32024DAC0	249,000.00	First Financial 4.45 2/8/2028	100.00	249,000.00	0.00	4.45	249,000.00
Buy	2/8/2023	478160CK8	500,000.00	Johnson & Johnson 2.9 1/15/2028-27	94.59	472,930.00	926.39	4.12	473,856.39
Buy	2/8/2023	742718FZ7	507,000.00	Procter & Gamble Co 3.95 1/26/2028-23	99.25	503,197.50	667.55	4.12	503,865.05
Buy	2/15/2023	3133EPAV7	1,000,000.00	FFCB 3.875 2/14/2028	99.10	990,960.00	107.64	4.08	991,067.64
Buy	2/28/2023	09582YAF9	244,000.00	Blue Ridge Bank 4.2 2/28/2028	100.00	244,000.00	0.00	4.20	244,000.00
Buy	2/28/2023	3130AV2P6	1,000,000.00	FHLB 5 2/28/2028-25	100.00	1,000,000.00	0.00	5.00	1,000,000.00
Subtotal			4,000,000.00			3,937,287.50	1,843.25		3,939,130.75
Deposit	2/28/2023	CAMP60481	137,454.32	California Asset Management Program LGIP	100.00	137,454.32	0.00	0.00	137,454.32
Deposit	2/28/2023	OAKVALLEY0670	8,589.67	Oak Valley Bank Cash	100.00	8,589.67	0.00	0.00	8,589.67
Deposit	2/28/2023	OAKVALLEY0670	13,505,371.79	Oak Valley Bank Cash	100.00	13,505,371.79	0.00	0.00	13,505,371.79
Subtotal			13,651,415.78			13,651,415.78	0.00		13,651,415.78
Total Buy Transactions			17,651,415.78			17,588,703.28	1,843.25		17,590,546.53
Interest/Dividends									
Interest	2/1/2023	32022RSG3	0.00	1ST Financial Bank, USA 3.3 8/2/2027		0.00	697.88	0.00	697.88
Interest	2/1/2023	796711G86	0.00	San Bernardino City USD 0.984 8/1/2024		0.00	1,648.20	0.00	1,648.20
Interest	2/1/2023	798189PW0	0.00	San Jose Evergreen Community College Dist 1.908 8/		0.00	2,385.00	0.00	2,385.00
Interest	2/1/2023	530520AB1	0.00	Liberty First Credit Union 4.4 1/17/2028		0.00	450.25	0.00	450.25
Interest	2/1/2023	630362ER8	0.00	Napa Valley Unified School District 1.094 8/1/2026		0.00	2,735.00	0.00	2,735.00
Interest	2/1/2023	845389JH9	0.00	Southwestern Community College GO 0.891 8/1/2025		0.00	2,227.50	0.00	2,227.50
Interest	2/1/2023	22551KAU6	0.00	Credit Union of Texas 4.4 12/9/2027		0.00	930.51	0.00	930.51
Interest	2/1/2023	9523472G6	0.00	West Contra Costa USD 2.077 8/1/2026		0.00	5,036.73	0.00	5,036.73
Interest	2/1/2023	022555WU6	0.00	Alvord Unified School Dist 1.327 8/1/2026		0.00	4,644.50	0.00	4,644.50
Interest	2/1/2023	601670MH2	0.00	Milpitas USD 0.943 8/1/2025		0.00	3,300.50	0.00	3,300.50
Interest	2/1/2023	742718FV6	0.00	Procter & Gamble Co. 1.9 2/1/2027		0.00	4,750.00	0.00	4,750.00



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	2/1/2023	080495HP2	0.00	Belmont-Redwood Shores Sch Dist 1.099 8/1/2026		0.00	1,153.95	0.00	1,153.95
Interest	2/1/2023	798170AF3	0.00	San Jose RDA Successor Agency 2.828 8/1/2023		0.00	4,312.70	0.00	4,312.70
Interest	2/1/2023	777526MP6	0.00	Rosemead School District 2.042 8/1/2024		0.00	3,573.50	0.00	3,573.50
Interest	2/1/2023	299547AQ2	0.00	Evansville Teachers Federal Credit Union 2.6 6/12/		0.00	549.85	0.00	549.85
Interest	2/1/2023	59161YAP1	0.00	Metro Credit Union 1.7 2/18/2027		0.00	359.52	0.00	359.52
Interest	2/1/2023	79730CJL9	0.00	San Diego Public Facs Fing Auth Wtr Rev 2.003 8/1/		0.00	5,007.50	0.00	5,007.50
Interest	2/1/2023	098203VW9	0.00	Bonita Unified School District 1.054 8/1/2025		0.00	1,317.50	0.00	1,317.50
Interest	2/1/2023	250433TY5	0.00	Desert Sands Unified School District 1.544 8/1/202		0.00	2,354.60	0.00	2,354.60
Interest	2/1/2023	17741RGC6	0.00	Citrus Community College GO 0.819 8/1/2025		0.00	1,433.25	0.00	1,433.25
Interest	2/1/2023	010878BF2	0.00	County of Alameda 3.46 8/1/2027		0.00	7,544.72	0.00	7,544.72
Interest	2/1/2023	538036HP2	0.00	Live Oak Banking Company 1.85 1/20/2025		0.00	391.24	0.00	391.24
Interest	2/1/2023	786318LF0	0.00	Saddleback Valley School Dist 2.4 8/1/2027		0.00	6,000.00	0.00	6,000.00
Interest	2/1/2023	92891CCP5	0.00	VYSTAR Credit Union 4.45 9/30/2027		0.00	880.37	0.00	880.37
Interest	2/1/2023	275282PT2	0.00	East Side Union High School District 1.331 8/1/202		0.00	3,327.50	0.00	3,327.50
Interest	2/1/2023	76124YAB2	0.00	Resource One Credit Union 1.9 11/27/2024		0.00	395.36	0.00	395.36
Interest	2/1/2023	796720PB0	0.00	San Bernardino Ca Cmnty CLG Dist 1.097 8/1/2026		0.00	1,371.25	0.00	1,371.25
Interest	2/1/2023	452641JN4	0.00	Imperial Community College District 2.024 8/1/2023		0.00	5,060.00	0.00	5,060.00
Interest	2/1/2023	91435LAB3	0.00	University of Iowa Community Credit Union 3 4/28/2		0.00	624.25	0.00	624.25
Interest	2/1/2023	796720MG2	0.00	San Bernardino Community College District 2.044 8/		0.00	2,555.00	0.00	2,555.00
Interest	2/1/2023	088023PK6	0.00	Beverly Hills USD 2.65 8/1/2025		0.00	6,625.00	0.00	6,625.00
Interest	2/1/2023	797272QS3	0.00	San Diego Community College Dist 2.407 8/1/2027		0.00	12,035.00	0.00	12,035.00
Interest	2/1/2023	499724AD4	0.00	Knox TVA Employee Credit Union 3.25 8/30/2023		0.00	676.27	0.00	676.27
Interest	2/1/2023	357155BA7	0.00	Fremont Unified School District 1.113 8/1/2027		0.00	1,669.50	0.00	1,669.50



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	2/1/2023	098203VV1	0.00	Bonita Unified School District 0.58 8/1/2024		0.00	725.00	0.00	725.00
Interest	2/1/2023	052392AA5	0.00	Austin Telco FCU 1.8 2/28/2025		0.00	380.66	0.00	380.66
Interest	2/1/2023	45157PAZ3	0.00	Ideal Credit Union 4.5 12/29/2027		0.00	1,043.75	0.00	1,043.75
Interest	2/1/2023	797508HG6	0.00	San Dieguito UHSD 1.94 8/1/2027		0.00	3,734.50	0.00	3,734.50
Interest	2/2/2023	15118RUR6	0.00	Celtic Bank 1.35 4/2/2025		0.00	285.50	0.00	285.50
Interest	2/5/2023	307811EM7	0.00	The Farmers & Merchants Bank 3.2 8/5/2027		0.00	676.73	0.00	676.73
Interest	2/5/2023	32117BCX4	0.00	First National Bank Dama 2.8 5/5/2023		0.00	592.14	0.00	592.14
Interest	2/7/2023	90983WBT7	0.00	United Community Bank 1.65 2/7/2025		0.00	348.94	0.00	348.94
Interest	2/7/2023	31422XA77	0.00	FAMC 3.03 8/7/2023		0.00	15,150.00	0.00	15,150.00
Interest	2/8/2023	3133ENF21	0.00	FFCB 3.15 8/8/2023-22		0.00	15,750.00	0.00	15,750.00
Interest	2/8/2023	29367SJK8	0.00	Enterprise Bank & Trust 1.8 11/8/2024		0.00	380.66	0.00	380.66
Interest	2/8/2023	89579NCB7	0.00	Triad Bank/Frontenac MO 1.8 11/8/2024		0.00	380.66	0.00	380.66
Interest	2/8/2023	037833EB2	0.00	Apple Inc 0.7 2/8/2026-21		0.00	1,750.00	0.00	1,750.00
Interest	2/9/2023	59452WAE8	0.00	Michigan Legacy Credit Union 3.45 11/9/2023		0.00	729.60	0.00	729.60
Interest	2/9/2023	08016PEL9	0.00	Belmont Bank & Trust Co 4.2 12/9/2027		0.00	884.65	0.00	884.65
Interest	2/10/2023	25460FCF1	0.00	Direct Federal Credit Union 3.5 9/11/2023		0.00	740.18	0.00	740.18
Interest	2/10/2023	20367GBH1	0.00	Community Commerce Bank 3.3 8/10/2027		0.00	697.88	0.00	697.88
Interest	2/11/2023	70320KAX9	0.00	Pathfinder Bank 0.7 3/11/2026		0.00	148.04	0.00	148.04
Interest	2/12/2023	43733LBF3	0.00	Home Savings Bank UT 2.85 2/12/2024		0.00	3,534.31	0.00	3,534.31
Interest	2/12/2023	594918BB9	0.00	Microsoft Corp 2.7 2/12/2025-24		0.00	6,750.00	0.00	6,750.00
Interest	2/12/2023	856487AM5	0.00	State Bank of Reeseville 2.6 4/12/2024		0.00	549.85	0.00	549.85
Interest	2/13/2023	66736ABP3	0.00	Northwest Bank 2.95 2/13/2024		0.00	623.86	0.00	623.86
Interest	2/13/2023	666496AB0	0.00	Northland Area Federal Credit Union 2.6 2/13/2023		0.00	3,211.18	0.00	3,211.18
Interest	2/13/2023	32100LBY0	0.00	First Missouri State Bank 2.85 8/14/2023		0.00	3,534.31	0.00	3,534.31
Interest	2/13/2023	69417ACG2	0.00	Pacific Crest Savings Bank 2.85 3/13/2024		0.00	602.72	0.00	602.72
Interest	2/13/2023	15721UDA4	0.00	CF Bank 2 8/13/2024		0.00	422.96	0.00	422.96
Interest	2/13/2023	30960QAL1	0.00	Farmers Insurance Group FCU 5 12/13/2023		0.00	1,053.15	0.00	1,053.15



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	2/14/2023	32114VBT3	0.00	First National Bank of Michigan 1.65 2/14/2025		0.00	348.94	0.00	348.94
Interest	2/14/2023	17801GBX6	0.00	City National Bank of Metropolis 1.65 2/14/2025		0.00	348.94	0.00	348.94
Interest	2/14/2023	89841MAM9	0.00	Trustone Financial 5 12/14/2023		0.00	1,053.15	0.00	1,053.15
Interest	2/14/2023	88579YBH3	0.00	3M Company 2 2/14/2025-25		0.00	5,000.00	0.00	5,000.00
Interest	2/14/2023	67886WAF4	0.00	Oklahomas Credit Union 5 12/14/2023		0.00	1,053.15	0.00	1,053.15
Interest	2/14/2023	45581EAR2	0.00	Industrial and Commercial Bank of China USA, NA 2.		0.00	551.42	0.00	551.42
Interest	2/15/2023	20143PDV9	0.00	Commercial Bank Harrogate 3.4 11/15/2023		0.00	719.03	0.00	719.03
Interest	2/15/2023	061785DY4	0.00	Bank of Deerfield 2.85 2/15/2024		0.00	602.72	0.00	602.72
Interest	2/15/2023	91282CFE6	0.00	T-Note 3.125 8/15/2025		0.00	15,625.00	0.00	15,625.00
Interest	2/15/2023	819866BL7	0.00	Sharonview Federal Credit Union 3.5 8/16/2027		0.00	740.18	0.00	740.18
Interest	2/15/2023	30257JAM7	0.00	FNB Bank Inc/Romney 3 1/16/2024		0.00	634.44	0.00	634.44
Interest	2/15/2023	62384RAF3	0.00	Mountain America Federal Credit Union 3 3/27/2023		0.00	624.25	0.00	624.25
Interest	2/16/2023	740367HP5	0.00	Preferred Bank LA Calif 2 8/16/2024		0.00	422.96	0.00	422.96
Interest	2/16/2023	33640VCF3	0.00	First Service Bank 3.3 5/16/2023		0.00	697.88	0.00	697.88
Interest	2/16/2023	3133ENPB0	0.00	FFCB 2.18 2/16/2027-24		0.00	10,900.00	0.00	10,900.00
Interest	2/16/2023	17330FUE9	0.00	Citigroup Global Markets 2.75 6/16/2023		0.00	1,145.83	0.00	1,145.83
Interest	2/17/2023	219240BY3	0.00	Cornerstone Community Bank 2.6 5/17/2024		0.00	549.85	0.00	549.85
Interest	2/18/2023	457731AK3	0.00	Inspire Federal Credit Union 1.15 3/18/2025		0.00	243.20	0.00	243.20
Interest	2/18/2023	00257TBJ4	0.00	Abacus Federal Savings Bank 1.75 10/18/2024		0.00	370.09	0.00	370.09
Interest	2/18/2023	48836LAF9	0.00	Kemba Financial Credit Union 1.75 10/18/2024		0.00	370.09	0.00	370.09
Interest	2/19/2023	560507AJ4	0.00	Maine Savings Federal Credit Union 3.3 5/19/2023		0.00	697.88	0.00	697.88
Interest	2/19/2023	128829AE8	0.00	Caldwell Bank & Trust Company 1.95 8/19/2024		0.00	2,428.04	0.00	2,428.04
Interest	2/20/2023	50625LAK9	0.00	Lafayette Federal Credit Union 3.5 11/20/2023		0.00	740.18	0.00	740.18
Interest	2/20/2023	32112UCW9	0.00	First National Bank of McGregor 2.85 2/21/2024		0.00	602.72	0.00	602.72



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	2/20/2023	78472EAB0	0.00	SPCO Credit Union 4.35 1/20/2028		0.00	919.94	0.00	919.94
Interest	2/20/2023	01664MAB2	0.00	All In FCU 4.4 12/20/2027		0.00	930.51	0.00	930.51
Interest	2/21/2023	14042TCB1	0.00	Capital One Bank USA NA 2 8/21/2024		0.00	2,470.14	0.00	2,470.14
Interest	2/21/2023	51828MAC8	0.00	Latino Community Credit Union 4.5 12/21/2027		0.00	951.66	0.00	951.66
Interest	2/22/2023	061803AH5	0.00	Bank of Delight 2.85 2/22/2024		0.00	602.72	0.00	602.72
Interest	2/22/2023	92535LCC6	0.00	Verus Bank of Commerce 2.8 2/22/2024		0.00	592.14	0.00	592.14
Interest	2/23/2023	938828BJ8	0.00	Washington Federal Bank 2.05 8/23/2024		0.00	433.53	0.00	433.53
Interest	2/23/2023	07371AYE7	0.00	Beal Bank, a Texas State Bank 1.9 2/17/2027		0.00	2,365.79	0.00	2,365.79
Interest	2/23/2023	75472RAE1	0.00	Raymond James Bank, NA 2 8/23/2024		0.00	2,490.30	0.00	2,490.30
Interest	2/23/2023	07371CE88	0.00	Beal Bank USA 1.9 2/17/2027		0.00	2,365.79	0.00	2,365.79
Interest	2/23/2023	33766LAJ7	0.00	Firstier Bank 1.95 8/23/2024		0.00	412.38	0.00	412.38
Interest	2/24/2023	03753XBD1	0.00	Apex Bank 3.1 8/24/2023		0.00	645.05	0.00	645.05
Interest	2/24/2023	90348JEV8	0.00	UBS Bank USA 3.45 10/24/2023		0.00	729.60	0.00	729.60
Interest	2/25/2023	85513MAA0	0.00	Star Financial Credit Union 4.5 1/25/2028		0.00	951.66	0.00	951.66
Interest	2/25/2023	063907AA7	0.00	Bank of Botetourt 1.75 10/25/2024		0.00	370.09	0.00	370.09
Interest	2/25/2023	22230PBY5	0.00	Country Bank New York 3 1/25/2024		0.00	634.44	0.00	634.44
Interest	2/26/2023	208212AR1	0.00	Connex Credit Union 0.5 8/26/2024		0.00	105.74	0.00	105.74
Interest	2/26/2023	32065TAZ4	0.00	First Kentucky Bank Inc 2.55 4/26/2024		0.00	539.27	0.00	539.27
Interest	2/26/2023	05465DAE8	0.00	AXOS Bank 1.65 3/26/2025		0.00	348.94	0.00	348.94
Interest	2/26/2023	56065GAG3	0.00	Mainstreet Bank 2.6 4/26/2024		0.00	549.85	0.00	549.85
Interest	2/26/2023	90352RCR4	0.00	USAlliance Federal Credit Union 3.45 8/26/2027		0.00	729.60	0.00	729.60
Interest	2/27/2023	39115UBE2	0.00	Great Plains Bank 2.8 2/27/2024		0.00	592.14	0.00	592.14
Interest	2/27/2023	32063KAV4	0.00	First Jackson Bank 1.05 3/27/2025		0.00	222.05	0.00	222.05
Interest	2/27/2023	79772FAF3	0.00	San Francisco FCU 1.1 3/27/2025		0.00	232.63	0.00	232.63
Interest	2/28/2023	080515CH0	0.00	Belmont Savings Bank 2.7 2/28/2023		0.00	561.82	0.00	561.82
Interest	2/28/2023	710571DS6	0.00	Peoples Bank Newton NC 2 7/31/2024		0.00	382.03	0.00	382.03
Interest	2/28/2023	369674CG9	0.00	General Electric Credit Union 5 1/30/2024		0.00	985.21	0.00	985.21



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	2/28/2023	694231AC5	0.00	Pacific Enterprise Bank 1.15 3/31/2025		0.00	219.67	0.00	219.67
Interest	2/28/2023	CAMP60481	0.00	California Asset Management Program LGIP		0.00	137,454.32	0.00	137,454.32
Interest	2/28/2023	42228LAL5	0.00	HealthcareSystemsFCU 4.35 1/31/2028		0.00	860.58	0.00	860.58
Interest	2/28/2023	06543PDA0	0.00	Bank of the Valley NE 4.1 9/30/2027		0.00	811.13	0.00	811.13
Interest	2/28/2023	52171MAA3	0.00	Leaders Credit Union 3 6/29/2023		0.00	613.97	0.00	613.97
Interest	2/28/2023	70962LAS1	0.00	Pentagon Federal Credit Union 0.9 9/29/2026		0.00	184.19	0.00	184.19
Interest	2/28/2023	29278TCP3	0.00	Enerbank USA 3.2 8/30/2023		0.00	622.90	0.00	622.90
Interest	2/28/2023	67054NAM5	0.00	Numerica Credit Union 3.4 10/31/2023		0.00	649.45	0.00	649.45
Interest	2/28/2023	91282CBQ3	0.00	T-Note 0.5 2/28/2026		0.00	2,500.00	0.00	2,500.00
Interest	2/28/2023	45780PAX3	0.00	Institution for Savings in Newburyport 0.85 7/29/2		0.00	173.96	0.00	173.96
Interest	2/28/2023	07181JAV6	0.00	Baxter Federal Credit Union 5 11/30/2026		0.00	1,053.15	0.00	1,053.15
Interest	2/28/2023	06426KAM0	0.00	Bank of New England 3.2 7/31/2023		0.00	606.33	0.00	606.33
Interest	2/28/2023	82671DAB3	0.00	Signature Federal Credit Union 4.4 1/31/2028		0.00	840.46	0.00	840.46
Interest	2/28/2023	01882MAC6	0.00	Alliant Credit Union 5 12/30/2027		0.00	985.21	0.00	985.21
Interest	2/28/2023	22258JAB7	0.00	County Schools FCU 4.4 9/30/2027		0.00	870.48	0.00	870.48
Interest	2/28/2023	86777TAA4	0.00	Sunset Science Park FCU 5 12/14/2023		0.00	951.23	0.00	951.23
Interest	2/28/2023	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	8,589.67	0.00	8,589.67
Subtotal			0.00			0.00	390,276.79		390,276.79
Total Interest/Dividends			0.00			0.00	390,276.79		390,276.79
Sell Transactions									
Matured	2/13/2023	666496AB0	245,000.00	Northland Area Federal Credit Union 2.6 2/13/2023	0.00	245,000.00	0.00	0.00	245,000.00
Matured	2/14/2023	45581EAR2	245,000.00	Industrial and Commercial Bank of China USA, NA 2.	0.00	245,000.00	0.00	0.00	245,000.00
Matured	2/28/2023	080515CH0	245,000.00	Belmont Savings Bank 2.7 2/28/2023	0.00	245,000.00	0.00	0.00	245,000.00
Subtotal			735,000.00			735,000.00	0.00		735,000.00
Withdraw	2/10/2023	31846V534	1,000,000.00	First American Funds MM	0.00	1,000,000.00	0.00	0.00	1,000,000.00
Withdraw	2/16/2023	31846V534	2,000,000.00	First American Funds MM	0.00	2,000,000.00	0.00	0.00	2,000,000.00



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 1/31/2023, End Date: 2/28/2023

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Withdraw	2/23/2023	CAMP60481	500,000.00	California Asset Management Program LGIP	0.00	500,000.00	0.00	0.00	500,000.00
Withdraw	2/23/2023	31846V534	2,000,000.00	First American Funds MM	0.00	2,000,000.00	0.00	0.00	2,000,000.00
Withdraw	2/28/2023	31846V534	1,000,000.00	First American Funds MM	0.00	1,000,000.00	0.00	0.00	1,000,000.00
Withdraw	2/28/2023	OAKVALLEY0670	13,928,957.71	Oak Valley Bank Cash	0.00	13,928,957.71	0.00	0.00	13,928,957.71
Subtotal			20,428,957.71			20,428,957.71	0.00		20,428,957.71
Total Sell Transactions			21,163,957.71			21,163,957.71	0.00		21,163,957.71



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Economic Development

TIME REQUIRED

SUBJECT Mono County Economic
Development, Tourism, and Film
Commission Reappointments

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Reappoint Erinn Wells and Steve Morrison to four-year terms on the Mono County Economic Development, Tourism, and Film Commission.

RECOMMENDED ACTION:

Reappoint Erinn Wells and Steve Morrison to the Mono County Economic Development, Tourism, and Film Commission for 4-year terms beginning April 30, 2023 and ending April 30, 2027.

FISCAL IMPACT:

None.

CONTACT NAME: Liz Grans

PHONE/EMAIL: 760-924-1738 / lgrans@mono.ca.gov

SEND COPIES TO:

lgrans@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report

History

Time	Who	Approval
3/22/2023 9:12 AM	County Counsel	Yes
3/22/2023 12:35 PM	Finance	Yes

3/23/2023 8:19 AM

County Administrative Office

Yes



MONO COUNTY

ECONOMIC DEVELOPMENT DEPARTMENT

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

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

Liz Grans
Economic Development Manager
Lgrans@mono.ca.gov
760-924-1738

STAFF REPORT

SUBJECT: Mono County Economic Development, Tourism, and Film Commission Reappointments

RECOMMENDATION: The Board consider and reappoint Steve Morrison and Erinn Wells to four-year terms on the Mono County Economic Development, Tourism, and Film Commission starting April 30, 2023 and ending April 30, 2027.

BACKGROUND: Commissioner Morrison joined the Commission in September 2010 representing District 5. His has been a valuable member of the commission for year with great expertise of the area, filming, and Alterra Mountain Company.

Commissioner Wells joined the Commission in 2019 representing District 4. She is also a valuable member of the commission with her business experience in Bridgeport, expertise on North County, and generational knowledge of Mono County.

FISCAL IMPACT: None.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Correction of Term Expiration Date
for Jacinda Croissant's
Reappointment to the Mono County
Child Care Council

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

On February 21, 2022, the Board of Supervisors approved the reappointment of Jacinda Croissant for a two-year term to the Mono County Child Care Council. Unfortunately, the recommended action contained a typo, with the term expiring February 21, 2024, instead of two years from the date of approval, February 21, 2025. This item seeks to correct the term expiration date for this reappointment.

RECOMMENDED ACTION:

Reappoint Jacinda Croissant to the Mono County Child Care Council, for a two-year term expiring February 21, 2025.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

PHONE/EMAIL: 7609325538 / sdedman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report

History

Time	Who	Approval
3/29/2023 4:11 PM	County Counsel	Yes

3/27/2023 4:01 PM

Finance

Yes

3/29/2023 7:58 PM

County Administrative Office

Yes

Mono County Child Care Council



www.monocccc.org

January 25, 2023

To: Mono County Board of Supervisors
From: Kevin Lian, Coordinator, Mono County Child Care Planning Council
Re: Reappointment to the Mono County Child Care Council for Jacinda Croissant

Dear Supervisors:

At the Mono County Child Care Council meeting on January 12, 2023, council members voted unanimously to approve the renewal of a two-year membership for Jacinda Croissant (Mono County Department of Public Health) in the membership category of Public Agency Representatives.

Previously, Jacinda was appointed by the Mono County Board of Supervisors on October 22, 2020. Her term ended on October 22, 2022. If confirmed, Jacinda's new term will begin on the date of a signed confirmation of this document and continue for two years.

As such, pursuant to California Welfare and Institutions Code section 10485-10487, the Mono County Child Care Planning Council requests the Mono County Board of Supervisors to confirm Jacinda Croissant's reappointment.

Thank you for your consideration of this request.

Sincerely,

Kevin Lian
Coordinator, Mono County Child Care Council
klian@monocoe.org

X

Mono County Board of Supervisors	Name	Date
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OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT

Letter of Support for the Mono Lake
Kutzadika'a Tribe Funding Request

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Letter of support from the Mono County Board of Supervisors regarding the Mono Lake Kutzadika'a Tribe is seeking funding to purchase a private parcel of 160 acres located ten miles east of Yosemite National Park and five miles west of Mono Lake, California, and bring the parcel back to tribal ownership to manage the buildings and scenic landscape for multiple uses, executed by Chair Duggan.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Letter](#)

History

Time	Who	Approval
3/22/2023 10:17 AM	County Counsel	Yes
3/22/2023 12:34 PM	Finance	Yes
3/23/2023 8:19 AM	County Administrative Office	Yes



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 16, 2023

Charlotte Lange, Chairperson
Mono Lake Kootzaduka'a Tribe
P.O. Box 237
Lee Vining, California 93541
chair@monolaketribe.us

RE: *Letter of Support for the Mono Lake Kootzaduka'a Tribe Funding Request to purchase a private parcel in Mono County*

Dear Ms. Lange,


Please accept this letter of support from the Mono County Board of Supervisors.

The Mono County Board of Supervisors is aware that the Mono Lake Kootzaduka'a Tribe is seeking funding to purchase a private parcel of 160 acres located ten miles east of Yosemite National Park and five miles west of Mono Lake, California, and bring the parcel back to tribal ownership to manage the buildings and scenic landscape for multiple uses. The Mono County Board of Supervisors supports the Tribe's request for funding.

The Tribe intends to use traditional knowledge to steward this parcel in supporting nature-based solutions to climate change impacts for the Tribe and adjacent communities. The tribe hopes to establish a Tribally-Led Conservation Crew (TLCC), which would provide jobs, and educational experiences primarily to underserved young adults. The parcel would act as a seasonal operation base to house the TLCC, who could be able to maintain roads and trails for public access and enjoyment.

Most importantly, this parcel would provide a land base for the Tribe to conduct ceremonies and other traditional experiences, that are at risk of decline and permanent loss.

Sincerely,


[Rhonda Duggan \(Mar 16, 2023 16:13 PDT\)](#)

Rhonda Duggan, Chair
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Letter of Support for Mono County
Ambulance Replacement

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Letter of Support for Mono County Ambulance Replacement on behalf of the Mono County Board of Supervisors to Congressman Kiley, executed by Chair Duggan.

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
3/22/2023 11:37 AM	County Counsel	Yes
3/22/2023 12:35 PM	Finance	Yes
3/23/2023 8:16 AM	County Administrative Office	Yes



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Kevin Kiley
United States House of Representatives
1032 Longworth House Office Building
Washington, DC 20515

Re: Support for Mono County Ambulance Replacement

Dear Congressman Kiley:

We are pleased to support the County of Mono's request in the upcoming FY2024 Community Project Funding process to assist with the replacement of an end-of-lifecycle ambulance for the County's Emergency Medical Service.


The purchase of the ambulance is a critical need to the County, as they are required to replace one of their current aging vehicles due to emergency response vehicle safety standards. These vehicles are necessary to provide life-saving emergency medical services across communities with a widely dispersed area. Further, federal funding for the ambulance will allow the County to adjust motor pool rates such that they are able to rely on county funds for future vehicle replacement, re-establishing a policy that had been abrogated due to funding issues.

Purchase of this ambulance will enable us to continue to provide quality emergency medical services to the residents and visitors. Mono County covers approximately 3,300 square miles, 96% of which is owned by the Federal or State governments. These publicly owned lands offer significant recreational opportunities, and the County is responsible for serving these visitors without the corresponding property tax revenue.

An investment by Congress in this vehicle purchase will directly support the health and safety of communities like ours across Mono County.

Thank you for considering the County of Mono's request to fund this critically important project.

Sincerely,


Rhonda Duggan (Mar 21, 2023 12:48 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

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BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Re: Support for Mono County Ambulance Replacement

Dear Senator Padilla:

We are pleased to support the County of Mono's request in the upcoming FY2024 Congressionally Directed Funding process to assist with the replacement of an end-of-lifecycle ambulance for the County's Emergency Medical Service.


The purchase of the ambulance is a critical need to the County, as they are required to replace one of their current aging vehicles due to emergency response vehicle safety standards. These vehicles are necessary to provide life-saving emergency medical services across communities with a widely dispersed area. Further, federal funding for the ambulance will allow the County to adjust motor pool rates such that they are able to rely on county funds for future vehicle replacement, re-establishing a policy that had been abrogated due to funding issues.

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Sincerely,


Rhonda Duggan (Mar 21, 2023 12:48 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

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(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Support for Mono County Ambulance Replacement

Dear Senator Padilla:

We are pleased to support the County of Mono's request in the upcoming FY2024 Congressionally Directed Funding process to assist with the replacement of an end-of-lifecycle ambulance for the County's Emergency Medical Service.


The purchase of the ambulance is a critical need to the County, as they are required to replace one of their current aging vehicles due to emergency response vehicle safety standards. These vehicles are necessary to provide life-saving emergency medical services across communities with a widely dispersed area. Further, federal funding for the ambulance will allow the County to adjust motor pool rates such that they are able to rely on county funds for future vehicle replacement, re-establishing a policy that had been abrogated due to funding issues.

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Sincerely,


Rhonda Duggan (Mar 21, 2023 12:48 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

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BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Kevin Kiley
United States House of Representatives
1032 Longworth House Office Building
Washington, DC 20515

Re: Mono County, CA – FY2024 Community Project Funding Request

Dear Congressman Kiley:

On behalf of Mono County, CA, we respectfully request your assistance in securing funding in the FY 2024 federal appropriations process for the County's top priority project vital to the County's efforts to provide services to residents. In particular, the County is seeking support for emergency services through the replacement of an ambulance.

Replacement of County Ambulance

Mono County Emergency Medical Services has four primary ambulance units, with a goal of two backup units, which are used for special events or when the primary units are out of service, such as for maintenance. Currently, one of the backup units has over 212,000 miles and the other must be replaced due to emergency response vehicle safety standards. Use of CDS funds for this purchase will allow the Motor Pool rates to be adjusted and the fund accumulate enough money to re-establish the ambulance replacement policy. The ambulance the County is seeking to replace has exceeded mileage for a response vehicle and does not comply with emergency response vehicle safety standards. Replacing this ambulance is critical to Mono County's continued ability to provide emergency medical and life-saving services to residents and visitors.

Sincerely,


Rhonda Duggan (Mar 21, 2023 12:48 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Letters Seeking Assistance in
Securing Federal Funding for
Projects in Mono County

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Letters to Senator Padilla, Senator Feinstein and Congressman Kiley requesting federal funding in FY2024 to replace Mono County's Medic 7 Paramedic Station in Bridgeport, executed by Chair Duggan. The letters are consistent with the Board's adopted legislative platform.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
3/29/2023 4:25 PM	County Counsel	Yes
3/22/2023 12:35 PM	Finance	Yes
3/29/2023 7:59 PM	County Administrative Office	Yes



Jennifer Kreitz~ District One Rhonda Duggan~ District Two Bob Gardner~ District Three
John Peters~ District Four Lynda Salcido~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

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BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Re: Mono County, CA – FY2024 Congressionally Directed Spending Requests

Dear Senator Padilla:

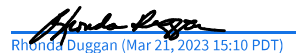
On behalf of Mono County, CA, we respectfully request your assistance in securing funding in the FY 2024 federal appropriations process for several projects vital to the County's efforts to provide services to residents. In particular, the County is seeking support for emergency services through the replacement of an ambulance as well as the replacement of a dated and deteriorating Emergency Medical Services (EMS) station in Bridgeport. The County is also seeking to develop necessary water and wastewater infrastructure to supply the Bridgeport Forest Service housing compound which is vital to ensuring that Forest Service personnel have adequate and affordable housing as they perform critical land management functions in Mono County.

Replacement of Medic 7 Station

When the County established Medic 7 in Bridgeport, a trailer that had been used by Mono General Hospital staff since the 1960's was refurbished to provide housing for the Medic 7 crew. The trailer has continued to need large investments in maintenance, and there are now significant safety concerns, despite these efforts and investments. It is more cost effective to replace the trailer than to continue to fund a failing structure. This project would provide housing for the medic crew that services the community of Bridgeport and surrounding areas and runs the only ambulance and 24/7 medical option for both residents and visitors year-round.

Please let us know if you have any questions regarding these requests. We look forward to working with you as the FY 2024 appropriations process progresses. Thank you for your consideration of our needs and for your support on issues of importance to Mono County.

Sincerely,


Rhonda Duggan (Mar 21, 2023 15:10 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



Jennifer Kreitz~ District One Rhonda Duggan~ District Two Bob Gardner~ District Three
John Peters~ District Four Lynda Salcido~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

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(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Re: Mono County, CA – FY2024 Congressionally Directed Spending Requests

Dear Senator Feinstein:

On behalf of Mono County, CA, we respectfully request your assistance in securing funding in the FY 2024 federal appropriations process for several projects vital to the County's efforts to provide services to residents. In particular, the County is seeking support for emergency services through the replacement of an ambulance as well as the replacement of a dated and deteriorating Emergency Medical Services (EMS) station in Bridgeport. The County is also seeking to develop necessary water and wastewater infrastructure to supply the Bridgeport Forest Service housing compound which is vital to ensuring that Forest Service personnel have adequate and affordable housing as they perform critical land management functions in Mono County.

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When the County established Medic 7 in Bridgeport, a trailer that had been used by Mono General Hospital staff since the 1960's was refurbished to provide housing for the Medic 7 crew. The trailer has continued to need large investments in maintenance, and there are now significant safety concerns, despite these efforts and investments. It is more cost effective to replace the trailer than to continue to fund a failing structure. This project would provide housing for the medic crew that services the community of Bridgeport and surrounding areas and runs the only ambulance and 24/7 medical option for both residents and visitors year-round.

Please let us know if you have any questions regarding these requests. We look forward to working with you as the FY 2024 appropriations process progresses. Thank you for your consideration of our needs and for your support on issues of importance to Mono County.

Sincerely,

Rhonda Duggan (Mar 21, 2023 15:10 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



Jennifer Kreitz~ District One Rhonda Duggan~ District Two Bob Gardner~ District Three
John Peters~ District Four Lynda Salcido~ District Five

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BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 21, 2023

The Honorable Kevin Kiley
United States House of Representatives
1032 Longworth House Office Building
Washington, DC 20515

Re: Mono County, CA – FY2024 Community Project Funding Requests

Dear Congressman Kiley:

On behalf of Mono County, CA, we respectfully request your assistance in securing funding in the FY 2024 federal appropriations process for several projects vital to the County's efforts to provide services to residents. In particular, the County is seeking support for emergency services through the replacement of an ambulance. The County is also seeking to develop necessary water and wastewater infrastructure to supply the Bridgeport Forest Service housing compound which is vital to ensuring that Forest Service personnel have adequate and affordable housing as they perform critical land management functions in Mono County.

Replacement of Medic 7 Station

When the County established Medic 7 in Bridgeport, a trailer that had been used by Mono General Hospital staff since the 1960's was refurbished to provide housing for the Medic 7 crew. The trailer has continued to need large investments in maintenance, and there are now significant safety concerns, despite these efforts and investments. It is more cost effective to replace the trailer than to continue to fund a failing structure. This project would provide housing for the medic crew that services the community of Bridgeport and surrounding areas and runs the only ambulance and 24/7 medical option for both residents and visitors year-round.

Please let us know if you have any questions regarding these requests. We look forward to working with you as the FY 2024 appropriations process progresses. Thank you for your consideration of our needs and for your support on issues of importance to Mono County.

Sincerely,

Rhonda Duggan (Mar 21, 2023 15:10 PDT)

Rhonda Duggan, Chair
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Letter of Support for G.C. Forest Products' Grant Application

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Letter of support for G.C. Forest Products' Application to FY 2022-2023 Business and Workforce Development Grant Program executed by Chair Duggan on behalf of the Mono County Board of Supervisors consistent with the County's legislative platform and policies.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
3/29/2023 4:09 PM	County Counsel	Yes
3/30/2023 8:37 AM	Finance	Yes
3/30/2023 10:50 AM	County Administrative Office	Yes



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5530

BOS@mono.ca.gov

Scheereen Dedman, Clerk of the Board

March 28, 2023

Chief John McCarthy
Wood Products Program Manager
California Department of Forestry and Fire Protection
John.McCarthy@fire.ca.gov

Subject: Support for the G. C. Forest Products Application to FY 2022-2023 Business and Workforce Development Grant Program

Dear Chief McCarthy,

I am writing on behalf of the Mono County Board of Supervisors to express my full support for the G. C. Forest Products Wood application to the California Department of Forestry and Fire Protection's FY 2022-2023 Business and Workforce Development Grant Program.

Eastern Sierra Nevada forests are subject to high wildfire risk and the ongoing effects of drought and bark beetle infestation, threatening forest health, local communities, and the region's recreation-based economy. The Inyo National Forest and other forested lands in the region are largely unburned and in urgent need of forest thinning and hazardous fuel reduction to restore forest condition and lower the risk of stand-replacing fires. Implementation of current and impending large-scale forest restoration projects, most notably the Eastern Sierra Climate & Communities Resilience Project located on National Forest System lands surrounding the Town of Mammoth Lakes, will help us to achieve this. However, our region is geographically isolated and constrained by the lack of access to local forest-sector contactors equipped to handle this type of work. Without investment in local businesses to harvest and process products generated by restoration and hazardous fuel reduction projects, our ability to fully realize the projected increase in pace and scale is severely limited. Therefore, we strongly support expansion of G. C. Forest Products' operations to include mechanized harvesting equipment.

I look forward to G. C. Forest Products' expanded operations and consider it to be part of a collaborative solution to our current forest management challenges.

Sincerely,

[Rhonda Duggan \(Mar 28, 2023 08:45 PDT\)](#)

Rhonda Duggan, Chair
Mono County Board of Supervisors



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Community Development

TIME REQUIRED PUBLIC HEARING: 9:00 AM (10 minutes)

PERSONS APPEARING BEFORE THE BOARD

Wendy Sugimura, Community Development Director

SUBJECT PUBLIC HEARING: Appeal of the Planning Commission's Approval of an Accessory Structure Over 20' in Height

AGENDA DESCRIPTION:

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

Appeal of the Planning Commission's approval of Use Permit 23-001/Sherer for a garage over 20' and less than 35' in height at 1273 Swall Meadows Road, APN 064-140-014-000. The appeal was schedule to comply with General Plan timeframes; the appellant has requested the hearing be continued to May 2, 2023.

RECOMMENDED ACTION:

1. The appellant has requested the appeal hearing be continued to May 2, 2023. The Board may defer the staff report to the May 2 meeting, open the public hearing and take any public comment, and then continue the hearing to May 2 at 9:30 am. OR 2. Hold a public hearing, consider the appeal, and take one of the following actions: (1) adopt resolution denying the appeal and affirming the Planning Commission's approval of Use Permit 23-001/Sherer for an accessory structure over 20' in height; (2) grant the appeal in part and deny the appeal in part, thereby affirming a portion of the Planning Commission's action and reversing a portion, as specified; or (3) grant the appeal, thereby reversing the Planning Commission's approval of Use Permit 23-001/Sherer. If the Board's intention is to grant the appeal in whole or in part, staff recommends that the Board move to tentatively grant the appeal and direct staff to return with written findings within 30 days.

FISCAL IMPACT:

The cost of Community Development staff to work on the appeal is paid by the appellant. Minor costs to other departments are covered by their regular budgets.

CONTACT NAME: Wendy Sugimura

PHONE/EMAIL: 760-924-1814 / wsugimura@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
1 staff report
1 Sherer Appeal Resolution
2 Appeal form
3 Planning Commission staff report
4 MCGP LUE 04.110 Bldg Height
5 Public hearing notice
6 Public Comments

History

Time	Who	Approval
3/30/2023 1:40 PM	County Counsel	Yes
3/30/2023 1:40 PM	Finance	Yes
3/30/2023 2:00 PM	County Administrative Office	Yes

Mono County Community Development Department

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

Planning Division

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

April 4, 2023

To: The Honorable Board of Supervisors

From: Wendy Sugimura, Director

Re: Appeal of the Planning Commission's approval of Use Permit 23-001 authorizing an accessory structure greater than 20' in height

RECOMMENDATION

1. The appellant has requested the appeal hearing be continued to May 2, 2023. The Board may defer the staff report to the May 2 meeting, open the public hearing and take any public comment, and then continue the hearing to May 2 at 9:30 am.

OR

2. Hold a public hearing, consider the appeal, and take one of the following actions: (1) adopt resolution denying the appeal and affirming the Planning Commission's approval of Use Permit 23-001/Sherer for an accessory structure over 20' in height; (2) grant the appeal in part and deny the appeal in part, thereby affirming a portion of the Planning Commission's action and reversing a portion, as specified; or (3) grant the appeal, thereby reversing the Planning Commission's approval of Use Permit 23-001/Sherer. If the Board's intention is to grant the appeal in whole or in part, staff recommends that the Board move to tentatively grant the appeal and direct staff to return with written findings within 30 days.

FISCAL IMPACT

The cost of Community Development staff to work on the appeal is paid by the appellant. Minor costs to other departments are covered by their regular budgets.

APPEAL PROCESS

Mono County General Plan Land Use Element Chapter 47, Appeals, allows for an appeal of any determination by the Planning Commission provided that written notice is submitted within 10 calendar days following the determination. The Board of Supervisors may affirm, affirm in part, or reverse the Commission's determination that is the subject of appeal, provided that an appeal is not to be granted when the relief sought should be granted through a variance or amendment. Chapter 47 specifies that appeals are de novo, meaning the Board is not limited to a review of the record and may hear the matter over again (as if for the first time).

The decision was made at the February 16, 2023, Planning Commission meeting and the appeal form was received on February 27, 2023 (Attachment 2), which was the last day the appeal could be filed. Per §47.030, the hearing for the appeal must be agendized for consideration within 60 days of the date the appeal was filed. Since the April 11 Board meeting was cancelled and scheduling conflicts arose with April 18, April 4 is the next available date within the 60-day window.

PROJECT SETTING

The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014). The property is approximately 0.95 acres, designated Estate Residential (ER), and has an existing residential unit with a well house and shed. Neighboring parcels to the north, northwest, and west are developed with single-family residences. The properties to the northeast, east, southeast, south and southwest are undeveloped. All surrounding parcels are designated ER, and range in size from approximately 0.8 acres to 3 acres. Construction projects are subject to review by the Wheeler Crest Design Review Committee (WCDRC), established by the Board of Supervisors by Ordinance 91-07. All building permit applications are routed to the WCDRC prior to permit issuance.

Improvement records from the County's Office of the Assessor found a residence was first constructed on the parcel in 1977. In 1994, two parcels were merged, creating the property boundaries existing today. Beginning in 2015, the current property owners/applicants applied for building permits for the property; the first was a demolition permit followed by a permit to complete a remodel. Then in 2020 a permit was issued to replace and enlarge a deck, followed by a permit in 2021 to construct a detached garage. These permits have not passed a final inspection by a County Building Inspector to close the projects.

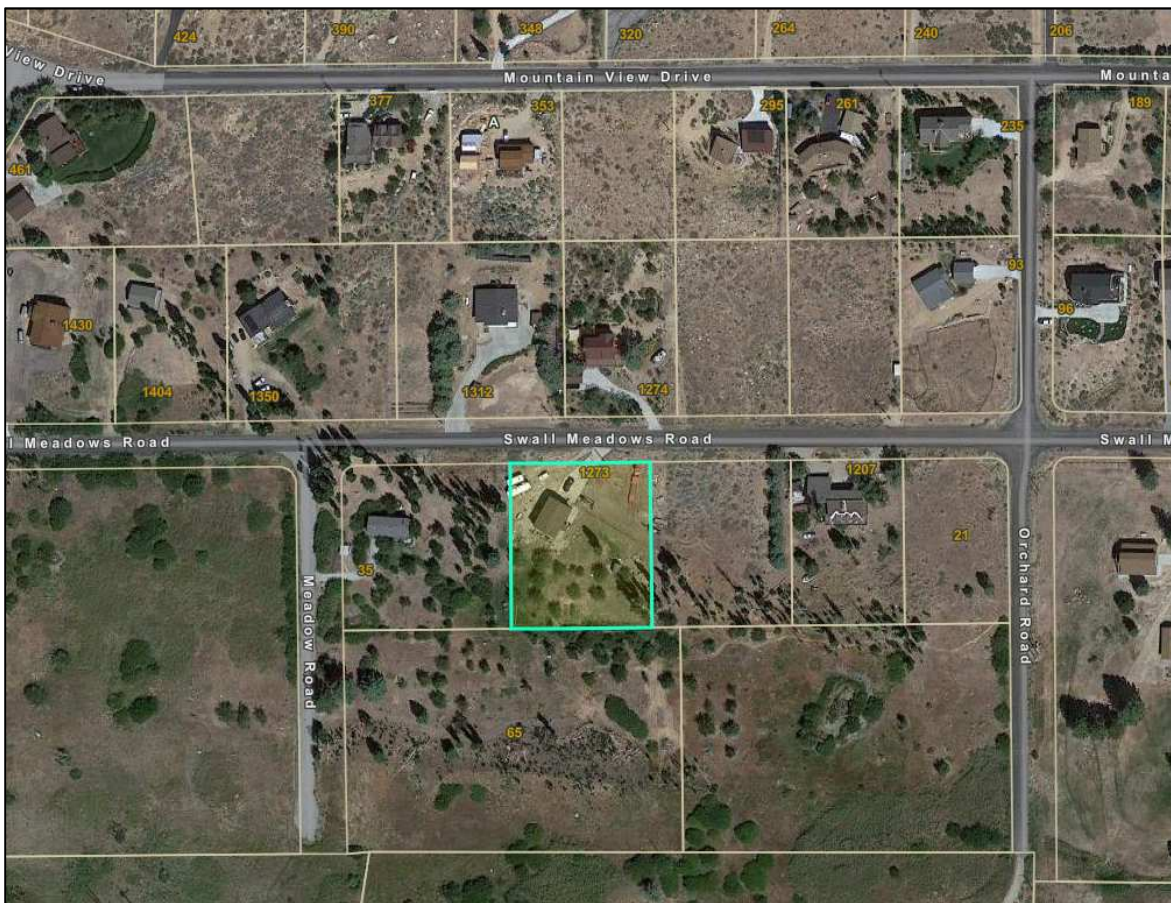


Figure 1. Project location.

PROJECT DESCRIPTION

The Planning Commission approved a Use Permit for an accessory building to exceed the maximum height of 20' pursuant to Mono County General Plan (MCGP) Land Use Element (LUE) §04.110.B. and Table 04.010 by a 5-0 vote on February 16, 2023. See Attachment 3 for the full Planning Commission staff report and Attachment 4

for the MCGP LUE sections. For the site plan and photos, see Figure 2 below; full plan sheets are included in the Planning Commission staff report (Attachment 3) as Attachment 1. The accessory building is a 1,200 square foot (sf) prefabricated kit garage with a proposed height of just under 30' from the finished foundation to roof peak. The garage is prefabricated and constructed on site, therefore the height cannot be lowered without redesigning the structure. A building permit was issued for this structure on 11/12/2021. Community concerns raised during construction caused staff to revisit the approval, and it was discovered that a use permit should have been required to approve a structure height greater than 20'. County Counsel advised staff to require a use permit application (per MCGP LUE Table 04.010) to correct the situation.

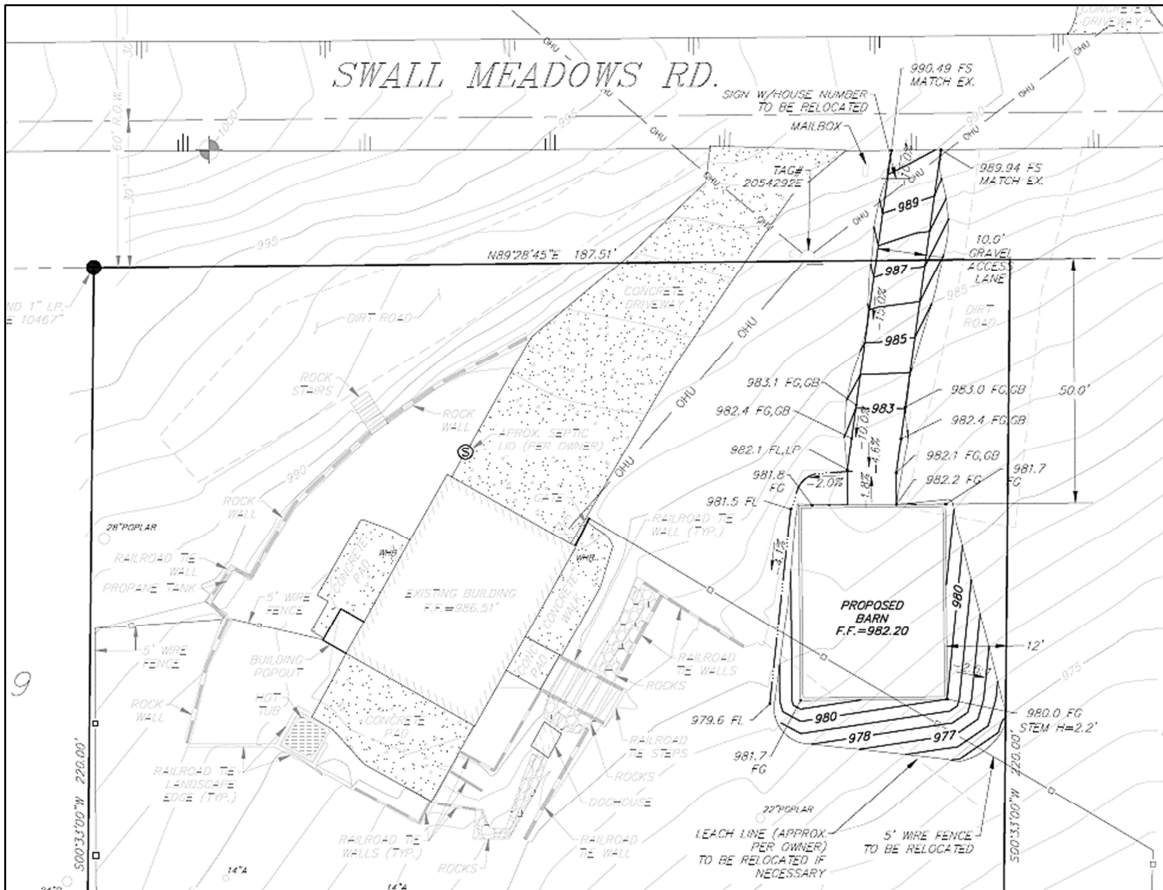


Figure 2. Project site plan.

The project as presented to the Planning Commission also included an Expanded Home Occupation permit application to store equipment used by their business and perform basic repair work such as welding and minor hydraulic repairs. The Planning Commission disapproved the Expanded Home Occupation permit and that action was not appealed, and is not part of today's appeal process.

ADDITIONAL BACKGROUND

The Community Development Department (CDD) Code Compliance Division received a complaint against the property regarding improper storage of heavy equipment, and heavy equipment use on the property. Code compliance staff conducted a site inspection and found no heavy equipment on the site. Staff provided the owners with instruction on how to apply for a business license and construct a garage to legitimize their operation. In March 2021, the applicant applied for a minor building permit to install the proposed garage on their property, which was granted in Nov. 2021. No indication of the business use was provided. The

application was routed to, and approved by, the Wheeler Crest Design Review Committee, who required modifications prior to approval.

Permit inspections began in October 2022, and in December 2022, the CDD received a complaint regarding the structure's height. Upon further inspection, staff found the structure's height exceeded the General Plan design standard of 20' for accessory structures. Heights greater than 20' may be approved through a use permit per Table 04.010. To come into compliance, the applicant applied for the use permit allowing the increased height.

GENERAL PLAN CONSISTENCY

The primary use of the property is the residential dwelling, consistent with ER permitted uses. The parcel is less than the minimum parcel size for the ER designation (one acre). The accessory structure/garage, and existing house meet the development standards of ER for setbacks and lot coverage. The ER designation allows for 40% lot coverage. The existing residence, garage, well house, shed and all impervious surfaces total approximately 5,874 sf, or 14% of the lot.

MCGP Table 04.120 lists the minimum yards for ER parcels less than one acre as 50' in the front, 10' on the side, and 10' in the rear. The garage is setback 50' from the front, 12' from the side, and quite a distance from the rear yard, meeting the required setbacks.

The lot is down sloping away from the access road and therefore the rear and south portion of the garage footprint needed to be raised approximately one to six feet to provide a level foundation (see Figure 2 above, and Attachment 4). MCGP LUE Section 04.110, Building Height, sets forth the following:

A. All buildings and structures hereinafter designed or erected, or existing buildings that may be reconstructed, altered, moved or enlarged, shall have a height no greater than 35 feet from grade measured from any point of the building. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive. See Figure 11.

B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.

1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics. Accessory Dwelling Units shall be subject to the same standards as the primary unit.

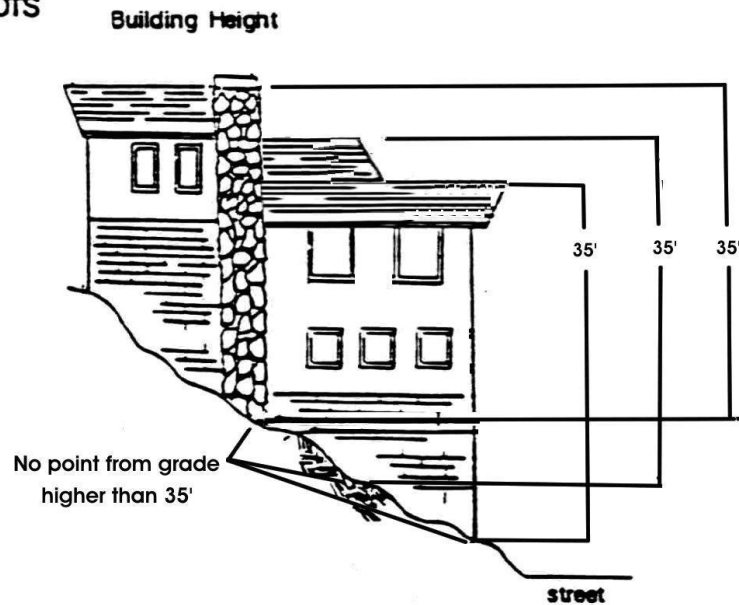
The lowest point of natural grade for the garage is an elevation of approximately 977' (see Figure 2 above). The finished foundation elevation is approximately 982.2', or a difference of approximately 4'3" from "natural" grade. The height of the proposed garage is 29'3". If the height is calculated from the elevation of 977', then the final structure height is $29'3" + 4'3" = 33'6"$. Calculating the height in this manner may or may not be the intention of Section 04.110.A. and is based on an interpretation that the original grade constitutes the "natural" grade. In a typical building permit plan check, building height is normally calculated from grade represented by the plan sheets rather than the original grade. The concept of a "natural" grade makes more sense when evaluating a structure on a steep slope, such as is depicted in Figure 3 below (which is adopted in the MCGP LUE as Figure 11). If the finished grade is used, which is 2.2' (or 2'3") lower than the finished foundation elevation as described under the Project Description, then the height of the proposed structure is $29'3" + 2'3" = 31'6"$. Regardless, whether the finished grade or original/natural grade is used to calculate the height, the

proposed structure exceeds the 20' permitted outright for accessory structures, triggering a use permit for approval, and complies with the 35' height limit for residential structures. By obtaining a use permit, the proposed structure will be compliant with General Plan standards for height. Further, the proposed structure will be similar in height to the existing residence and the Wheeler Crest Design Review Committee approved the design after requiring changes.

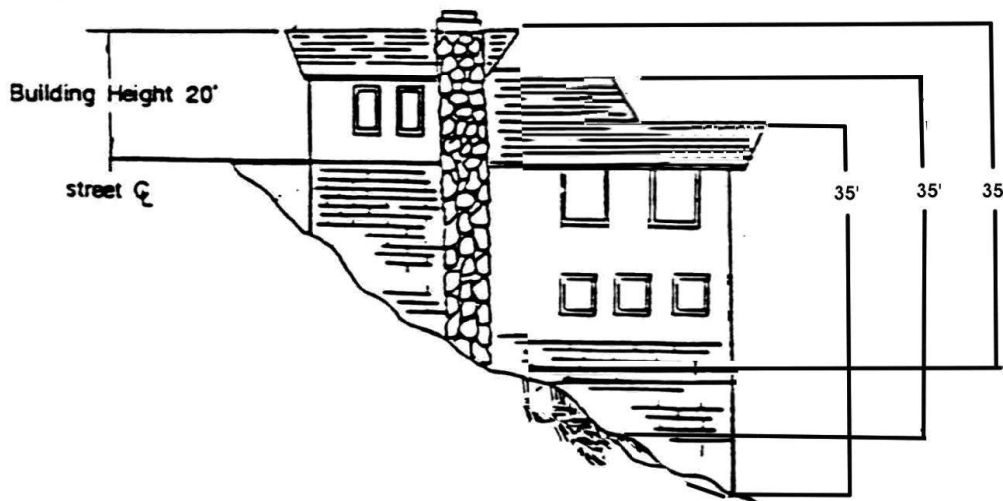
For the Use Permit findings, please see the attached Planning Commission staff report (Attachment 5).

Figure 3.

A. UP-SLOPING LOTS



B. DOWN-SLOPING LOTS



BASIS FOR APPEAL

The submitted appeal form (Attachment 2) lists the following reasons for the appeal; responses are provided:

1. This is a gross abuse of our general plan and the authority of the Planning Commission. The MCGP does not authorize the PC to grant special favors so far outside of what is allowed by the plan.
 - a. *Response: No favors were granted by the Planning Commission. Rather, the authority of the Planning Commission to approve accessory structures over 20 feet subject to approval by the Director or by Use Permit is explicitly authorized by MCGP LUE §04.110.B. and Table 04.010. Following the more restrictive of the two options, a Use Permit was required for this project consistent with Table 04.010.*
2. There is no supporting evidence or reasons to allow an acceptance of almost double the allowed height.
 - a. *Response: The percent increase in height is not relevant. MCGP LUE §04.110.B. and Table 04.010 authorize an increase in height over 20 feet, and §04.110.A. limits structures to a height of 35'. The garage complies with the 35' height limit.*
3. This lot has no physical hardship.
 - a. *Response: Proof of physical hardship is not required to approve a Use Permit.*
4. The applicant has no proposed and permissible use that requires an increase in height beyond what is permitted by the MCGP.
 - a. *Response: The garage is an accessory structure incidental to the main use, which is a residential unit, and is therefore a permissible use under the land use designation of Estate Residential. The height may be permitted by Use Permit pursuant to Table 04.010.*
5. There are no other buildings of this sort in Swall Meadows and other people have not been allowed excess heights to this extreme.
 - a. *Response: Again, a height up to 35', which this project complies with, is permissible under the General Plan standards. Whether other buildings of this sort exist in Swall Meadows is not one of the criteria for evaluating a Use Permit application.*
6. It hurts neighbors.
 - a. *Response: The potential damage to neighbors is unspecified. Private property views are not necessarily protected; all other development standards for the property are met including lot coverage and setbacks.*
7. The "Nature of the Appeal" section states "...the slab height and the dirt pad location need to be verified by a surveyor for any future construction at this site."
 - a. *Response: The County typically does not require a surveyor to verify building heights. Staff may verify building height in the field, which was completed in this case. The building was measured from the top of the building to the foundation slab and the building met the submitted design specifications. Further, the County typically does not require further onsite verification of a site plan submitted by a registered engineer, which is Triad Holmes & Associates, in this case.*

ENVIRONMENTAL REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This project is categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303(e).

15303 Class 3. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

This project new construction of an accessory structure (garage), it is categorically exempt from CEQA.

PUBLIC NOTICING

The Public Hearing for the appeal was published in The Mammoth Times on March 23, 2023 (Attachment 6).

PUBLIC COMMENT

Comments addressed to the Planning Commission that were not entered into the record are included in Attachment 7, and one comment letter was received. The questions submitted to staff by the property owner or appellant were not included.

APPEAL DECISION

The appeal body may render its decision at the conclusion of the hearing or at any time within 30 days.

Pursuant to Sections 47.050 and 47.080 of the Mono County General Plan Land Use Element and Code of Civil Procedure Section 1094.6(b), the decision of the Board of Supervisors became the final decision of the County with respect to the application as of the date of the hearing, at which time the decision was announced on the record. Notification is hereby provided pursuant to Code of Civil Procedure Section 1094.6(f) that, subject to subdivision (d) of Section 1094.6, the time to bring an action to challenge the decision of the Board of Supervisors is 90 days from the date of the decision, or July 3, 2023.

Please contact Wendy Sugimura with any questions at 760-924-1814 or wsugimura@mono.ca.gov.

ATTACHMENTS

1. Resolution denying the appeal and upholding the Planning Commission's approval
2. Appeal form
3. Planning Commission staff report & public comments
4. General Plan Land Use Element §04.110 Building Height standards
5. Public Hearing notice
6. Public comments



RESOLUTION R23-__

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS DENYING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT 23-001/SHERER FOR A GARAGE/ACCESSORY STRUCTURE GREATER THAN 20' IN HEIGHT

WHEREAS, a use permit application was submitted to permit a garage/accessory structure greater than 20' in height at 1273 Swall Meadows Road, Swall Meadows, CA, Assessor's Parcel Number (APN 064-140-014-000), with a land use designation of Estate Residential (ER); and

WHEREAS, all use and development of private land within the unincorporated area of Mono County shall fully comply with any and all applicable requirements of the Mono County General Plan (MCGP), which incorporates the Mono County Code by this reference as though fully set forth, as the same may be amended from time to time, and any applicable area or specific plans, which are also incorporated by this reference; and

WHEREAS, planning and land use maps are contained and set forth in the MCGP and applicable area or specific plans, all of which are incorporated herein by this reference, as the same may be amended from time to time, including but not limited to the general plan's countywide land use maps and community land use designation maps; and

WHEREAS, accessory structures such as garages are permitted in the ER land use designation as an accessory building customarily incidental to the permitted use which, in this case, is a residential unit; and

WHEREAS, MCGP Land Use Element (LUE) §04.110.B. limits accessory structures to 20' in height except as may be permitted by the Director and Table 04.010 provides for an exception to the height limit as permitted by use permit, and therefore the more restrictive regulation was followed requiring a use permit; and

WHEREAS, MCGP §04.110.A. limits all structures to 35' in height; and

WHEREAS, the use permit application was heard by the Planning Commission at a duly noticed public hearing on February 16, 2023, and approved by a 5-0 vote; and

WHEREAS, the Planning Commission determined the accessory structure is less than 35' in height, made the required findings for a use permit, and approved the use permit for an accessory structure greater in height than 20'.

NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report, comments received during the public review process and testimony provided in the public hearing, the Board of Supervisors upholds the Planning Commission's approval of Use Permit 23-001/Sherer for an accessory structure greater than 20' and less than 35' in height.

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SECTION TWO: The project is exempt under California Environmental Quality Act (CEQA) Guidelines §15303(e), Class 3, New Construction or Conversion of Small Structures. Garages are specified as small structures in the exemption.

PASSED, APPROVED and ADOPTED this 4th day of April 2023, by the following vote, to wit:

AYES :

NOES :

ABSENT :

ABSTAIN :

Rhonda Duggan, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel

Mono County Community Development Department

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

Planning Division

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

APPEAL APPLICATION

*** In order to be valid,
appeal must be filed **within**
10 days of action date.

APPLICATION # _____	FEE \$ _____
DATE RECEIVED _____	RECEIVED BY _____
RECEIPT # _____	CHECK # _____ (NO CASH)

APPELLANT Alisa Adriani and Blythe Ousterman

ADDRESS P.O. Box 2131 CITY/STATE/ZIP Olympic Valley CA96146

TELEPHONE (530) 412-3070 E-MAIL alisa@tahoedreamteam.com

APPLICATION # BEING APPEALED Use Permit 23-001/Sherer

DATE OF ACTION Feb. 16, 2023 **DATE OF APPEAL** Feb. 27, 2023

NATURE OF APPEAL: Describe what is being appealed. If it is a condition of approval, attach a copy of the project conditions and indicate which conditions are being appealed.

We are appealing the Use Permit 23-001 for a 175% increase in the allowed height, 35 instead of the 20 feet allowed, for an accessory structure at 1273 Swall Meadows Rd. This appeal requests a height of only 20 feet to be allowed. Additionally, the slab height and the dirt pad location need to be verified by a surveyor for any future construction at this site.

REASON FOR APPEAL: Describe why the decision is being appealed.

This is a gross abuse of our general plan and the authority of the Planning Commission. The MCGP does not authorize the PC to grant special favors so far outside of what is allowed by the plan. There is no supporting evidence or reasons to allow an acceptance of almost double the allowed height. This lot has no physical hardship. The applicant has no proposed and permissible use that requires an increase in height beyond what is permitted by the MCGP. There are no other buildings of this sort in Swall Meadows and other people have not been allowed excess heights to this extreme. It hurts neighbors.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Deposit for project processing: See Development Fee Schedule. Project Applicants are responsible costs incurred above deposit amount.

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: legal owner(s) of the subject property, corporate officer(s) empowered to sign for the corporation or authorized legal agent, or other interested party.

DocuSigned by:
Alisa Adriani 02/27/2023
Signature F700A7213183417...

DocuSigned by:
Blythe Ousterman 02/27/2023
Signature A01007932890451... Date

Mono County Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
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2/16/23: The Planning Commission approved Use Permit 23-001 for the accessory structure with a height greater than 20' by a vote of 5-0, and disapproved Expanded Home Occupation Permit 23-001 to store equipment related to the property owners' business and perform basic maintenance on the equipment in the garage by a vote of 3-2 (Commissioners Bush and Roberson dissenting). This redline staff report reflects the Planning Commission's decision.

February 16, 2023

To: Mono County Planning Commission

From: Michael Draper, Principal Planner

Re: Use Permit 23-001 ~~and Expanded Home Occupation Permit 23-001~~/ Sherer

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303(e) and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 23-001 and Expanded Home Occupation Permit 23-001, subject to Conditions of Approval.

OR

4. Find that the required findings cannot be made as contained in the project staff report; and
5. A) Deny the Expanded Home Occupation Permit, or B) Deny Use Permit 23-001 in its entirety, including both the increased height of the accessory unit and the Expanded Home Occupation permit. Staff may request a recess to draft findings based on Planning Commission direction.

PROJECT SETTING

The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014). The property is approximately 0.95 acres and designated Estate Residential (ER). Neighboring parcels to the north, northwest, and west are developed with single-family residences. The properties to the northeast, east, southeast, south and southwest are undeveloped. All surrounding parcels are designated ER, and range in size from approximately 0.8 acres to 3 acres. Construction projects are subject to review by the Wheeler Crest Design Review Committee (WCDRC), established by the Board of Supervisors by Ordinance 91-07. All building permit applications are routed to the WCDRC prior to permit issuance.

Improvement records from the County's Office of the Assessor found a residence was first constructed on the parcel in 1977. In 1994, two parcels were merged, creating the property boundaries existing today. Beginning in 2015, the current property owners/applicants applied for building permits for the property; the first was a demolition permit followed by a permit to complete a remodel. Then in 2020 a permit was issued to replace and enlarge a deck, followed by a permit in 2021 to construct a detached garage. These permits have not passed a final inspection by a County Building Inspector to close the projects.

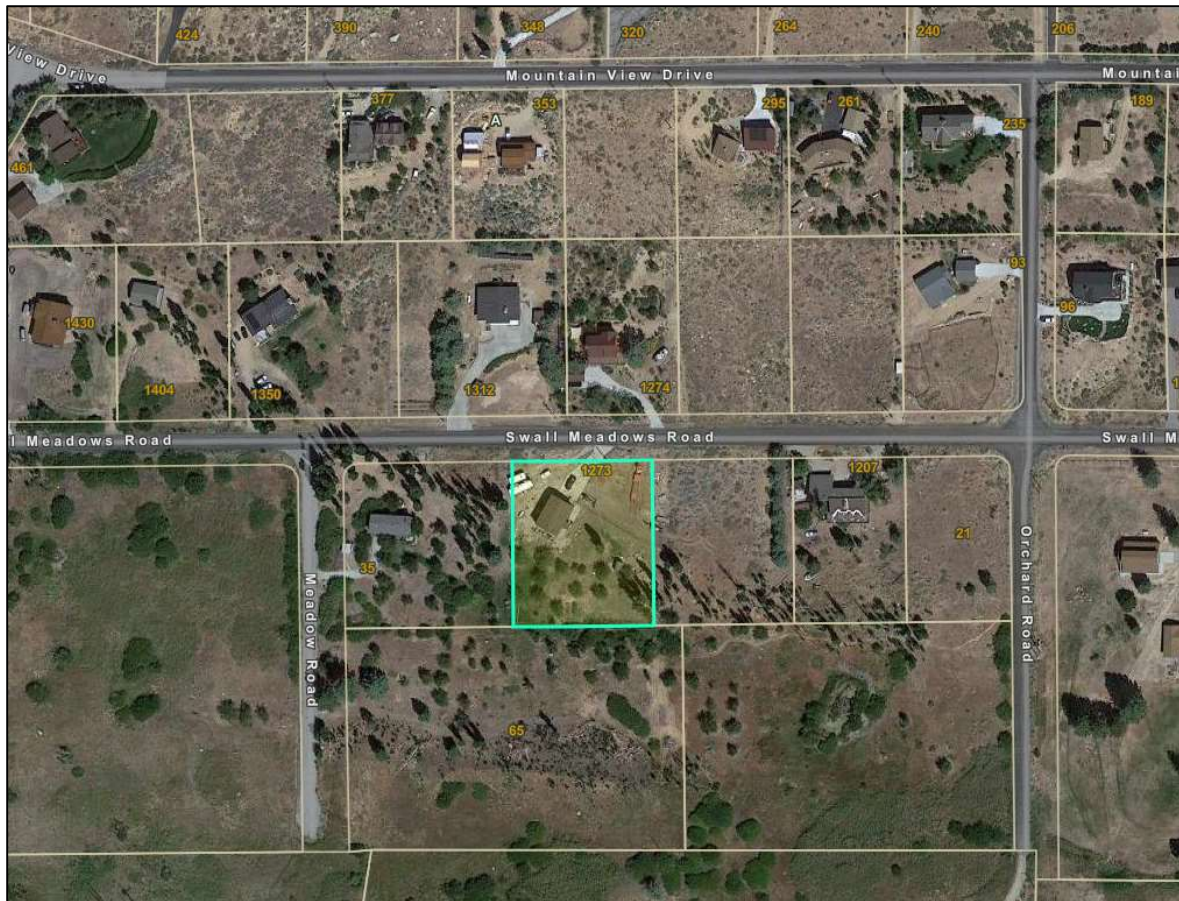


Figure 1. Project location.

PROJECT DESCRIPTION

The property owners/applicants are requesting a Use Permit to exceed the maximum height of 20' for accessory buildings per Mono County General Plan (MCGP) Land Use Element (LUE) Table 04.010, and to conduct an Expanded Home Occupation. The accessory building is a 1,200 square foot (sf) prefabricated kit garage with a proposed height of just under 30' from the finished foundation to roof peak. The garage is prefabricated and constructed on site, therefore the height cannot be lowered without redesigning the structure. A building permit was issued for this structure on 11/12/2021. Community concerns raised during construction caused staff to revisit the approval, and it was discovered that a use permit should have been required to approve a structure height greater than 20'. County Counsel advised staff to require a use permit application to correct the situation.

The property contains a primary residential dwelling, with a foundation up to 2.2' above finished grade and 4'3" above "natural grade". Due to the downslope of the lot, the rear and south portion of the garage footprint needed to be raised approximately one to six feet to provide a level foundation (see Figure 2, and Attachment 1). Per the site plan provided, the foundation will be at an elevation of 982.2'. Natural grade slopes down to site plan elevation of approximately 977' at the rear of the structure, therefore earth needed to be raised to create a mound for the foundation. "Height of building" means the vertical distance from grade to the topmost point of the building, excluding certain minor appurtenances (see Section 04.110 A and B). All height shall be calculated from the natural or finished grade, whichever is more restrictive (MCGP 02.580)

Per Mono County General Plan (MCGP) Table 04.010, Building Height Requirements, accessory buildings are limited to 20', except as may be permitted by a Use Permit. However, MCGP 04.110.B allows for accessory buildings in any residential designation to exceed a maximum height of 20 feet when permitted by the Director. Due to public controversy raised by this project, the application has been elevated to a Use Permit per MCGP 31.010.

~~The applicants run a small business, Eastside Iron, that specializes in emergency response for wildfire suppression, natural disasters, forest restoration, and fuel break construction. The business holds contracts with CalFire, Caltrans, and the U.S. Forest Service for emergency response, and a contract with the U.S. Forest Service Region 5 for forest restoration projects in addition to contracts with the Bureau of Land Management and a local fire district for fire fuel break construction. The business is seasonal and most maintenance work is done in the field when the equipment is working, or at the business property in Inyo County. Equipment is in storage typically for six or more months per year, depending on the fire season and forestry jobs.~~

~~The Expanded Home Occupation permit requested by the applicants is to use the accessory building/garage to store equipment used by their business, and to perform basic or minor repair work such as welding and minor hydraulic repairs. Nothing related to the business will be stored outside of the garage. Business equipment is primarily stored off site at a property in Inyo County, however the owners would like to bring pieces of equipment to their Mono County property. Work on equipment will be fully contained within the garage except for transport of equipment on and off the site. Equipment includes an excavator (John Deere 225D), bulldozer (Case 1650M), water truck (Peterbilt 386), two semi-trucks (CAT and Peterbilt models), two lowboy trailers (Cozad and SPCN models), a travel trailer, and an enclosed trailer. The excavator and bulldozer are transported by one of the semi-trucks on a lowboy trailer. The water truck is mobile. After unloading equipment, the semi-truck and trailer will be transported back to the business's offsite storage location the same day. No heavy equipment will be stored outside of the accessory building/garage.~~

~~All onloading and offloading of equipment will take place on the property, not within the County's right-of-way. A second encroachment for a driveway to the garage is proposed for approval by the Public Works Department. The applicants estimate that in 2022, if the project were permitted, travel to and from the property with a piece of equipment would have taken place 15 times.~~

~~The business will not use any toxic materials that would not normally be found in a typical garage. Tools and items associated with repair work are all personally owned by the applicant, including~~

~~a wire feed welder. Use of the welder will be conducted in an enclosed, safe manner for the duration necessary to make the repair.~~

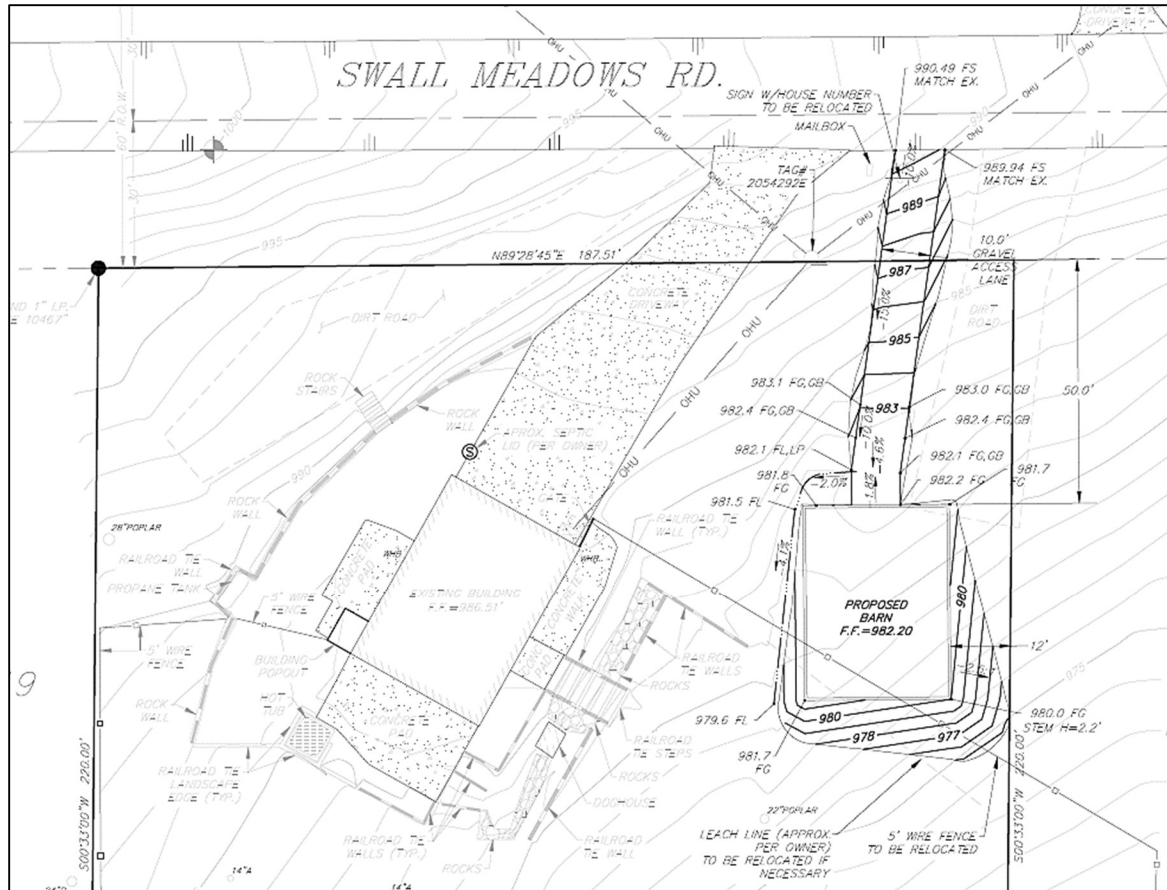


Figure 2. Project site plan.

DISCUSSION

The Community Development Department (CDD) Code Compliance Division received a complaint against the property regarding improper storage of heavy equipment, and heavy equipment use on the property. Code compliance staff conducted a site inspection and found no heavy equipment on the site. Staff provided the owners with instruction on how to apply for a business license and construct a garage to legitimize their operation. In March 2021, the applicant applied for a minor building permit to install the proposed garage on their property, which was granted in Nov. 2021. No indication of the business use was provided. The application was routed to, and approved by, the Wheeler Crest Design Review Committee, who required modifications prior to approval.

Permit inspections began in October 2022, and in December 2022, the CDD received a complaint regarding the structure's height. Upon further inspection, staff found the structure's height exceeded the General Plan design standard of 20' for accessory structures. Heights greater than 20' may be approved through a use permit per Table 04.010. To come into compliance, the applicant applied for the use permit allowing the increased height. Separate from the garage's

height, the applicant expressed the desire to use the garage for purposes related to their existing business and therefore is also applying for an Expanded Home Occupation Permit concurrently with this Use Permit.

GENERAL PLAN CONSISTENCY

The property is 0.95 acres and contains a single-family dwelling, well house, shed, and driveway. The primary use of the property is the residential dwelling, consistent with ER permitted uses. The parcel is less than the minimum parcel size for the ER designation (one acre). The accessory structure/garage, and existing house meet the development standards of ER for setbacks and lot coverage. The ER designation allows for 40% lot coverage. The existing residence, garage, well house, shed and all impervious surfaces total approximately 5,874 sf, or 14% of the lot.

MCGP Table 04.120 lists the minimum yards for ER parcels less than one acre as 50' in the front, 10' on the side, and 10' in the rear. The garage is setback 50' from the front, 12' from the side, and quite a distance from the rear yard, meeting the required setbacks.

MCGP LUE Section 04.110, Building Height, sets forth the following:

A. All buildings and structures hereinafter designed or erected, or existing buildings that may be reconstructed, altered, moved or enlarged, shall have a height no greater than 35 feet from grade measured from any point of the building. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive. See Figure 11.

B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.

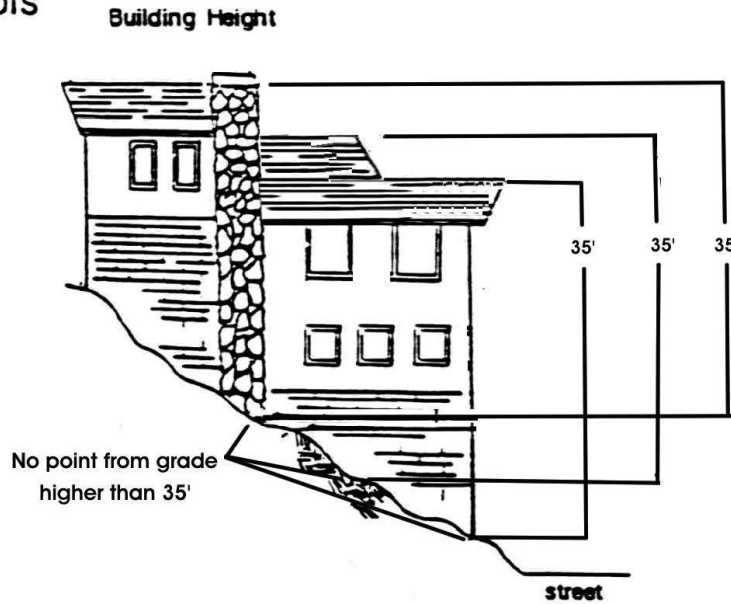
1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics. Accessory Dwelling Units shall be subject to the same standards as the primary unit.

The lowest point of natural grade for the garage is an elevation of approximately 976.5'977' (see Figure 2 above). The finished foundation elevation is approximately 982.2', or a difference of approximately 5'6"4'3" from "natural" grade. The height of the proposed garage is 29'3". If the height is calculated from the elevation of 976.5'977', then the final structure height is 29'3" + 5'6"4'3" = 34'9" 33'6". Calculating the height in this manner may or may not be the intention of Section 04.110.A. and is based on an interpretation that the original grade constitutes the "natural" grade. In a typical building permit plan check, the original grade is not normally determined in order to calculate height, but rather the grade represented in the plan set is used. The concept of a "natural" grade makes more sense when evaluating a structure on a steep slope, such as is depicted in Figure 3 below (which is adopted in the MCGP LUE as Figure 11). If the finished grade is used, which is 2.2' (or 2'23") lower than the finished foundation elevation as described under the Project Description, then the height of the proposed structure is 29'3" + 2'23" = 31'56". Regardless, whether the finished grade or original/natural grade is used to calculate the height, the proposed structure exceeds the 20' permitted outright for accessory structures, triggering a use

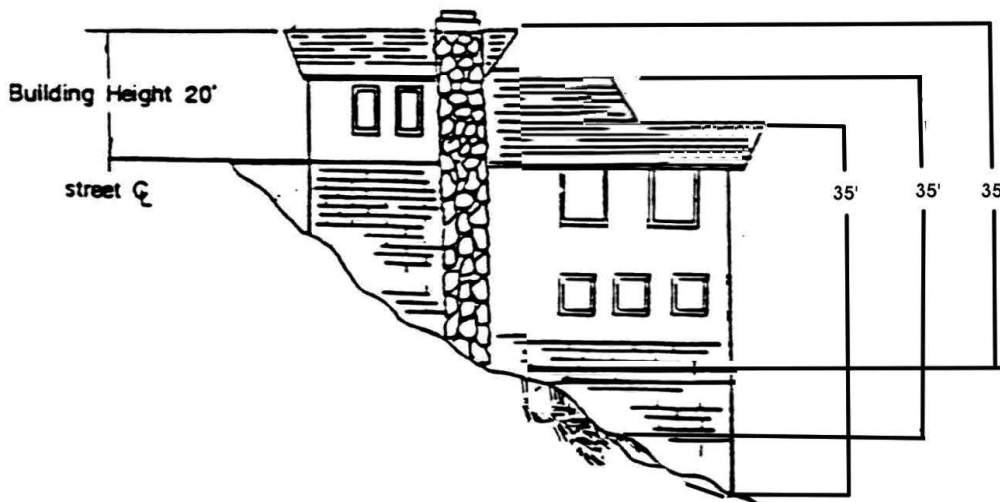
permit for approval, and complies with the 35' height limit for residential structures. By obtaining a use permit, the proposed structure will be compliant with General Plan standards for height. Further, the proposed structure will be similar in height to the existing residence and the Wheeler Crest Design Review Committee approved the design after requiring changes.

Figure 3.

A. UP-SLOPING LOTS



B. DOWN-SLOPING LOTS



~~Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the home occupation standards, listed in Section 04.290 of the MCGP. A Home Occupation must be clearly incidental and secondary to the residential use of the parcel, and must be carried on within on-site structure by inhabitants of the parcel. Modifications to the home occupation criteria may be permitted with an Expanded Home Occupation Permit, approved by the Planning Commission at a public hearing. The Wheeler Crest Area Plan, Action 24.A.3.b, states “general commercial uses are not desired within the residential area, and shall be prohibited.” The proposed project is an accessory commercial use (by definition of Home Occupation), and therefore not a general commercial use.~~

~~This application requires the Expanded Home Occupation Permit because it conflicts with Home Occupation Permit criteria (MCGP 04.290) D, E, and G. The business may produce evidence of its existence in the external appearance of the structure, and may create noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood; the business may generate vehicular traffic; and the business will involve equipment other than that customarily used in dwellings.~~

PUBLIC NOTICING

Public notice was published in the February 4, 2023 edition of The Sheet newspaper, and mailed to property owners within 300’ of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch.46. See Attachment 3. Draft conditions of approval were reviewed by the Land Development Technical Advisory Committee (LDTAC) on February 6, 2023.

COMMENTS RECEIVED

The project was accepted for processing at the January 18, 2023, LDTAC Special meeting. At that time seven total comment letters were received from five total unique commenters. Several comments have been received in response to the public hearing notice and will be addressed during the staff presentation at the Planning Commission meeting.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303~~(d)~~(e).

15303 Class 3. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

This project new construction of an accessory structure (garage), it is categorically exempt from CEQA.

USE PERMIT FINDINGS

MCGP LUE - Section 32.010, Required Findings:

Use permits may be granted by the Planning Commission only when all the following findings can be made in the affirmative:

Accessory structure height.

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The MCGP allows for accessory structures to exceed 20' in height. All residential structures are limited to a maximum height of 35' unless setbacks are increased, in which case one additional foot of height may be added for each foot the setback is increased. The proposed structure is approximately ~~34'9"~~ 35'9" tall as measured from natural grade and the minimum setback of 10' has been increased to 12', allowing an additional 2' of height to a maximum of 37'. The proposed structure complies with height standards. All other applicable development standards of the ER designation are complied with. The building permit application was reviewed and approved by the Wheeler Crest Design Review Committee on March 19, 2021. The accessory structure, a garage, is incidental to the main use of the property as a residential property. The proposed garage is ancillary to the primary dwelling.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

Swall Meadow Road is adequate to accommodate the proposed expanded height of the garage. The parcel is down-sloping from the road, which mitigates the additional height and reduces the visual impact from the road.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

The height of the garage will not be detrimental to the public welfare or injurious to property or improvements in the area. The garage will be similar to a barn, but less than the maximum 40' height of a barn, which is permissible without a planning permit. The topography of the area is down-sloping from street level, and therefore the garage is set lower than the street, mitigating the height.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

The height of an accessory structure in a residential designation may exceed 20' when permitted by a Use permit. The proposed height of the accessory structure, 35'9", will be less than the maximum height allowed for residential development (35', to a

maximum of 45' provided that required side and rear yards are increase one foot in width for each foot of height over 35'). The property contains a primary use consistent with the designation.

~~**EXPANDED HOME OCCUPATION FINDINGS (04.290)**~~

~~An Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:~~

~~1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;~~

~~The proposed use is permissible by the General Plan, per Section 04.290, Home Occupation regulations. The proposed expanded home occupation is incidental to the main residential use and therefore not considered a general commercial use.~~

~~The project meets the Wheeler Crest Policy Objective 24.D. “ensure adequate public services (e.g., fire protection) and infrastructure (e.g., water supply, sewage treatment, utilities) for the area” by providing a fire protection business to retain equipment in the vicinity.~~

~~Alternative~~

~~The project conflicts with Countywide Policy 1.A.5, “Avoid the juxtaposition of incompatible land uses.” The proposed Expanded Home Occupation can be considered inconsistent with the surrounding ER land uses.~~

~~The project conflicts with Wheeler Crest Issues/Opportunities/Constraints #1, “the main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be single family residential development. The proposed Expanded Home Occupation can be considered inconsistent with the surrounding single family residential development.~~

~~The project conflicts with Wheeler Crest Policies, including:~~

~~**Objective 24.A.** Prevent incompatible or conflicting uses within the Wheeler Crest community.~~

~~**Action 24.A.1.d.** Consider, and mitigate, the cumulative impact of any new development prior to project approval.~~

~~**Policy 24.A.3.** Retain the rural residential character of the entire study area.~~

~~2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;~~

~~The proposed use is permissible by the General Plan, per Section 04.290, Home Occupation regulations. The intent of the ER land use designation is to permit large lot, single family dwelling units with ancillary rural uses in areas adjacent to developed~~

~~communities. Small scale agriculture is permitted. Limited maintenance of heavy equipment is an ancillary rural use and, in particular, this operation supports fire mitigation efforts. Many areas of the county have properties that store or use large vehicles up to loaders for various uses onsite.~~

Alternative:

~~The proposed Expanded Home Occupation is not compatible with the intent of the Estate Residential designation because it involves the transportation of heavy machinery.~~

~~3. That the use is capable of meeting the standards and requirements of that designation; and
The proposed Expanded Home Occupation is capable of meeting standards and requirements of the ER designation. The property contains a primary use (single family residence), and the proposal is ancillary to the residential use of the property. Development standards including height, setbacks and lot coverage are met.~~

~~4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.~~

~~The use will be entirely indoors with the exception of transporting heavy equipment via a semi-truck and lowboy trailer. The use is conditioned such that impacts of noise are mitigate to protect the general welfare of the community. The use is not more obnoxious than uses listed within the designation, such as clearing of snow with a large loader for a single family residence (an outright permitted use) or large recreational vehicles (RVs) that may be using a mobile home park (subject to use permit).~~

Alternatively:

~~Transporting heavy machinery by semi-truck and trailer creates significantly more noise and traffic than any uses under the ER land use designation, which will be more obnoxious than to the general welfare of residents in this residential area.~~

This staff report was reviewed by the Community Development Director.

Attachments

Attachment 1 – Site Plan, design components, and site photographs.

Attachment 2 – Expanded Home Occupation statement.

Attachment 3 – Combined Mailer

Attachment 4 – Comments

MONO COUNTY

Planning Commission

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UP 23-001 **APPLICANT:** Lindsey and Chris Sherer
EXPANDED HOME OCCUPATION PERMIT: EHO 23-001

ASSESSOR PARCEL NUMBER: 064-140-014

PROJECT TITLE: Use Permit 23-001 ~~and Expanded Home Occupation Permit 23-001~~/Sherer

PROJECT LOCATION: 1273 Swall Meadows Road

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission the Planning Commission decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

DATE OF DECISION/USE PERMIT APPROVAL: February 16, 2023

EFFECTIVE DATE USE PERMIT: February 26, 2023

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

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

Dated: February 16, 2023

MONO COUNTY PLANNING COMMISSION

CC: X Applicant
 X Public Works
 X Building
 X Compliance

CONDITIONS OF APPROVAL

Use Permit 23-001 & ~~Expanded Home Occupation Permit 23-001~~/Sherer

Expanded Home Occupation

- ~~1) The Expanded Home Occupation is limited in scope as to the statement provided by the applicant, contained in Attachment 2 of this report.~~
- ~~2) Delivery of equipment to the site, and pick up of equipment from the site, in relation to the Expanded Home Occupation shall only occur during day light hours.~~
- ~~3) The Expanded Home Occupation shall comply with Mono County Code Chapter 10.16, Noise Regulation. Daytime noise level may not exceed 55 dBA between 7:00 am—9:59 pm, and nighttime noise level may not exceed 50 dBA between 10:00 pm—6:59 am.~~
- ~~4) The Expanded Home Occupation use shall take place entirely within the garage, with the exception of transporting equipment in and out of the garage.~~
- ~~5) The Expanded Home Occupation shall be carried on by members of the family occupying the dwelling, with no other persons employed;~~
- ~~6) The general public shall not be invited onto the site to take part in the Expanded Home Occupation.~~
- ~~7) The County's right of way on Swall Meadows Road shall be kept clear and free from any components of the Expanded Home Occupation.~~
- ~~8) No steel tracked equipment shall be loaded, unloaded or operate within the County's right-of-way.~~

Conditions for both projects.

- ~~9)1)~~ The property owner shall maintain defensible space around all structures on the property.
- ~~10)2)~~ Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- ~~11)3)~~ Project is required to comply with any requirements of the Wheeler Crest Fire Protection District.
- ~~12)4)~~ Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
- ~~13)5)~~ If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
- ~~14)6)~~ Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.7)

~~15~~7) Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:

- A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
- B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
- C. No extension is granted as provided in Section 31.080.

~~16~~8) Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

~~17~~9) Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

Lindsey & Chris Sherer
1273 Swall Meadows Rd
Design Proposals/Pallet.

Rock siding 4ft up from the bottom around entire building. This rock siding matches the surrounding rock walls on our property. We would also apply this to the main house so they match.



French Country Villa® - Verona

Color scheme and rock siding similar to the below two pictures. Brown roof, black trim, cream walls. The cream colored walls will be the same color as the cream trim on our house.

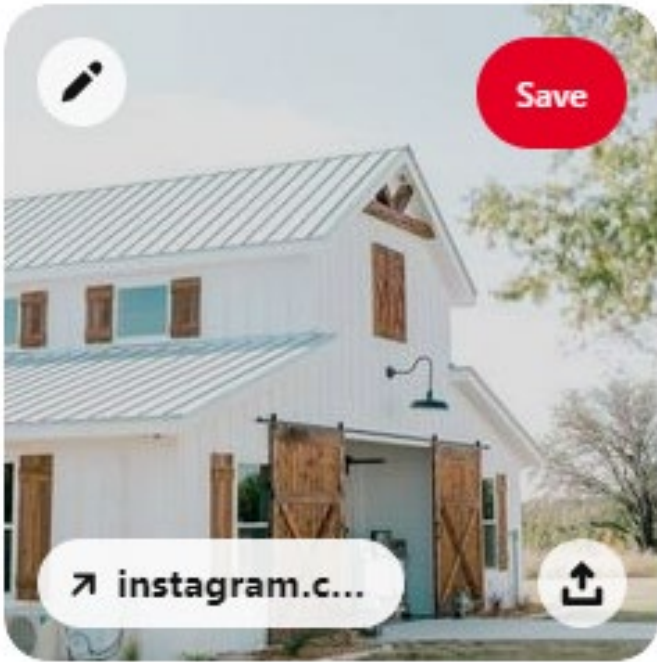




Shape of building and the rock siding will be similar to below.



Cedar shutters and hayloft door over garage door similar to the below picture. These shutters would also match what is on our house. The light over the garage door would also be similar to the below picture, which is what is over each garage door on our house now.



Below is the garage door we ordered from Martin Garage Doors in the Walnut Wood Grain color. The design matches the garage doors on the main house and the color will match the cedar shutters.

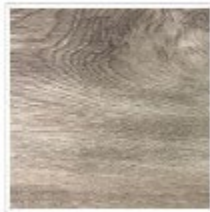
Steel Wood Grain (10)



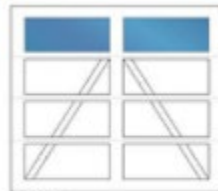
ASH



WALNUT



WEATHERED
GREY



112A









Michael Draper

From: Lindsey Sherer <lindsey.sherer@yahoo.com>
Sent: Friday, January 6, 2023 3:09 PM
To: Michael Draper
Cc: Wendy Sugimura
Subject: 1273 Swall Meadows Rd, Bishop, CA - Expanded Home Occupation Permit

[EXTERNAL EMAIL]

Hi Michael,

I would like to apply for an Expanded Home Occupation Permit simultaneously with my Use Permit. The Expanded Home Occupation Permit would be for Eastside Iron Co. ("Business") of which I am a co-owner. Please see the below details in support of this request:

- 1.) The Business is based Inyo County.
- 2.) We are a Certified Owned Small Business, a Certified Woman owned Business, and both CA and Federally Certified Veteran owned business.
- 3.) All Business equipment is stored in Inyo County.
- 4.) The Business specializes in:
 - a. Emergency response for wildfire suppression and other natural disasters.
 - b. Forest restoration and fuel break construction.
- 5.) Eastside Iron is the only company of its kind in Inyo and Mono Counties. The Business has contracts with CalFire, CalTrans, and the USFS for emergency response and holds the USFS Region 5 BPA contract for forest restoration projects. We also have contracts with BLM and a local fire district for fire fuel break construction starting in 2023. In addition, we are in discussions with Wheeler Crest Fire Department for it to contract our equipment to use on standby for red flag scenarios.
- 6.) Eastside Iron is currently in the process of bidding on projects with the White Bark Institute, National Forest Foundation and the USFS to perform work on the Donut Project in Mono County and other similar projects on the Inyo National Forest.

The nature of the Business dictates that primary operations occur entirely offsite. In a nutshell, the Business is providing equipment and operators to third party agencies to support fire suppression, disaster mitigation, and forest restoration; use of heavy equipment in this capacity will not occur on the property.

To support operations, from time to time, we would like to be able to bring a piece of our equipment into the garage located on our property to perform basic or minor repair work that cannot be done outside such as welding and minor hydraulic repairs. If this happens, the repair work would be fully contained within the garage. The garage is the only building onsite associated with the Business and where any such repair work would be performed. This scenario would be strictly limited to minor repairs as we do not have the capability or tools necessary to perform any complex or major repairs. If any piece of equipment needs major repairs, it is sent to Peterbilt in Bakersfield, CASE & John Deere in Fresno or Reno, or other major repair shops located outside of Inyo and Mono Counties.

Below are further details:

- All of the tools at our residence are personally owned and will be fully contained within the garage.
- No Business equipment will be stored on our property.
- Customers or pedestrians will not be visiting the property.
- We will not be storing or working with any hazardous materials.
- My husband is the only employee of the company that will perform the work onsite and occupies the residence.
- The Business would produce little to no evidence of its existence in the external appearance of the dwelling or premises. The only building associated with operations is the garage, which will be fully enclosed, with no associated signage. All minor repair work will be performed within the four walls of the garage with the door closed. The only potential evidence of business operations would be the sound of back-up monitor alarms while loading or unloading the equipment, which is a safety mechanism required by law. This can be done exceptionally quick and would be similar to that of the trash trucks, large delivery trucks, propane companies etc., all of which are in Swall Meadows on a daily basis at any given time. The number of times this would occur each year would also be extremely minimal as it is not anticipated that repairs would occur with any frequency. **The primary intended use of the space is personal use.**

Please let me know if there is anything else I can provide. This Business is a vital part of our community and has helped fill voids and gaps in crucial services. Per the article [HERE](#) in the Mammoth Times, these types of services are of utmost importance to Mono County and the Inyo National Forest.

Thank you,

Lindsey

From: [Lindsey Sherer](#)
To: [Michael Draper](#)
Subject: Re: Exp. Home Occ
Date: Friday, January 27, 2023 12:58:24 PM

[EXTERNAL EMAIL]

Hi Michael,

We won't be storing anything on our property. If we need to work on something, it would be dropped off and put inside the garage and then the transport vehicle would be taken back to our offsite storage location same day.

If our garage was built last year and we had this Expanded Home Occupation Permit in place, we would have traveled to and from the property with a piece of equipment less than 15 times. Our business is seasonal and most of the maintenance work is done in the field when the equipment is working or at our storage site in-between assignments. Our equipment sits in storage for 6+ months per year depending on fire season and forestry jobs. For example, our equipment has been in storage since Sept. 17, 2022. Does that answer it? The list below is what we currently have:

- Excavator - John Deer 225D
- Bulldozer - Case 1650M
- Water Truck - Peterbilt 386
- Semi Truck - CAT
- Semi Truck - Peterbilt
- Low Boy Trailer - Cozad
- Low Boy Trailer - SPCN
- Travel Trailer
- Enclosed Trailer

Thanks, Lindsey

On Thursday, January 26, 2023 at 05:05:03 PM PST, Michael Draper <mdraper@mono.ca.gov> wrote:

Hi Lindsey,

Could you provide a list of vehicles that would be stored on the property a part of the Expanded Home Occupation application, and how vehicles would be transported to/from the site?

I'd just like to confirm my notes taken at the LDTAC meeting. I have equipment being an excavator (John Deer 225D), bulldozer (Case 1650M), and water truck (Peterbilt 386). The excavator and bulldozer are transported by a semi-truck with a low-deck trailer. All onloading and offloading of equipment will take place on the property, not within the County's right-of-way.

Thanks!

Michael Draper

MONO COUNTY PLANNING COMMISSION

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

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

February 1, 2023

To: The Sheet
From: Michael Draper, Principal Planner
Re: Legal Notice for **February 4th** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **February 16, 2023**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/85741674555> and by telephone at: 669-900-6833 (Meeting ID# is 857 4167 4555) and by telephone at 669-900-6833 (Meeting ID# 817 2846 9252) or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment and to consider the following: **9:30 am – Use Permit 23-001/Sherer**. The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014) and proposes an accessory structure/garage greater than 20' in height, and an Expanded Home Occupation. The proposed accessory structure/garage will have a height less than 30'. The Expanded Home Occupation will allow the applicants to complete maintenance work on heavy equipment related to the applicants' existing business, Eastside Iron Co. All work will be completed within the accessory structure/garage. Heavy equipment will not be used at the project site, other than for the purpose of moving equipment into and out of the accessory structure. The property is designated Estate Residential and is 0.95 acres. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, by **8 am on Thursday, February 16, 2023**, or via the livecast meeting (technology permitting) at the time of the public hearing. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Community Development Department

Planning Division

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

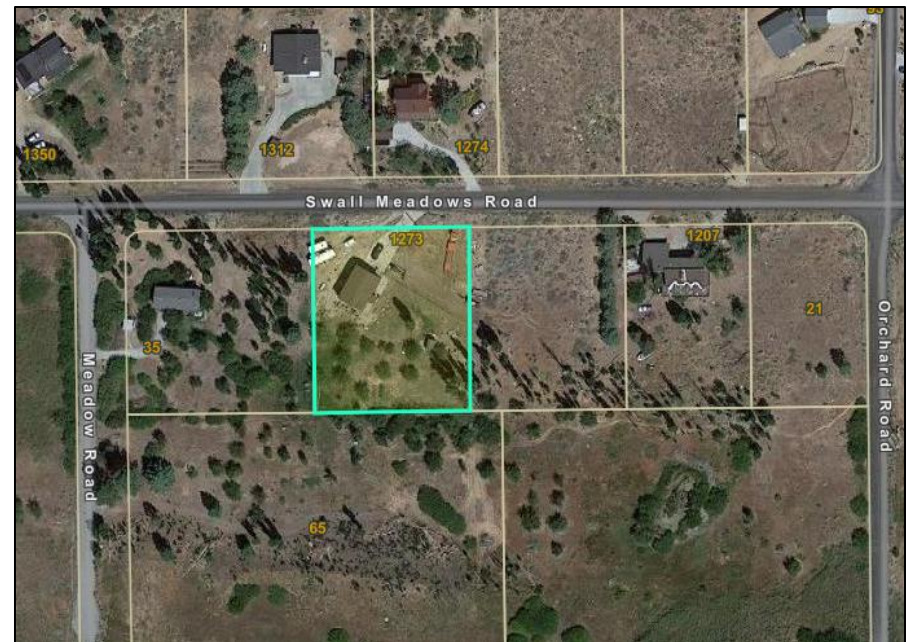
P.O. Box 8
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Michael Draper, Planning Analyst
P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1805, mdraper@mono.ca.gov



Project site: 1273 Swall Meadows Road

Mono County Community Development Dept.
PO Box 347
Mammoth Lakes, CA 93546

Attachment 4: Public Comments

Heidi Willson

From: Terry Lee <terryleed150@gmail.com>
Sent: Tuesday, February 7, 2023 5:35 PM
To: CDD Comments
Subject: Project site: 1273 Swall Meadows Road

[You don't often get email from terryleed150@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL EMAIL]

I live at 1312 Swall Meadows Road, directly across the road from the Project site. I bought my property in 1998 and have lived here full-time ever since then. I have absolutely no opposition to the garage structure that is the subject of this comment and I fully support the efforts of the Sherers to complete and have the full use of it.

When the Sherers bought the property, it was in sad shape. They totally gutted the house and did a complete remodel. The property has been cleaned up and landscaped. They put in a pond that is a ready source of water for fighting wildfires here in Swall Meadows. I am certain that these improvements have raised the property values of neighboring properties.

Chris Sherer is one of those bulldozer operators who cuts fire lines around forest fires not only to save the forests but also to protect homes and other structures that may be threatened as well as the people who live there. During the forest fire season he is often gone for weeks at a time.

The Sherers have always been considerate and helpful neighbors, just the kind of people that I am grateful live here.

I strongly urge the County approve the completion of their garage structure.

Please feel free to contact me if you have any questions at (760) 387-0045 or (760) 920-0090.

Heidi Willson

From: Karen Marshall <shootingstarranch44@gmail.com>
Sent: Wednesday, February 8, 2023 3:19 PM
To: CDD Comments
Subject: Regarding Use Permit 23-001/Sherer

You don't often get email from shootingstarranch44@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

To: Mono County Planning Commission

I live directly across the street from the Sherer family at 1274 Swall Meadows Road and would like to tell the Commission that I have no issues with the building of a garage on the Sherer property or the issuing of an Expanded Home Occupation permit. The Sherers came to me perhaps a year and a half ago to discuss their plans with me, as their new garage would fall within my view. We sat on my front porch to imagine the impact it might have on my overall view, which I thought would be (and turns out to be) quite minimal. They told me how they were planning to make the garage blend into the property with rock trim and tree plantings and that it would be a cream color with shutters and lighting to match their house, not an ugly utility building. They were so excited about improving their property. I think it was admirable of them to even consider my feelings! I believe that a property owner should be allowed to do what they want on their property as long as it meets code. The Sherers have been working on this project for several years, going through all the required steps and were well underway with construction when complaints were brought up that stopped their project mid build. This is a shame and should be rectified by the Planning Division. If my opinion matters, even though this really shouldn't be about opinions at this point in the process, I restate that I have no issues with the building or permit in question. Please contact me should you need further information from me.

Respectfully submitted via email as public comment, as I am unable to attend the Public Hearing.

Karen Marshall
760-878-8981

ELDON D. SHIFFMAN
93 Orchard Rd
Swall Meadows, CA 93514
760 8788293
edshiffman11@gmail.com

February 6, 2023

VIA EMAIL

Planning Commission Secretary
Mono County Planning Department
P.O. Box 347
Mammoth Lakes, CA 93546

Re: Use Permit 23-001/Sherer

Dear Planning Commission,

My wife and I support the building project referenced above based on the following facts.

1. There are several other tall barn like buildings already in “upper Swall” including Wilsons old barn building across from my home as well as the fire station on Willow Rd. At the top of the development is a home with a three story enclosed turret structure. I have heard no objections to any of these buildings.
2. The barn under construction is across the street from my property, one lot up. It is not objectionable to us and the proposed color scheme and rock work will blend in well with the area. From our view looking up at it, the roofline of the structure and the home are about equal in height. The remodel efforts to the home to date have changed a poorly maintained, mouse invested house into an attractive residence that has improved the neighborhood.
3. The primary importance we support the project is the aspect of the extreme fire hazard that exists in the community. I first became involved in the fire service in 1980 and have spent 13 years on the Wheeler Crest Fire Department. We live under the constant threat of a fire coming into the community as in the Round Fire that consumed 39 homes in 2015 and the Rock Fire that came up to the north end of the community the following year. The quicker personnel and equipment can respond to the fire scene, the more likely the fire can be contained and homes saved. The presence of this structure housing equipment in the neighborhood is a benefit to all of the residents.

As the influx of new part time residents to the community increases over time, there is the associated changes in attitudes and values. A healthy community needs full time residents who are willing to live and work in the community and raise a family here, not just pop in from time to time, complain about things they want to change, and leave again for months at a time. I encourage the people objecting to this building to participate more in the community, join the fire department or fire safe council, maybe help people who need help when we get five feet of snow in a week. There are few experiences like being surrounded by flames threatening homes in a community or retrieving people from car wrecks on the grade at two AM in a snow storm to change your focus on what is really important. From our standpoint, the applicant can keep his equipment in the structure full time. That will help him respond to fires more quickly and efficiently.

Sincerely,

Eldon D. Shiffman

13 Feb. 2023

RE: Use Permit 23-001 Sherer

Mono County Planning Commission has stated the project use permit 23-001-Sherer (heavy equipment repair garage for Eastside Iron) qualifies as a categorical exemption under CEQA guideline 15303(d).

Categorical exemptions are considered not to have potential impacts on the environment. According to the National Park Service, noise pollution has an enormous environmental impact and does serious damage to wildlife. Experts say noise pollution can interfere with breeding cycles and rearing and hastening the extinction of some species.

A heavy equipment repair garage for Eastside Iron does have an environmental impact and a categorical exemption does not apply. The Mono County Community Development/Planning Division, in the 16 Conditions of Approval for the use permit 23-001, requiring the applicant to conform to the Mono County Noise regulations: Code Chapter 10.16, Noise Regulation= Daytime noise level not to exceed 55 dB(A), nighttime 50 dB(A). This is not attainable for a heavy equipment garage. See dB(A) list below;

#1. Tractor trailer hauling 44,000 lb D7 CAT 100 dB(A)s

#2. D7 CAT off loading, moving to repair facility 75dB(A), returning to and loading onto trailer 75dB(A)

#3. Hydraulic repair as stated by applicant would require operation of the unit= 75 dB(A). If a hydraulic leak is in the steering system, it will require operation of the unit and movement of the unit after for repair checks= 75 dB(A)

#4. Welding as mentioned by applicant;

a. TIG up to 75 dB(A)

b. MMA 85-95 dB(A)

c. MIG 95-102dB(A)

d. Plasma Cutting-98-105 dB(A)

e. Delagging/chipping 105 dB(A)

f. Grinding- 95-105 dB(A)

#5. Normal repairs;

Just to remove 4 2" nuts that haven't been removed for years requires an industrial, heavy duty, 1 1/2" square drive impact wrench.

IMPACT SOUND LEVEL 101 dB(A)

Of course, it would have to be ATEX Certified for hazardous locations, hydraulic oil is extremely flammable.

The only time this heavy equipment repair facility could meet the Mono County noise regulations (55-50 dB(A)) would be lunch and bedtime.

As stated in the legal section of a local newspaper, the project qualifies as a categorical exemption under CEQA guideline 15303(d).

CEQA 15303(d): "Watermain sewage, electrical, gas and other utility extensions including street improvements or reasonable length to serve such construction."...

... there have been no road improvements as stated above to support the weight of a loaded 80,000 lb (4 ton) tractor trailer. Has the Planning Dept. Dispatched the Mono County Road Engineers to verify Swall Meadows Road can support an 80,000 lb 18 wheeler, this is equivalent to 9,600 cars?

I am not sure that the old US395 (constructed in 1939) could even support this enormous weight without degradation. The road technology in 1939 required many switchbacks to get up Sherwin Grade that were not designed for a 40' tractor trailer, making it impossible to remain on the correct side of the road while making these turns. An avoidable dangerous situation.

There are no stipulations in the Conditions of Approval by CDD/Planning regarding how many times a delivery or pick up can be made per day.

Applicant states that school buses, trash trucks, propane trucks, etc. Travel these roads on a daily basis. All the previous are for the benefit of the community. Applicants 18 wheeler, delivering a D7 CAT for repair, is for the benefit and profit of the Eastside Iron business.

Submitted by:

Jim Browning

377 Mountain View Dr

Swall Meadows CA 93514

From: [Karen](#)
To: [CDD Comments](#)
Subject: Comment: UP23-001/Sherer, Application for an Expanded Home Occupation Permit
Date: Tuesday, February 14, 2023 11:04:16 AM

You don't often get email from easternsierra.kfi@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

We are writing to request that the Mono County Planning Commission uphold the goals of the Swall Meadows Area Plan to retain, as nearly as possible, the character and quality of life presently enjoyed in the community. Expanded commercial uses would not be consistent with the current quiet residential nature of Swall Meadows.

We view our zoning and Area Plan like a contract with Mono County. Residents making a significant investment in property rely on Mono County to uphold zoning so that property values are maintained and quality of life is preserved. Setting precedents by making exceptions to zoning should be very carefully evaluated to ensure fairness and reliability.

Thank you for your attention to our comments and concerns.

Karen Ferrell-Ingram
Stephen Ingram
140 Willow Road
Swall Meadows, CA 93514

Heidi Willson

From: Blythe Ousterman <blythee@earthlink.net>
Sent: Monday, February 13, 2023 4:26 PM
To: CDD Comments
Cc: Blythe Ousterman
Subject: Letter from Swall Landowner about the Sherer Accessory Unit

You don't often get email from blythee@earthlink.net. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Mono County Planning Commission,

I am writing to strongly object to and to yes protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"

2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director. 1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.

3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment,

as it enters and exits the enormous garage. As noted above, this area is zoned for “single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner’s business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? *Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity. My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.*

Many of us in Swall Meadows would love the opportunity to create businesses on our land, to execute our professions from home. I am an art teacher. Should I be able to build an art school on my lot? Perhaps there’s a great cook in the neighborhood who would like to start a restaurant. Would that fly with the Planning Commission? I would guess not.

The Planning Commision only has authority to permit that which is in the General Plan. With very rare exceptions, neither a 30 foot building nor commercial business allowances are allowed in the General Plan.

In sum, it’s neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it’s tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,
Blythe Ousterman

Heidi Willson

From: Charles Tucker <ctuckernh@hotmail.com>
Sent: Sunday, February 12, 2023 2:41 PM
To: CDD Comments
Subject: Sherer/East Side Construction application

You don't often get email from ctuckernh@hotmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

I am a resident of Swall Meadows.

The height issue of the accessory building: IF indeed the height's exceeding what is permitted is the fault of the County, as is being represented, then the County should reimburse the applicant the cost of reforming the structure to conform with the rules.

The use: The use permit goes with the land, not the owners, and as much as I believe the applicant's representations that their use will be minor, that will not necessarily be true going forward over the years. Swall Meadows has no outdoor commercial/industrial uses as far as I know. Keep in mind the fable of allowing the nose of the camel into the tent, once the nose is in, it is very hard to keep the remainder from following. This permit would be cited as precedent by others wanting to change the residential character of Swall Meadows for their convenience.

Both applications ought to be denied, with the County picking up the tab for its mistake in allowing the over height part of the structure.

Charles F. Tucker, 52 Pinon Drive, Swall Meadows

From: Blythe Ousterman <blythee@earthlink.net>

Sent: Monday, February 13, 2023 5:14 PM

To: Michael Draper <mdraper@mono.ca.gov>

Subject: Re: I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

[EXTERNAL EMAIL]

Yes, that would be great.

On Feb 13, 2023, at 5:03 PM, Michael Draper <mdraper@mono.ca.gov> wrote:

Hello Mr. Ousterman,

Would you like your comment to be transmitted to the Planning Commission?

I do not have the ability to change the General Plan noticing requirements, however the Planning Commission or Board of Supervisors may direct staff to make the change.

Thank you,
Michael Draper

From: Blythe Ousterman <blythee@earthlink.net>

Sent: Monday, February 13, 2023 5:01 PM

To: Michael Draper <mdraper@mono.ca.gov>

Subject: Re: I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

You don't often get email from blythee@earthlink.net. [Learn why this is important](#)

[EXTERNAL EMAIL]

Mr. Draper,

In all the counties where I've lived, throughout the CA bay area, notifications are given to adjacent property owners right when a permit is pulled. I urge you and Mono County to consider doing the same.

Many thanks,

Blythe Ousterman

On Feb 13, 2023, at 4:53 PM, Michael Draper <mdraper@mono.ca.gov> wrote:

Hello Mr. Ousterman,

Notices were sent to property owners within 300' of the project site at least 10-days prior to the hearing, as required by Chapter 32 and Chapter 46 of the Land Use Element of the Mono County General Plan. A notice was mailed to the address we have on-file for you, 1666 Center Road #A, Novato, CA 94947.

We do not notice property owners when we receive an application, only when a public hearing is scheduled for a project. Also, this project has yet to be decided on; the Planning Commission will hold a public hearing this week on Thursday to decide the outcome.

Please feel free to contact me with any questions, or to submit comments on the project that you would like transmitted to the Commission. The public will also have the opportunity to speak during the hearing.

Thank you,

Michael Draper
Mono County Principal Planner
PO Box 347
Mammoth Lakes, CA 93546
760-924-1805

From: Blythe Ousterman <blythee@earthlink.net>
Sent: Monday, February 13, 2023 4:45 PM
To: Michael Draper <mdraper@mono.ca.gov>
Subject: I heard not a word from you until two weeks ago when the Public Hearing flyer was mailed

You don't often get email from blythee@earthlink.net. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Mr. Draper,

My name is Blythe Ousterman and my property lies adjacent to that of the Sherer's, right where their new steel structure resides.

I find it outrageous that I wasn't notified of the permit having been applied for/granted or the structure having been framed and partially filled in **until two weeks ago**, when you sent out the flier

for the public hearing this week. This building, 12 feet from the property line, has a severe and dramatic effect on my property.

I am incredulous that local government could be so entirely remiss. It especially hurts after having paid Mono County taxes for almost 20 years.

Sincerely,
Blythe Ousterman
owner lot #21, Swall Meadows

From: Emily Fox <efox@mono.ca.gov>

Sent: Tuesday, February 14, 2023 11:49 AM

To: Bob Paull <robert.c.paull@gmail.com>; CDD Comments <cddcomments@mono.ca.gov>

Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amy Motroni <amy.pete@sbcglobal.net>; Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>

Subject: RE: Opposition to the Sherer Use Permit

Hi Robert—

Your comments and the comment from Blythe Ousterman will be part of the record before the Planning Commission on this use permit application for the hearing on Thursday.

Staff will show at the Planning Commission meeting on Thursday the map of the 300' radius of the project site and how it was determined who would receive notice. All property owners within that 300' radius received notice.

As to publication: The Sheet in Mammoth is a newspaper of general circulation as we are required to publish notice in pursuant to Government Code 6000 et seq. Though Swall Meadows is near to Bishop and Inyo, the County has an obligation to post notices in an adjudicated newspaper of general circulation published from within the jurisdiction of Mono County. Publication in The Sheet satisfies the requirements the County has to comply with.

Thanks,
Emily

From: Bob Paull <robert.c.paull@gmail.com>

Sent: Tuesday, February 14, 2023 11:05 AM

To: Emily Fox <efox@mono.ca.gov>; CDD Comments <cddcomments@mono.ca.gov>

Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amy Motroni

<amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>)
<hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman
<blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>;
vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>

Subject: Opposition to the Sherer Use Permit

[EXTERNAL EMAIL]

Dear Emily Fox and the Planning Commission -

Thank you Emily for your prompt email reply. I'm sure you and the Planning Commission are well aware that Swall Meadows is at the edge of Mono County and has a Bishop address. Inyo County even has sent some of us requests to serve on jury duty. I'm curious about how available the information about this permit and the Planning Commission meeting really has been. What newspaper is the newspaper of record? You do not state that in your email. How far would someone in Swall Meadows have to drive just to get a copy? How would we even know to anticipate the notice? Is the paper a daily paper? I know you can tell from some of the comments from neighbors who live within 300' that everyone within 300' of the proposed use permit was not properly notified either.

I have attached below a copy of Blythe Ousterman's thoughtfully crafted email opposing this permit. That email clearly states the details of what many of us see as how the permit does not comply with the master plan.

Please know that my wife and I are opposed to this project and do not see it conforms to the master plan for Swall Meadows.

Know that if there have been errors in understanding the nature of this project before, they are not a valid reason to approve the requested permit or the building now.

Robert C. Paull
769 Mountain View Drive

On Feb 13, 2023, at 2:35 PM, Emily Fox <efox@mono.ca.gov> wrote:

Hi Robert—

Your email will be noted as a comment for the Planning Commission. Written comments are accepted by the Planning Commission as described in both the notice sent to nearby property owners and in the public notice posted in the newspaper. You can find a copy of that notice with the instructions for submission of written comments at page 66 of the Planning Commission Agenda Packet. They may be sent via email to cddcomments@mono.ca.gov before 8am on Thursday, February 16.

The time for the Sherer Use Permit to be heard is listed in both notices and on the

agenda. If you have other comments or suggestions about how notices should be made in excess of what is required statute and the General Plan, you are welcome to make those suggestions to the Planning Commission during the public comment period.

Thanks,
Emily

From: Bob Paull <robert.c.paull@gmail.com>
Sent: Monday, February 13, 2023 2:19 PM
To: Emily Fox <efox@mono.ca.gov>
Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>
Subject: Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

You don't often get email from robert.c.paull@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Emily:

The fact that one has to read the agenda to find out what time the Sherer Use Permit is scheduled to actually know what time the Permit will be reviewed and that it is not in the actual announcement is in itself a conflict. If the Planning Commission wants to serve the entire community and not just the person or persons requesting the Use Permit, they would make an effort to be more transparent, particularly when the Commission surely already recognizes that there is a lot of concern in the community about this project. Even if the announcement is in keeping with the posting requirements, it would be more on keeping with building strong communities, if there was more consistent effort to keep the spirit of the requirements.

I would also hope there would be some explanation about the discrepancy between perceived height of the building. Is it more than 30 feet about the ground when one includes distance the slab is about the ground or if the building is over 30 feet per the Triad Holmes topographic survey dated August 2021? Please tell the community.

It would also be helpful if written comments were being accepted and there was information about how to do that in the announcement.

Thank you.

Robert Paull
769 Mountain View Drive

Dear Planning Commission,

I am writing to strongly object to and to yes protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"
2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director. 1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.
3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment, as it enters and exits the enormous garage. As noted above, this area is zoned for "single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner's business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity. My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.

In sum, it's neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish

both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. And what kind of precedent will this set for permits in the future? Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it's tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,
Blythe Ousterman

On Feb 13, 2023, at 11:23 AM, Alisa <alisa@tahoedreamteam.com> wrote:

From: Emily Fox <efox@mono.ca.gov>
Sent: Monday, February 13, 2023 11:10 AM
To: Alisa <alisa@tahoedreamteam.com>; Rhonda Duggan <rduggan@mono.ca.gov>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com
Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Alisa,

There is no time discrepancy between the posted materials and the mailed notice. As you can see in the agenda, attached, another use permit

is scheduled for a public hearing at 9am prior to the Sherer Use Permit. That hearing is set to open at or after 9:00am. The Sherer Use Permit hearing can only begin at or after the time listed on the agenda, which means it will be heard at or after 9:30am. That is why the mailed notice specific to the Sherer Use Permit lists 9:30am—to reflect the time at or after which interested members of the public should join the Planning Commission for that item. The emailed notice below reflects the start of the Planning Commission meeting as a whole, including the other public hearing.

The hearing on the Sherer's use permit has been noticed in accordance with public hearing requirements. Notice has been given to nearby property owners in accordance with the Mono County General Plan. This is an application for a use permit for an accessory structure and an expanded home occupation, not for a change in use designation to industrial.

Thanks,
Emily

From: Alisa <alisa@tahoedreamteam.com>
Sent: Monday, February 13, 2023 10:48 AM
To: Rhonda Duggan <rduggan@mono.ca.gov>; Emily Fox <efox@mono.ca.gov>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com
Subject: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

[EXTERNAL EMAIL]

There is a time discrepancy on the notice mailed out for the Planning Commission meeting and the notice emailed. The mailed notice says 9:30, see attached. The emailed notice says 9:00am, see below. This meeting needs to be delayed for many reasons, but a time discrepancy is a big one. The notification period should start over with everything having the correct time. The height of the building also needs to be

corrected on notices. You know this is inaccurate, yet this number has continued through all postings without being corrected, despite me pointing this out at the first LDTAC meeting. The building is over 30 feet not under, per the Triad Holmes topographic survey dated August 2021. You have the topographic survey in your office showing this. The prefab drawing of the erector set building that came with the building only shows height off slab because they are not specific to the location. If the application followed the checklist for a permit, there would be a cross section elevation showing the building on the lot with the heights off grad, pad, and slab. Yet this seems to be missing. The public does not get to see the real information. There is a responsibility to post accurate information and there is no reason not to. It is frustrating and alarming to see inaccurate information continuing after the initial mistake of permitting the building. Isn't there a duty to the public? Is there a reason that I cannot understand why the inaccurate height continues to be posted? I would appreciate an explanation so that I can understand.

Furthermore, this is clearly a contentious issue in the neighborhood. The 2 week notification period for such an issue does not allow people to notify neighbors or unite in opposition. Allowing a commercial industrial use in a residential zoning ought to require more than 2 weeks' notice as well as written notification to all property owners affected by the Planning Commission ruling, not just within 300 feet. This should include all property owners within view or hearing distance from the property, which is the entire upper Swall area.

[Planning Commission AB361 Meeting](#)

Calendar Date:

Thursday, February 16, 2023 - 9:00am

Hybrid Meeting: Zoom & Mono Lake Room
Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

Members of the public may participate in person and via the Zoom

Webinar, including listening to the meeting and providing comment, by following the instructions below.

TELECONFERENCE INFORMATION

1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/85741674555>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment by visiting:

http://monocounty.granicus.com/MediaPlayer.php?publish_id=18ba204e-42f6-...

Meeting Information

Agenda:

[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

Supporting Documents

[Planning Commission AB361 Packet 02.16.2023](#) (1 MB)

[Unsubscribe](#)

<planning_commission_02.16.2023.pdf>

From: Emily Fox <efox@mono.ca.gov>
Sent: Monday, February 13, 2023 2:14 PM
To: Blythe Ousterman <blythee@earthlink.net>; Alisa <alisa@tahoedreamteam.com>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Heidi Willson <hwillson@mono.ca.gov>
Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Blythe,

The scope of what the Sherer's are requesting to do with the accessory structure is described in the "Project Description" in the staff report beginning at page 42 of the agenda packet. The Commission will be required as part of the hearing to make a determination about whether the findings required for issuance of an expanded home occupation permit can be made. Those findings and alternative findings begin at page 49 of the agenda packet.

Thanks,
Emily

From: Blythe Ousterman <blythee@earthlink.net>
Sent: Monday, February 13, 2023 11:57 AM
To: Alisa <alisa@tahoedreamteam.com>; Emily Fox <efox@mono.ca.gov>
Subject: Fwd: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

[EXTERNAL EMAIL]

How can they not have to apply for a "change in use designation to industrial" **since industrial work is exactly what they will be doing in this building??!** Swall is a residential zone, not a commercial zone.

Begin forwarded message:

From: Emily Fox <efox@mono.ca.gov>

Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Date: February 13, 2023 at 11:10:05 AM PST

To: Alisa <alisa@tahoedreamteam.com>, Rhonda Duggan <rduggan@mono.ca.gov>

Cc: Wendy Sugimura <wsugimura@mono.ca.gov>, Michael Draper <mdraper@mono.ca.gov>, Kelly Karl <kkarl@mono.ca.gov>, Amelia Motroni <amy.pete@sbcglobal.net>, "Hanna Browning (<mailto:hannabrowning@aol.com>)" <hannabrowning@aol.com>, acurtright <acurtright@sbcglobal.net>, Blythe Ousterman <blythee@earthlink.net>, Blythe Ousterman <beousterman@gmail.com>, "vegetarianbacon@gmail.com" <vegetarianbacon@gmail.com>

Hi Alisa,

There is no time discrepancy between the posted materials and the mailed notice. As you can see in the agenda, attached, another use permit is scheduled for a public hearing at 9am prior to the Sherer Use Permit. That hearing is set to open at or after 9:00am. The Sherer Use Permit hearing can only begin at or after the time listed on the agenda, which means it will be heard at or after 9:30am. That is why the mailed notice specific to the Sherer Use Permit lists 9:30am—to reflect the time at or after which interested members of the public should join the Planning Commission for that item. The emailed notice below reflects the start of the Planning Commission meeting as a whole, including the other public hearing.

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Emily

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Subject: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

[EXTERNAL EMAIL]

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[Planning Commission AB361 Meeting](#)

Calendar Date:

Thursday, February 16, 2023 - 9:00am

Hybrid Meeting: Zoom & Mono Lake Room
Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

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Meeting Information

Agenda:

[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

Supporting Documents

[Planning Commission AB361 Packet 02.16.2023](#) (1 MB)

[Unsubscribe](#)

From: Emily Fox <efox@mono.ca.gov>
Sent: Monday, February 13, 2023 4:32 PM
To: Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; Bob Paull <robert.c.paull@gmail.com>
Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>; CDD Comments <cddcomments@mono.ca.gov>
Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Jim and Hannah,

Notices were sent to property owners within 300' of the project site as required by Chapter 32 and Chapter 46 of the Land Use Element of the Mono County General Plan.

Thanks,
Emily

From: Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>
Sent: Monday, February 13, 2023 3:09 PM
To: Emily Fox <efox@mono.ca.gov>; Bob Paull <robert.c.paull@gmail.com>
Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com; Rhonda Duggan <rduggan@mono.ca.gov>; CDD Comments <cddcomments@mono.ca.gov>
Subject: Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

[EXTERNAL EMAIL]

Reading through the avalanche of comments we have a question..... what constitutes a nearby neighbor? We haven't been notified of any use permits or new building plans even when it is next to us. In the past it was 300' property line to property line, did the county change that? Looking forward to your reply.

Jim and Hanna Browning
377 Mountain View Dr
Swall Meadows

[Sent from the all new AOL app for iOS](#)

On Monday, February 13, 2023, 2:35 PM, Emily Fox <efox@mono.ca.gov> wrote:

Hi Robert—

Your email will be noted as a comment for the Planning Commission. Written comments are accepted by the Planning Commission as described in both the notice sent to nearby property owners and in the public notice posted in the newspaper. You can find a copy of that notice with the instructions for submission of written comments at page 66 of the Planning Commission Agenda Packet. They may be sent via email to cddcomments@mono.ca.gov before 8am on Thursday, February 16.

The time for the Sherer Use Permit to be heard is listed in both notices and on the agenda. If you have other comments or suggestions about how notices should be made in excess of what is required statute and the General Plan, you are welcome to make those suggestions to the Planning Commission during the public comment period.

Thanks,

Emily

From: Bob Paull <robert.c.paull@gmail.com>

Sent: Monday, February 13, 2023 2:19 PM

To: Emily Fox <efox@mono.ca.gov>

Cc: Alisa <alisa@tahoedreamteam.com>; Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning

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Subject: Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

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Thank you.

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769 Mountain View Drive

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Sent: Monday, February 13, 2023 11:10 AM
To: Alisa <alisa@tahoedreamteam.com>; Rhonda Duggan <rduggan@mono.ca.gov>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com
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Sent: Monday, February 13, 2023 10:48 AM
To: Rhonda Duggan <rduggan@mono.ca.gov>; Emily Fox <efox@mono.ca.gov>
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To: Bob Paull <robert.c.paull@gmail.com>

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Sent: Monday, February 13, 2023 10:48 AM

To: Rhonda Duggan <rduggan@mono.ca.gov>; Emily Fox <efox@mono.ca.gov>

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From: Emily Fox <efox@mono.ca.gov>

Sent: Monday, February 13, 2023 11:33 AM

To: Alisa <alisa@tahoedreamteam.com>; Rhonda Duggan <rduggan@mono.ca.gov>

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Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Hi Alisa—

For a public hearing item, it cannot begin before the time listed on the agenda, but may start at any time after the listed time. LDTAC does not conduct public hearings and therefore complies with general Brown Act rules for posting an agenda and discussing only items on the agenda. A Board or Commission may not move agenda items such that it hears a public hearing item before the time listed in the notices and on the agenda. Other non-public hearing items may be re-ordered.

Staff will address the height of the structure with the Commission as part of the report during the hearing and in response to any questions from Commissioners. I believe staff has addressed your question previously and I cannot add any further response.

As to notice, you may raise concerns with the Commission during general public comment if you feel the General Plan rules should be adjusted.

Thanks,
Emily

From: Alisa <alisa@tahoedreamteam.com>

Sent: Monday, February 13, 2023 11:21 AM

To: Emily Fox <efox@mono.ca.gov>; Rhonda Duggan <rduggan@mono.ca.gov>

Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly

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[EXTERNAL EMAIL]

Hi Emily,

So the time cannot be changed at the meeting with a motion to change the agenda? The agenda order was changed at the LDTAC meeting. Can you comment as the to height distributed? I understand that the posting may have followed the requirements. Maybe the commission will rule that all affected people need to be notified or hopefully they don't approve anything and it can be over.....

Thank you,

ALISA ADRIANI | CA Broker Associate

Intero Real Estate Services

C 530.412.3070

CA BRE# 01303619

www.TahoeDreamTeam.com

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Thanks,
Emily

From: Alisa <alisa@tahoedreamteam.com>

Sent: Monday, February 13, 2023 10:48 AM

To: Rhonda Duggan <rduggan@mono.ca.gov>; Emily Fox <efox@mono.ca.gov>

Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (<mailto:hannabrowning@aol.com>) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com

Subject: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

[EXTERNAL EMAIL]

There is a time discrepancy on the notice mailed out for the Planning Commission meeting and the notice emailed. The mailed notice says 9:30, see attached. The emailed notice says 9:00am, see below. This meeting needs to be delayed for many reasons, but a time discrepancy is a big one. The notification period should start over with everything having the correct time. The height of the building also needs to be corrected on notices. You know this is inaccurate, yet this number has continued through all postings without being corrected, despite me pointing this out at the first LDTAC meeting. The building is over 30 feet not under, per the Triad Holmes topographic survey dated August 2021. You have the topographic survey in your office showing this. The prefab drawing of the erector set building that came with the building only shows height off slab because they are not specific to the location. If the application followed the checklist for a permit, there would be a cross section elevation showing the building on the lot with the heights off grad, pad, and slab. Yet this seems to be missing. The public does not get to see the real information. There is a responsibility to post accurate information and there is no reason not to. It is frustrating and alarming to see inaccurate information continuing after the initial mistake of permitting the building. Isn't there a duty to the public? Is there a reason that I cannot understand why the inaccurate height continues to be posted? I would appreciate an explanation so that I can understand.

Furthermore, this is clearly a contentious issue in the neighborhood. The 2 week notification period for such an issue does not allow people to notify neighbors or unite in opposition. Allowing a

commercial industrial use in a residential zoning ought to require more than 2 weeks' notice as well as written notification to all property owners affected by the Planning Commission ruling, not just within 300 feet. This should include all property owners within view or hearing distance from the property, which is the entire upper Swall area.

[Planning Commission AB361 Meeting](#)

Calendar Date:

Thursday, February 16, 2023 - 9:00am

Hybrid Meeting: Zoom & Mono Lake Room
Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

This meeting will be held in person and via teleconferencing, and members of the Commission may attend from separate, remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing.

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

TELECONFERENCE INFORMATION

1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/85741674555>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 857 4167 4555

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

2. Viewing the Live Stream

You may also view the live stream of the meeting without the ability to comment by visiting:

http://monocounty.granicus.com/MediaPlayer.php?publish_id=18ba204e-42f6-...

Meeting Information

Agenda:

[Planning Commission AB361 Agenda 02.16.2023](#) (295 KB)

Supporting Documents

[Planning Commission AB361 Packet 02.16.2023](#) (1 MB)

[Unsubscribe](#)

Michael Draper

From: Bob Paull <robert.c.paull@gmail.com>
Sent: Monday, February 13, 2023 2:19 PM
To: Emily Fox
Cc: Alisa; Wendy Sugimura; Michael Draper; Kelly Karl; Amelia Motroni; Hanna Browning (mailto:hannabrowning@aol.com); acurtright; Blythe Ousterman; Blythe Ousterman; vegetarianbacon@gmail.com; Rhonda Duggan
Subject: Re: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

Some people who received this message don't often get email from robert.c.paull@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Emily:

The fact that one has to read the agenda to find out what time the Sherer Use Permit is scheduled to actually know what time the Permit will be reviewed and that it is not in the actual announcement is in itself a conflict. If the Planning Commission wants to serve the entire community and not just the person or persons requesting the Use Permit, they would make an effort to be more transparent, particularly when the Commission surely already recognizes that there is a lot of concern in the community about this project. Even if the announcement is in keeping with the posting requirements, it would be more on keeping with building strong communities, if there was more consistent effort to keep the spirit of the requirements.

I would also hope there would be some explanation about the discrepancy between perceived height of the building. Is it more than 30 feet about the ground when one includes distance the slab is about the ground or if the building is over 30 feet per the Triad Holmes topographic survey dated August 2021? Please tell the community.

It would also be helpful if written comments were being accepted and there was information about how to do that in the announcement.

Thank you.

Robert Paull
769 Mountain View Drive

On Feb 13, 2023, at 11:23 AM, Alisa <alisa@tahoedreamteam.com> wrote:

From: Emily Fox <efox@mono.ca.gov>
Sent: Monday, February 13, 2023 11:10 AM
To: Alisa <alisa@tahoedreamteam.com>; Rhonda Duggan <rduggan@mono.ca.gov>
Cc: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Kelly Karl <kkarl@mono.ca.gov>; Amelia Motroni <amy.pete@sbcglobal.net>; Hanna Browning (mailto:hannabrowning@aol.com) <hannabrowning@aol.com>; acurtright <acurtright@sbcglobal.net>; Blythe Ousterman <blythee@earthlink.net>; Blythe Ousterman <beousterman@gmail.com>; vegetarianbacon@gmail.com
Subject: RE: Planning Commission meeting time and information discrepancy - needs to be re-scheduled

February 9, 2023

To The Mono County Planning Commission
c/o Michael Draper et al

I am writing today to express my **OPPOSITION** to proposed Use permit 23-001/Sherer. I have lived in Swall Meadows longer than any living person. This proposal marks the biggest inflection point in the community's history since the addition of the Pinyon Ranch and Rimrock subdivisions, because it opens the floodgates to conspicuous and overt commercial activity.

The immediate effect of establishing a loud, unavoidably visible, diesel, heavy equipment shop with its comings and goings, disinterested traffic, back-up alarms, commercial structures and equipment storage and the like, will be to suppress the property values of any nearby parcels. Appeals for sympathy from the applicants ignore that intentional damage. How can pneumatic tools, pressure washers, body work hammers, all housed in a massive metal resonating chamber possibly respect the peace and quiet and **native wildlife** of a purely residential community?

Mono County would be well advised to promote the kind of \$million plus homes that are now routinely being constructed in its tax base rather than to undermine our life and environmental values by forcing hodge-podge, lot crowding, complaint magnets into a **legally** rural residential bedroom community.

Thank you very much



Daniel Bacon
675 Mountain View Drive
Swall Meadows, California

My NAME IS RAYMOND T. DUTCHER I AM A RESIDENT
OF SMALL MEADOW. I OWN MY HOME AND HAVE LIVED
HERE FOR THIRTYTWO YEARS.

I OPPOSE AND AM ABSOLUTELY OUTRAGED AT WHAT
IS UNDER CONSTRUCTION AT 1273 SMALL MEADOW ROAD.
WHAT WAS INITIALLY TO BE A RESIDENTIAL GARAGE IS NOW
PROPOSED TO BE A HEAVY EQUIPMENT REPAIR FACILITY
AND IT SEEMS TO BE BEING PUSHED THROUGH WITHOUT
ADEQUATE COMMUNITY NOTIFICATION. FOR GOD SAKE
SMALL MEADOWS IS A RESIDENTIAL COMMUNITY. THERE'S
NOTHING RESIDENTIAL ABOUT THIS "GARAGE" AND
SETS A PRECEDENT THAT DEGRADES AND DESTROYS
WHAT IT MEANS TO BE RESIDENTIAL.

Thank you for listening

Raymond T. Dutcher

From: [Blythe Ousterman](#)
To: [CDD Comments](#)
Subject: Ammended Letter from Swall Landowner about the Sherer Accessory Unit
Date: Wednesday, February 15, 2023 9:43:51 AM

You don't often get email from blythee@earthlink.net. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Mono County Planning Commission,

I am writing to strongly object to and to protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"

2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.

1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.

3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment, as it enters and exits the enormous garage. As noted above, this area is zoned for "single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner's business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? *Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity.* My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.

Many of us in Swall Meadows would love the opportunity to create businesses on our land, to execute our professions from home. I am an art teacher. Should I be able to build an art school on my lot? Perhaps there's a great cook in the neighborhood who would like to start a restaurant. Would that fly with the Planning Commission? I would guess not.

And finally, after speaking with several real estate attorneys I learned that the Planning Commission's only legal authority is to implement that which is in the General Plan. With very rare exceptions, they have no authority beyond this. Furthermore, California law clearly states that the remedy for a wrongly issued permit is to remove the permit and remove structures related to it so that that they don't become the precedent for future development:

The California Court of Appeals determined “...we do not see any basis in law, fact, or fairness to allow the City or [homeowner] to keep the improperly issued permits in place so that they become the foundation for decisions that will thereafter have to be made.”

(124 Cal.App.4th 1344 at pp. 1355-1356; accord, *Summit Media LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 940-941 [writ of mandate lies to compel city to revoke permits issued in violation of local law; “permits issued in contravention of municipal ordinances are invalid” and “the city does not and did not have the discretion to issue permits that contravened existing municipal ordinances”].) In other words, even though the jurisdiction approved the building permit in error, the Appeals Court required the permit to be revoked.

In sum, it's neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it's tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,
Blythe Ousterman

Memorandum Opposing UP23-001/Sherer, Application for an Expanded Home Occupation Permit

I. Introduction.

We live at 788 Mountain View Dr. in Swall Meadows. We object to UP23-001/Sherer, Application for an Expanded Home Occupation permit (the “Application”) because it does not comply with the Wheeler Crest Area Plan (the “Area Plan”).

The Area Plan must be considered in the evaluation of the Application. We are very concerned that if the Application is approved a precedent will be set that the Area Plan can be disregarded when an Expanded Home Occupation permit is requested in Swall Meadows. If the Area Plan does not require rejection of the Application an explanation should be given.

In this memorandum the first section summarizes the points we are making. Then there are two sections that support specific points.

II. Summary

-- Neither the Application nor any Mono County planning document associated with the Application mentions the Area Plan. Area Plan requirements are completely omitted from discussion of the Application.

-- The Area Plan is part of the Mono County General Plan (the “General Plan”). The Area Plan explicitly prohibits commercial uses within the residential area of Swall Meadows. The Application is for activities associated with a business, therefore it is for a commercial use. (See Section III below.)

-- Home occupations, even if they are for commercial uses, are permitted in all county designations as long as they comply with the home-occupation standards at all times. However, the Application is for an Expanded Home Occupation permit; such permits allow activities that do not meet the home-occupation standards. The proposed use for an Expanded Home Occupation permit is required to be consistent with the applicable area plan. (See Section IV below.)

-- Because the use proposed by the Application is commercial, it is not consistent with the Area Plan, and the Application must be rejected.

-- If the Application is approved it will set a precedent: permitting commercial uses that are prohibited by the Area Plan. What will be the criteria for future commercial uses that are prohibited by the Area Plan?

-- In the documents for the Application, the Planning Division of the Mono County Community Development Department, which is processing and evaluating the Application, includes a document that we assume it has written titled “Conditions of Approval Use Permit 23-001/Sherer.” The ninth condition of approval states “9) Future development shall meet

requirements of the Mono County General Plan, Mono County Code, and project conditions.” (Emphasis added.) There is no definition or description of “future developments.” What does it mean?

-- The ninth condition of approval, allowing “future developments,” is completely open-ended as long as the “future developments” comply with the General Plan, Mono County Code, and project conditions. These are requirements that should be applied to all applications for expanded home occupation permits. If “future developments” have to comply with the General Plan, why doesn’t the Application have to comply? The Area Plan is part of the General Plan; why isn’t it applied to the Application?

-- Our conclusion is that the Application violates the Area Plan because it proposes a commercial use of Swall Meadows property that the Area Plan prohibits. This commercial use is not otherwise permitted under the General Plan. Therefore, the Application must be rejected.

III. The Area Plan is part of the General Plan, and it prohibits commercial uses of property within the residential area of Swall Meadows.

-- The Area Plan is found in the General Plan under Section 11, Land Use Element; Chapter III, Policies; Planning Area Land Use Policies, Wheeler Crest.

-- The primary objective of the Area Plan is stated in its introduction, Goal 24: **“Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.”**

-- According to Action 24.A.3.b of the Area Plan: “General commercial uses are not desired within the residential area, and shall be prohibited. Bed-and-breakfast establishments shall be exempt from this provision, as detailed in Action 3.1.” (Emphasis added.)

IV. The Area Plan applies to this Application.

-- According to Section 04.290 of the General Plan Land Use Element, “Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home-occupation standards.” There are 11 standards; they significantly restrict use of the home occupation permit. Thus, it is possible to have a home occupation permit in Mono County without having to comply with local restrictions as long as all of the home-occupation standards are observed.

-- In order to modify any of the home-occupation restrictions, an Expanded Home Occupation permit is required.

-- The Application is for an Expanded Home Occupation permit.

-- Mono County’s business license application package includes the Mono County Community Development Department Compliance Division Review of Mono County Business License Application for compliance with Mono County General Plan Land Use Element. This memorandum includes Section 04.290, then provides:

“Please note the following:

“Expanded Home Occupation permit may be granted by the Planning Commission when all of the following findings can be made in the affirmative: (Emphasis added.)

“1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans; (Emphasis added.)

“2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;

“3. That the use is capable of meeting the standards and requirements of that designation; and

“4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses within the designation.”

Pete Peterson and Amy Motroni
788 Mountain View Dr.
Swall Meadows

From: anasazih@aol.com <anasazih@aol.com>

Sent: Wednesday, February 15, 2023 1:41 PM

To: Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>

Subject: UP23-001/sherer application

You don't often get email from anasazih@aol.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Members of Mono County Planning Commission:

I am a landowner within 300' of the Proposed Building to permit a use not currently allowable within the Swall meadows neighborhood. Firstly, this building does not blend in with the neighboring residential buildings. The building which should have never been allowed to begin construction without careful review, clearly appears to be a commercial building in every sense of the word. Not to mention the excessive height. Secondly, I'm afraid if you approve this exception to the zoning for any reason, this will open the floodgates for any exception. I would surely use this exception, if approved, as an example to sway a decision for my own application for variance in zoning, should I have one. How could the planning commission deny any other application without admitting favoritism in some way?

I appreciate your consideration of my comments and move to DISALLOW this exception in our zoning of our neighborhood.

Sincerely,
Heidi N. Rose

Dear Commissioners,

Thank you for the opportunity to address you regarding 1273 Swall Meadows Rd. I live nearby at 35 Meadow Rd. I have had property in Swall Meadows since 2005, I worked in Bishop in the 90s, and my husband lived and work in Mammoth in the 90s. We are not new to the area. The values that draw us to this ideal place are at stake with this permit.

I hope that you will recognizes that there are the two separate action items for 1273 Swall Meadows Rd., an Expanded Home Occupation Permit, and a Use Permit. You cannot have one without the other, but they are separate items. I suggest agendizing the Home Occupation first, as if it is not approved, the Use Permit cannot be approved.

There was a mistake made in permitting this structure at the wrong height and the applicants misrepresented their intended use to the county. This was all discovered and this process was proposed to clean up the mistakes. It is imperative that you make your decisions based upon this as a new application and a new permit, and that you are not biased towards approving this home occupation and use application as a way to reverse the mistakes made by the Planning Staff, at the expense of the community. The Planning staff report reads quite biased towards approval, I have included the correction of many mistakes below this letter, and it is your duty as commissioners to read the general plans sections that address our neighborhood, and the allowed heights and uses, and that you render your own judgment based on facts.

Expanded Home Occupation Permit

The home occupation being applied for is listed as one of the allowed uses in the Industrial Zoning in the General Plan, "Heavy-vehicle storage and maintenance", which is an exact description of the applicants intended use. Using an expanded home occupation permit to allow an industrial use in a residential neighborhood is a gross misapplication of our plan and its intent. This is, in fact, a request to re-zone this parcel. There is no justification for a commercial structure exceeding 20 feet in the residential neighborhood. This is a residential property less than an acre in size, .94 acres, not a huge parcel of land. The proposed structure and it's proposed use is 12 feet from the property line. If the property were .06 of an acre larger, there would be a 30 foot setback required.

All of the proposed equipment operates as dBA higher than what is allowed and higher than what is listed on the conditions of approval, so this cannot be approved or you have violated the conditionals of approval. Most of these pieces of equipment are in the 80 or higher dBA, and these recorded readings are typically 50-350 feet away. This is 12 feet from a property line. The applicants had heavy equipment on their property from 2017-2020. In fact, you can view one of their semi-trucks and various large trailers on the Mono Co. GIS site and in the meeting notice included in the planning package. The noise of a D6 and backhoe being wrenched on was present often during those 3 years until finally someone filed a code compliance request and thankfully they disappeared. We don't need them to come back.

There is nothing quiet about heavy equipment mechanics. To understand the noise level, go stand right outside of a tire shop, where pneumatic tools are being used and things are being hit with hammers. The delivery of the equipment is only one component. 50% of heavy equipment repairs require the machine to be running, at least part of the time. Different parts of the machines can only be accessed

with blades/buckets lifted. The tools used to work on the equipment are louder than the daytime and nighttime dBA permitted. An impact gun is needed to torque bolts, a crimper to put fittings on hoses, all of these require a highly pressurized air compressor. Just to reach all of the grease points, the machine has to be on to move parts so grease joints can be exposed. Electric grease gun are particularly loud. To repair certain metal parts, they must be heated and hit with metal mallets. Just about everything you do to heavy equipment is loud.

It makes no sense to truck heavy equipment up from an Industrial Yard in Bishop to a residential neighborhood for the convenience of one individual at the expense of the community. This application is not for equipment being used in Swall Meadows, such as a snowplow for a company that contracts to clear driveways for the public, or for personal equipment on a large acreage parcel used in maintaining one's own land in a non-commercial purpose, it is commercial business equipment not otherwise located or used in the neighborhood.

There is no way to police a time limitation on when this property could be used to repair heavy equipment. The applicant states in 2022 it would have been 15 trips. What if in 2024 it is 40 trips? 15 trips is 30 times that a semi drives past ones property. 40 trips is 80 times. It is not fair to put the burden of policing this upon the community. Each trip could be an unspecified number of days that equipment is being repaired. If it takes 5 days, then at 15 days, you have 75 days of loud heavy equipment repairs, and it could be much more than this.

The applicants propose to weld and to work on hydraulics. Hydraulic oil is flammable. Working on hydraulic hoses is messy and there are no fire mitigation features proposed. There is no water tank, no fire sprinklers, no fire coating on the steel.

The application states that the owners business contracts with Cal Fire, Cal Trans, and USFS. They allude to being available to provide services to the community in case of a fire. During the height of fire season, both the equipment and the owner operator are likely to be on a fire elsewhere. The chances that they are home with the proper equipment to help, at the moment of a fire, is a needle in a haystack. Even the neighbor who wrote in favor of this project stated that during fire season the owner is gone for weeks at a time. Equipment can be trucked up to fight a fire from a properly zoned parcel. To give special circumstance to this permit approval because the applicant is in the business of fighting fires, would be akin to allowing all firefighters in our neighborhood to build in setbacks, at taller than allowed heights, and to have any business they want at their home. Yet, our firemen are not requesting special treatment at the expense of the community.

From the Mono Co. General Plan:

04.290 Home occupation.

D. The business shall produce no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);this produces noise, exhaust, oils...

G. The business shall involve no equipment other than that customarily used in dwellings; no other D6's used in dwelling in Swall

Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

- 1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans; This project is not consistent with any of the above*
- 2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation; From the GP 1. The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be single-family residential development.*
- 3. That the use is capable of meeting the standards and requirements of that designation; and see above and GP, this does not meet the requirements.*
- 4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation. heavy equipment mechanics is certainly more obnoxious to the general welfare*

Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.

Prevent incompatible or conflicting uses within the Wheeler Crest community

In order to better preserve continuous open areas for deer and wildlife use, and to facilitate maintenance of a residential structure's defensible space for wildland fire protection purposes,

encourage Accessory Dwelling Units be attached to the primary dwelling.

Action 24.A.3.a. Permit only single-family residential and related accessory structures

Action 24.A.3.b. General commercial uses are not desired within the residential area, and shall be prohibited.

Use Permit

32.010 Required findings. Use permits may be granted by the Planning Commission only when all of the following findings can be made in the affirmative: A. All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features. B. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use. C. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan.

This use permit for increased height cannot be approved without approving of the expanded home occupation, which certainly should not be approved. Without the expanded home occupation, there is no use to base a use permit on. A use permit is meant to authorize a certain use on a property and exceptions to normal property height and setbacks to allow this use. It is not meant to grant an individual privilege to one person, with no grounds for this privilege, at the expense of the community. This application does not meet any of the criteria listed for a use permit above. It does not follow Land

Use Designations or Land Development Regulations. It puts undue wear and tear on county roads and it could block EMS vehicles on Lower Rock Creek Rd. It is detrimental to the public welfare. It is not consistent with the GP and the Area Plan.

While this structure is on a down sloping lot, contrary to what planning staff states, this does not mitigate the height because it is built on a large pad. This pad touches the property line to the east. The pad along with the side of the building create a massive wall just 12 feet from the property line. Many people have lost views. We have lost part of our view. Why should I lose my view for a structure that is not permitted by our GP? Do they have more rights than I do?

The heights outlined by Mr. Draper are from plans and not reflective of what is actually on the ground. The building inspector measured the height off the slab, not off the pad or grade. The surveyor has not been to the building site since Dec. 3, of 2021. The surveyor said that they staked the building out prior to the pad being made, the staking was buried and the building was put wherever the applicant chose. The surveyor stated that he did not put in any permanent markers such as corner pins, so once the excavation work of the pad creation was commenced, any surveyed markings were gone. The toe of the building pad is on the property line. The pad is visually obvious to be significantly higher than what is on the plans. To say that this pad is really only 5 feet off the ground is like saying the earth is flat. It is simply not true. This is an owner builder permit with a 30+ foot adversary fence encroachment to the east, see the full site plan in the package. It benefits the applicants to be as high as possible so that there is less dip off the road when unloading equipment. **The elevation and the location of the building pad on the lot line need to be verified/certified by a surveyor. This is required for every building in many other counties to protect both the surrounding homeowners, and to protect the county by taking the liability of the measurement off of them, since they do not have to tools (surveying equipment) or training to verify these.** There have been a lot of mistakes. Its time to have measurements verified. It's time to have firm facts.

The planning staff has miscalculated the height of the structure multiple times on their report to you, Commissioners. The elevation of the lowest point is 976.5, exactly halfway between two contours, but staff is using 977 to favor the applicant and their mistake. Staff reports that the finished foundation of 982.2' less 977 is 4'3". It is 5'3" (math error). Using the correct contour, it is 5'9". The county applies allowances for additional height when the setbacks are more than the minimum required. This is clearly listed in the GP for residential structures, not accessory buildings, see page 223.





MCGP 04.110

Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.

The garage is not architecturally compatible with nor subordinate to the primary residence. There is not one item in common between these buildings, such as color, building material, or building articulation. The main house is much lower in height as well as it is built into the hillside, not on a raised pad. The garage might be on a downslope lot, but the raised pad negates the downslope. The structure does not meet the requirements of Section 4.110(B)(1) because it clearly exceeds 35 feet and does not conform to a residential layout since the structure is made of metal, exceeds the height of the primary residence and is not made of the same building material of the house. It is not the same color. It is made of metal and clearly dominates the property. It imposes a substantial off-site visual burden and does not comport with neighborhood characteristics or design. It is an eye sore and stands out a big metal structure.

Financial hardship for either the applicant or the county for the mistakes made should not be taken into account in your decision-making process. The loss of land value and quiet peace and enjoyment of the rest of the people in the neighborhood far outweighs the losses of the applicant and the county. We should not suffer any losses by mistakes made by the local government that we pay to protect us and

uphold our general plan. If these permits are approved, you may as well shred the general plan as none of it is being followed.

In case you prefer case law as to why this building needs to be removed, here is information from your planning staff that you may find helpful. *The California Court of Appeals determined "...we do not see any basis in law, fact, or fairness to allow the City or [homeowner] to keep the improperly issued permits in place so that they become the foundation for decisions that will thereafter have to be made."* (124 Cal.App.4th 1344 at pp. 1355-1356; accord, *Summit Media LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 940-941 [writ of mandate lies to compel city to revoke permits issued in violation of local law; "permits issued in contravention of municipal ordinances are invalid" and "the city does not and did not have the discretion to issue permits that contravened existing municipal ordinances"].) In other words, even though the jurisdiction approved the building permit in error, the Appeals Court required the permit to be revoked.

It is obvious that the commercial structure will have a significant off-site impact on the entire neighborhood, both visually and noise wise, disrupting the entire neighborhood. The structure clearly exceeds the height and scale of the house. The usage of the structure would impose substantial detrimental effects on the quiet use and enjoyment of my property and the surrounding residential neighborhood, which is only zoned for residential use. For these reasons, I opposes the applications. The structure clearly does not comport with the General Plan and residential zoning requirements. As such, the County should not approve the Application and the building should be dismantled and moved to an appropriately zoned parcel of land.

Sincerely,

Alisa Adriani

530-412-3070

alisa@tahoedreamteam.com

Notes/Corrections on Planning Commission Package

1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:

The MCGP allows for accessory structures to exceed 20' in height **only with a use permit**. All residential structures are limited to a maximum height of 35' unless setbacks are increased, in which case one additional foot of height may be added for each foot the setback is increased. **See page 223 MCGP. Allowing increased height for larger setbacks is clearly listed only under residential and not allowed for accessory structures.** The proposed structure is approximately 35'9" tall as measured from natural grade and the minimum setback of 10' has been increased to 12', allowing an additional 2' of height to a maximum of 37'. The proposed structure complies with height standards. **No it does not that's why there is a planning commission meeting.** All other applicable development standards of the ER designation are complied with. **No they are not see comments in the letter above.** The building permit application was reviewed and approved by the

Wheeler Crest Design Review Committee on March 19, 2021. **The general plan requirements for the aesthetics of an accessory structure were not followed. GP supercedes WCDR.** The accessory structure, a garage, is incidental to the main use of the property as a residential property. The proposed garage is ancillary to the primary dwelling. **This is not necessary, it is desired.**

2. The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:

Swall Meadow Road is adequate to accommodate the proposed expanded height of the garage. The parcel is down-sloping from the road, which mitigates the additional height and reduces the visual impact from the road. **This does not mitigate the height and is a misleading comment. The building is setback 50 feet from the road and it is only 6-8 feet below the elevation of the road, making it appear looming off the large dirt pad.**

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:

The height of the garage will not be detrimental to the public welfare or injurious to property or improvements in the area. **My view would not be blocked if this structure was built to the allowed height. This is a massive 35-40 foot wall of dirt and metal 10-12 feet from the donhill lot to the east, obliterating the views from that parcel. It is an eyesore from many homes in the neighborhood.** The garage will be similar to a barn, but less than the maximum 40' height of a barn, which is permissible without a planning permit. **Irrelevant and clearly biased statement. It is not a barn.** The topography of the area is down-sloping from street level, and therefore the garage is set lower than the street, mitigating the height. **False, see above**

4. The proposed use is consistent with the map and text of the Mono County General Plan because:

The height of an accessory structure in a residential designation may exceed 20' when permitted by a Use permit. **There is no use permit at this time.** The proposed height of the accessory structure, 35'9", will be less than the maximum height allowed for residential development **false, it is over 35 feet and the side yard increase allowances are for residential structures only MCGP pg. 223(35', to a maximum of 45' provided that required side and rear yards are increase one foot in 48 width for each foot of height over 35').** The property contains a primary use consistent with the designation. **This use permit is not for the primary use, its for the commercial heavy equipment mechanics and storage, not consistent with the designation.**

An Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;

The proposed use is permissible by the General Plan, per Section 04.290, Home

Occupation regulations. The proposed expanded home occupation is incidental to the main residential use and therefore not considered a general commercial use. **The plan is clearly stating that the proposed use of the home occupation permit must be consistent with the general plan, not the main residential use.**

The project meets the Wheeler Crest Policy Objective 24.D. “ensure adequate public services (e.g., fire protection) and infrastructure (e.g., water supply, sewage treatment, utilities) for the area” by providing a fire protection business to retain equipment in the vicinity. **The equipment and operator will not be here during fire season. This is subjective and misleading. There are no fire mitigation measures at this property, no water tank, no sprinklers, no fire retardant treatments on metal.**

2. That the proposed use is compatible with the intent of the land use designation and is applicable

throughout the county in that designation;

The proposed use is permissible by the General Plan, per Section 04.290, Home Occupation regulations. The intent of the ER land use designation is *to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.* Limited maintenance of heavy equipment is an ancillary rural use and, in particular, this operation supports fire mitigation efforts. **Completely false and misleading, the owner is gone during fire season and there is no contractor to guarantee equipment or operator.** Many areas of the county have properties that store or use large vehicles up to loaders for various uses onsite. **This application is not to store and work on equipment being used onsite, but to bring commercial equipment from a private business located in Inyo county onto a residential property in Mono Co.**

3. That the use is capable of meeting the standards and requirements of that designation; and

The proposed Expanded Home Occupation is capable of meeting standards and requirements of the ER designation. The property contains a primary use (single-family residence), and the proposal is ancillary to the residential use of the property. Development standards including height, setbacks and lot coverage are met. **See above, this does not meet the standards and requirements. The standards state residential an no commercial.**

4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.

The use will be entirely indoors with the exception of transporting heavy equipment via a semi-truck and lowboy trailer. **An uninsulated metal building will not keep the dBA under the allowed amount while this equipment is being repaired; it is not just the delivery making noise as suggested by this planner, it is the continuous mechanics. Unless an air system is instaklled, the 22 foot metal door will be open or the heat and fumes would be unbearable.** The use is conditioned such that impacts of noise are mitigate to protect the general welfare of the community. **???**The use is not more obnoxious than uses listed within the designation, such as clearing of snow with a large loader for a single-family residence (an outright permitted use) **this is life in the snow country for all residents and not one commercial enterprise for one resident.** or large recreational vehicles (RVs) that may be using a mobile home park (subject to use permit).

From: [A Curtright](#)
To: [CDD Comments](#); [Emily Fox](#)
Subject: Sherer Use Permit Opposition
Date: Wednesday, February 15, 2023 12:53:43 PM

You don't often get email from acurtright@sbcglobal.net. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Planning Commission – I'd like to offer a statement on the Sherer Use Permit, for the hearing record. I have a home up the hill from the Sherers, perhaps 400 ft away. Our family is among the first to live in the area, having purchased the property in the 1960s. We are there for the peace, beauty, and serenity of the area, and have enjoyed and respected that environment for all these years. One thing we know is that sound travels easily up there. We even speak quietly when we are outside, out of consideration for our neighbors. We believe in leaving a small footprint in every way.

We certainly never expected that a loud commercial business would ever be approved anywhere in the area. The noise already endured from the property is very disruptive of the quiet environment we all expect in Swall Meadows. I don't own a home in Swall to hear machine shop noise, or loud trucks, or even back-up beeping (however short) for hours. I prefer the rustling leaves and chirping birds.

Although they say all work will be done within the building, I cannot believe that the doors will always be kept shut. And if they are shut, I have to question whether operating pneumatic tools inside that cavernous structure can be very quiet, not to mention simply running diesel machines, air compressors, power washers, or whatever else this business entails.

This is not a small footprint. The noise is unacceptable, let alone the jarring appearance of the large building. This is simply not the place for this kind of business, which the codes clearly state for our protection. If all this is allowed to go forward, I worry that it will set a terrible precedent for the future of this unique community.

Sincerely,

Anne Curtright and the Curtright Family
acurtright@sbcglobal.net

From: [Annie Barrett](#)
To: [CDD Comments](#)
Subject: Use permit 23-001/Sherer
Date: Wednesday, February 15, 2023 8:09:57 AM

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[EXTERNAL EMAIL]

Dear Mono County planning Commission and others,

As a resident of Swall Meadows since 2005, I have become part of this community. We have gone through quite a bit between the Round Fire, rebuilding, several snow storms, and easier days of mountain life. After reviewing the documents of the Sherer permit, I see no reason to object to the building and honor that the Sherer has gone through the appropriate steps with obtaining the building permit, and even talking openly with immediate neighbors to consider least impact.

The Sherer building houses heavy equipment which is much needed in case of fire or fire prevention and snow removal - the very two largest topics of community well being.

I am disappointed by the complaint/s regarding the Sherer project. It is clear to me that this project has been well thought out and already approved.

Several new buildings have been built before and after the Round Fire in Swall Meadows. Neighbors have had to adapt to new buildings in their views. While 'change' is not always easy, it is the right of property owners to follow dreams, plan, and go through the planning process with Mono County.

In this case, I would ask that this complaint against use permit 23-001/Sherer be dropped. I would encourage neighbors to 'live and let be' as we work together to continue to build community.

Thank you,
Annie Barrett

Sent from iPhone. Annie

From: spottab@aol.com
To: [CDD Comments](#)
Subject: Use Permit 23-001/Sherer
Date: Wednesday, February 15, 2023 10:32:31 AM

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[EXTERNAL EMAIL]

TO: Mono County Planning Commission

RE: Use Permit 23-001/Sherer

I am writing to express my full support for Lindsey and Chris Sherer's applications for a Use Permit to allow for a >20-foot height of their new garage, and an Expanded Home Occupation Permit for the use of the building.

Regarding the building height, I see no actual conflict here with the Swall Meadows Area Plan. There are many buildings here – both residences and outbuildings – that are as tall or taller, and do not spoil the overall ambiance of the community. The two neighbors with the most to lose in terms of their view-scape (Terry Lee and Karen Marshall) have both written in strong support of the project. Visual impacts to other residences seem minor at worst. I find it unfortunate that the Building Department issued a permit for the building, only to later inform the owners a Use Permit is required. I strongly urge the Commission to expedite the approval of the permit at this time.

As for the Expanded Home Occupation permit, I will first express my agreement with Mr. Draper's analysis that proposed use is an accessory use, ancillary to the primary use of the property as a residence, and is consistent with both the General and Area plans. But I reject the notion that the proposed use will generate and any noise or nuisance that exceeds current background levels of the same.

With a likely annual total of 10 to 20 equipment transfers to and from the building, I am struggling to understand why anyone believes these would even be noticeable to the community. We already have: semi-weekly trash pickups; frequent deliveries of propane, building materials, and other goods; frequent home construction vehicle traffic, including transport of heavy equipment; and (this year especially) a seasonal but frequent presence of all kinds of snow-removal equipment. The noise, exhaust fumes, or other perceived nuisances from this traffic will dwarf any produced by the Sherers' occasional use of our roads for moving their equipment.

As for the actual use of the building for equipment repair, I would note that there are many two- and three-bay garage/shops in this community where similar activities occur. Potential sources of noise are the same in all instances: compressors, air wrenches, welding equipment, grinders, etc. The only difference is the other facilities are dominantly used by hobbyists, whereas the Sherers wish to use theirs in support of their small business. I see no valid reason to not allow them to do so.

Last, I would note there are members of this community who seem inclined to always expect the worst of their neighbors. I do not. The Sherers are good, conscientious, and responsive neighbors. If there are, for example, any noise issues, I would expect them to fully mitigate the problem. If not, the extended use permit can always be rescinded based on actual evidence of persistent problems.

Dave Parker
264 Mountain View Drive
Swall Meadows

From: [Bob Draney](#)
To: [CDD Comments](#)
Subject: use permit 23-001/Sherer
Date: Wednesday, February 15, 2023 8:53:21 AM

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[EXTERNAL EMAIL]

Good day.

I am writing with regard to the barn being built in Swall Meadows at 1273 Swall Meadows Road. I live full time in Swall Meadows and also own property that adjoins the Sherer's property just to the south of their lot.

I am in favor of the Sherer's being allowed to complete building the barn.

Mono County issued a building permit and allowed the project to commence. Because Mono County allowed the project to substantially begin, it should allow the project to be completed. If Mono County made a mistake during the permitting process, it should not penalize the applicants, who in good faith proceeded to build and invest substantial time, effort and money in the project.

Regardless of Mono County's mistake, as a resident of Swall Meadows and landowner of an adjoining property, I am in favor of the project being allowed to be completed. The final barn appears to be similar to many other barns in Swall Meadows, some of which appear to be larger than the Sherer's barn will be.

I am not opposed to equipment occasionally being moved to and from the location for maintenance or repair.

Thank you for considering my comments.

Bob Draney

1097 Swall Meadows Road
Swall Meadows, CA. 93514
&
65 Meadow Road
Swall Meadows, Ca. 93514

From: [Greta Mettauer](#)
To: [CDD Comments](#)
Subject: Use Permit 23-001/Sherer
Date: Wednesday, February 15, 2023 3:40:53 PM

You don't often get email from gmettauer@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Mono County
Secretary of the Planning Commission
PO Box 347
Mammoth Lakes, CA 93546

To Whom It May Concern:

I am writing in support of the project located at 1273 Swall Meadows Road in Swall Meadows. To date, I have heard what I summarize as three arguments against the project completion:

1. Complaint One: The project will bring increased heavy commercial traffic to the neighborhood and open up the community to widespread commercial development.

As a community, we rely on heavy/commercial traffic to provide services such as dropping off deliveries, constructing our homes, picking up our garbage and working on our power and communication lines. It is highly unlikely that this project will significantly change our local traffic patterns. Based on the structure size, it is not large enough to house multiple pieces of heavy equipment and from what I read in the proposal, the owners are not requesting the ability to house their equipment on-site long-term, instead they are requesting temporary use as needed. The owners do not run their business from the Swall location, they are simply requesting the ability to bring and maintain their equipment at their home, which can be especially useful when working on local fire clearance projects, such as with the upcoming Mountain View/Sky Meadows fuel break project Eastside Iron has been contracted to complete in the upcoming year. In addition, from what I have read and heard at the community meeting on January 18th, the structure has been planned and constructed with the necessary county and community oversight, permits and approvals, so the concern about this project being the catalyst for other businesses popping up unregulated is without merit.

2. Complaint Two: The height and appearance of the structure are not in keeping with our residential neighborhood and will block other homeowner's views.

From my eye, the new structure appears no larger than other buildings in the community and based on the product photo provided it will fit in with the other existing barns, two-story homes and structures in the neighborhood. I walk by the project several times a week and I am struck how the visibility of the actual structure is actually blocked on the east side by the trees along the property on the border of 1207 Swall Meadows Rd, and the same is true on the west by the trees along 35 Meadow Rd. In fact, when walking east, you almost cannot even see the structure until you are standing directly in front of 1273 Swall Meadow Rd. as it is behind the main dwelling. From Mountain View Rd the view is almost completely obscured by the pine trees behind the homes on Swall Meadows Rd. I cannot speak of the views from the home, but Mountain View sits higher in elevation so the actual structure is lower in the view. The structure has a relatively small footprint and is actually smaller than some of the other barns and structures in the neighborhood. Quite frankly, there is nothing offensive about the structure and the owners have been honest and forthright with their intent. We are blessed enough to live in a beautiful neighborhood with expansive views and one structure alone will not wipe out any one's views.

3. Complaint Three – Having the heavy equipment and performing maintenance of vehicles in the new structure will cause an uncontrollable fire hazard for the neighborhood.

As a rural community, this hazard is already present. We rely upon private owners' availability and use of heavy equipment to clear snow and to manage our properties year-round, which of course means the necessity to perform on-going equipment maintenance. In addition, we have several homeowners that regularly perform automobile and small equipment maintenance in their garages which seems to carry the same risks of flammable liquid exposure, so where do we draw the line?

As this last winter has proven, if we did not have private operators in the community with available, maintained equipment, several of the older folks in the community would have been stranded on their properties for days on end.

On a closing note, we have owned the property at 65 Meadow Road, which is next to 1273 Swall Meadows Road for over 16 years and the owners of 1273 Swall have done a remarkable job of revitalizing the existing home, rehabbing their portion of the orchard and keeping the property clear. Given our history of fires in the neighborhood, I am grateful to have another firefighting professional, especially one with such extensive clearance background here in Swall Meadows.

Thank you for your time and consideration.

Best Regards,

Greta Mettauer
1097 Swall Meadows Rd.
Swall Meadows, CA 93514

- D. A density bonus for enclosed covered parking may be granted as follows:
 - 1. One bonus dwelling unit may be granted per two enclosed, covered parking spaces for multifamily residential uses. Projects must provide enclosed, covered parking for at least 50% of units to qualify for bonuses. Density bonuses shall be calculated on the surplus of required covered parking spaces greater than 50% and shall be awarded as part of the approval process.
 - 2. For hotel/motel and other similar uses, a density bonus may be granted if underground or understructure parking is provided for 50% to 100% of the rooms. The density bonus shall not exceed 50% and shall be awarded as part of the approval process.
 - 3. Review standards and develop a density bonus policy applicable to other commercial uses such as retail and office space.

- E. Certain Land Use Designations (LUDs) specify a maximum density that may not be exceeded when density bonuses are awarded. In no case shall density bonus awards exceed this maximum. See the applicable LUD for maximum density provisions.

04.110 Building height.

- A. All buildings and structures hereinafter designed or erected, or existing buildings that may be reconstructed, altered, moved or enlarged, shall have a height no greater than 35 feet from grade measured from any point of the building. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive. See Figure 11.

- B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.
 - 1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics. Accessory Dwelling Units shall be subject to the same standards as the primary unit.

- C. On large commercial projects and multifamily, condominium or apartment projects where an entire floor area is devoted to underground parking, the height of building shall mean the vertical distance from the ceiling of the underground parking facility to the topmost point of the building, but excluding certain features as specified in Sections 04.110 D a & b.

- D. Exceptions to the Height Limitations:
 - 1. Permitted: The following uses are permitted:
 - a. Public utility exceptions. Poles for public utilities shall be allowed in all designations to a height greater than that permitted for buildings in the designation but shall not exceed 60 feet.
 - b. Residential exceptions. The height specified for residential development of 35 feet may be adjusted to allow additional height to a maximum of 45 feet, provided that the required side and rear yards are increased one foot in width for each foot of height over 35 feet.

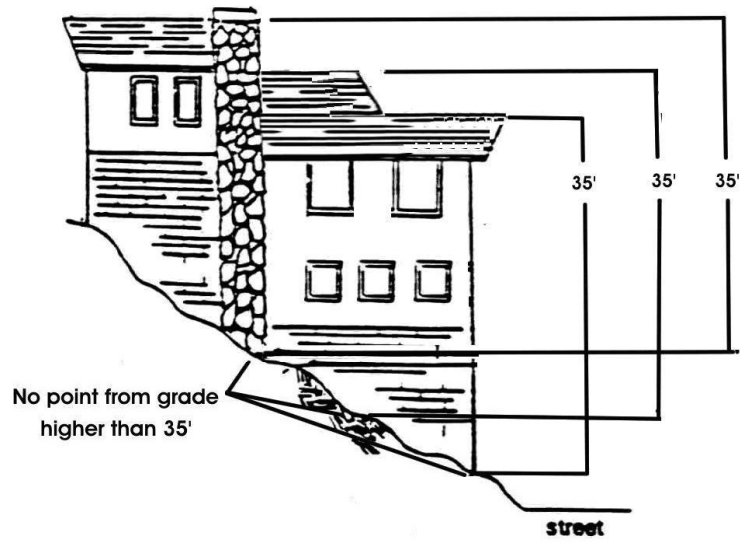
 - 2. Director Review: The following uses shall be permitted at a height greater than 35 feet subject to Director Review and approval: chimneys, silos, cupolas, flag poles, wind generation towers, monuments, natural gas storage holders, personal radio and other similar towers, water tanks, church steeples and similar structures and mechanical appurtenances that are permitted in a designation. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required but shall not exceed 60 feet, except for wind generation towers.

- a. Small wind generation systems are regulated by the Mono County Code, and towers in no case shall exceed 80 feet.
-
3. Use Permit: Commercial and industrial exceptions – The height limitations of this chapter may be modified for commercial and industrial uses upon securing use permit approval and contingent upon findings by the Commission that the height would maintain the functional and aesthetic integrity of the immediate adjacent established commercial/industrial area, the project will not result in substantial detrimental effects on the enjoyment and use of surrounding properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction, and in no case shall exceed 60 feet, except for cellular and wireless towers.
 - a. Cellular and wireless tower height above 60 feet may be granted in Public Facilities (PF) land use designations subject to Chapter 11, Section 11.020.J.6 in the Land Use Element, and in no case shall exceed 80 feet.

FIGURE 11: BUILDING HEIGHT MEASUREMENTS

A. UP-SLOPING LOTS

Building Height



B. DOWN-SLOPING LOTS

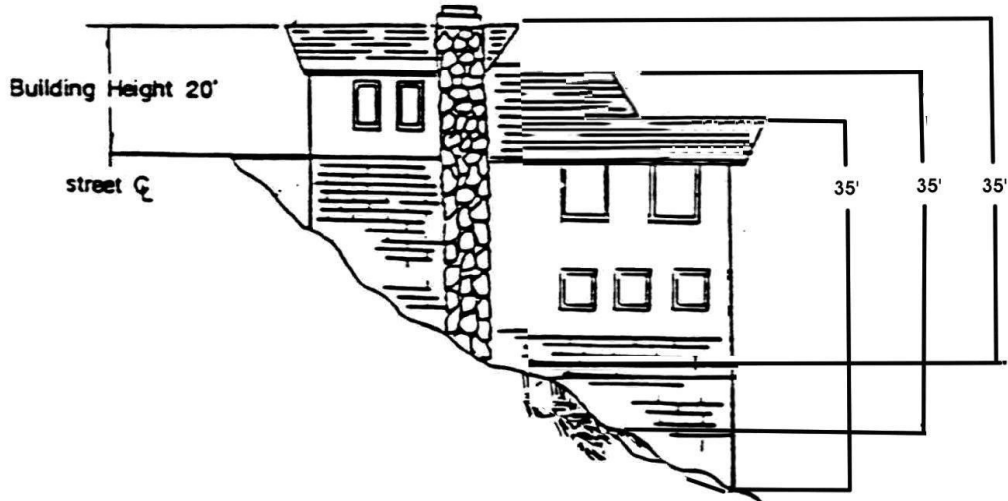


TABLE 04.010: BUILDING HEIGHT REQUIREMENTS

(All heights shall be calculated as the vertical distance from natural or finished grade [whichever is more restrictive] to the topmost point of the structure, exclusive of vents, chimneys or other such incidental appurtenances [see Figure 11].)

Situation	Requirement
All buildings hereafter designed or erected, or existing buildings that may be reconstructed, altered, moved or enlarged	Height of no finished part of such building greater than 35' measured from grade. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive
Residential development	May be permitted greater than 35', to a maximum of 45', provided that the required side and rear yards are increased one foot in width for each foot of height over 35'.
Accessory buildings	Maximum height of 20' (15" in the MFR-L), except as may be permitted by use permit.
Barns, stables and similar necessary buildings in the Equestrian Overlay District	May exceed the height limitation for accessory structures (20'), but in no case greater than 35'.
Accessory agricultural buildings in the AG district (i.e., hay barn)	Maximum height of 40'.
Commercial, apartments, multifamily or condo projects with an entire floor devoted to underground parking (see 2.1160, Definitions – Parking, underground)	The height of the building shall be calculated as the vertical distance from the ceiling of the parking facility to the topmost point of the building, exclusive of vent, chimneys or other such incidental appurtenances.
Structures in I or IP districts	Maximum height of 40'.
Public utility poles	Allowed in all districts to a height greater than that permitted for buildings in the district.

TABLE 04.010: BUILDING HEIGHT REQUIREMENTS – continued

Situation	Requirement
Silos, cupolas, flag poles, wind-generation towers, monuments, natural gas storage holders, radio & other towers, water tanks, church steeples, & similar structures & appurtenances	Permitted at a height greater than 35’ subject to Director Review. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required.
Fences	Fences shall not exceed 7’ in height. Where a fence, hedge or wall is located in any required front yard, it shall not exceed 4’ in height.
Commercial and Industrial Uses	See 04.110.D.
Natural Habitat Protection (NHP) District	No building or structure shall have a height greater than 24’.

MONO COUNTY PLANNING COMMISSION

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

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

March 20, 2023

To: The Mammoth Times
From: Wendy Sugimura, Director
Re: Legal Notice for **March 23** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a public hearing on **April 4, 2023**, at the Mono County Courthouse, Second Floor Board Chambers, 278 Main Street, Bridgeport, CA, with a teleconference location at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA. A remote meeting may be authorized under AB 361, based on Governor Newsom's March 1, 2023, Proclamation of Emergency resulting from severe storms and a finding that in-person participation would result in an imminent risk to the health and safety of meeting attendees. The teleconference and remote meeting can be accessed at <https://monocounty.zoom.us/j/88595789548> and by telephone at: 669-900-6833 (Meeting ID# is 885 9578 9548) and by telephone at 669-900-6833 (Meeting ID# 885 9578 9548) where members of the public shall have the right to observe and offer public comment and to consider the following: **9:30 am – Appeal of Planning Commission Approval of Use Permit 23-001/Sherer**. The project is located at 1273 Swall Meadows Road, Swall Meadows (APN 064-140-014) and approved an accessory structure/garage greater than 20' in height and less than 35' in height. The property is designated Estate Residential and is 0.95 acres. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). The Planning Commission approved the project and the Board may affirm, affirm in part, or reverse the Commission's decision. Project materials will be available for public review online at <https://monocounty.ca.gov/bos/page/board-supervisors-180> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Clerk of the Board, c/o Mono County Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, **by 8 am on Tuesday, April 4, 2023**, or via the livecast meeting (technology permitting) at the time of the public hearing. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

###

From: [Katelyn Q](#)
To: [CDD Comments](#)
Subject: 1273 Swall Meadows Rd Use Permit 23-001/Sherer
Date: Friday, March 17, 2023 12:41:23 PM

You don't often get email from qualeyk@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

To whom it may concern,

I'm writing to comment on the use permit 23-001 appeal submitted by appellants Alisa Adriani and Blythe Osterman. I would like to voice my support of the permit approval to the residents of 1273 Swall Meadows Rd, allowing the building of a 35 foot barn structure on their property. It is my understanding that the planning commission approved this increase in height following the current guidelines and as a member of the neighborhood I see no issues with the height of this building. The appellants are mistaken in their appeal that there are "no other buildings of this sort in Swall Meadows" as there are at least 3 barn structures of that height that have existed in the neighborhood for many years. For example, there is one at least 35 foot tall barn structure also on Swall Meadows Road that houses large recreation vehicles and boats.

We have a view of the barn project at 1273 Swall Meadows Rd from our deck and I don't find it in any way inhibiting our ability to enjoy the surrounding views. The Sherer's are great neighbors and their house and property are immaculate and beautifully kept, I assume the new structure will be as well. It's unfortunate that these two appellents (who are not full time residents, and one has put her empty lot on the market multiple times over the past few years) have taken this issue so personally. All that to say, I support the Sherer's project and I look forward to seeing their completed barn soon!

Thanks for taking the time to read my input!

-Katelyn Qualey
320 Mountain View Drive

Wendy Sugimura

From: Wendy Sugimura
Sent: Monday, March 20, 2023 12:49 PM
To: Wendy Sugimura
Subject: FW: how to remove the building

From: Alisa <alisa@tahoedreamteam.com>
Sent: Thursday, February 16, 2023 12:24 PM
To: Jora Fogg <jfogg@mono.ca.gov>; Patricia Robertson <Patricia@MammothLakesHousing.org>; Roberta Lagomarsini <rlagomarsini@mono.ca.gov>; clizza@mono.ca.gov
Subject: RE: how to remove the building

All the other buildings this high are on larger parcel with larger setbacks.

ALISA ADRIANI | CA Broker Associate
Intero Real Estate Services
C 530.412.3070
CA BRE# 01303619
www.TahoeDreamTeam.com

From: Alisa
Sent: Thursday, February 16, 2023 11:58 AM
To: Jora Fogg <jfogg@mono.ca.gov>; Patricia Robertson <Patricia@MammothLakesHousing.org>; Roberta Lagomarsini <rlagomarsini@mono.ca.gov>; 'clizza@mono.ca.gov' <clizza@mono.ca.gov>
Subject: how to remove the building

If the concrete slab was elevation certified as would be required by other counties, you would see that it is not at the elevation permitted and that would be grounds to have the building removed.

ALISA ADRIANI | CA Broker Associate
Intero Real Estate Services
C 530.412.3070
CA BRE# 01303619
www.TahoeDreamTeam.com

Wendy Sugimura

From: Wendy Sugimura
Sent: Monday, March 20, 2023 12:53 PM
To: Wendy Sugimura
Subject: FW: Yesterday's meeting recap to counsel

From: Alisa <alisa@tahoedreamteam.com>
Sent: Friday, February 17, 2023 12:27 PM
To: Chris Lizza <clizza@mono.ca.gov>; Jora Fogg <jfogg@mono.ca.gov>; Roberta Lagomarsini <rlagomarsini@mono.ca.gov>; Patricia Robertson <Patricia@MammothLakesHousing.org>; J. Scott Bush <jsbush@mono.ca.gov>
Subject: Yesterday's meeting recap to counsel

Some people who received this message don't often get email from alisa@tahoedreamteam.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Dear Commissioners,

I sent the email below to county counsel. After sending it I thought, why not send it to the commissioners? What if we all can learn from yesterday's meeting? For instance, I'd love to hear from you about my comments and what I failed to do to show you that approving a structure at 175% of the allowed height should not be permitted, especially when there is no hardship or grounds that the applicant bears to support a gross exception and it is on a smaller than normal lot 12 feet from a property line of a downslope lot. I want to learn what I did right or wrong so I can educate myself and improve. The fact that the building is already there is not a hardship; county counsel explained that E and O policy would compensate the Sherer's for their losses suffered by county staff's mistakes. So, I am struggling to understand. Read below if you wish!

Warmest Regards,

Alisa Adriani
530-412-3070

From: Alisa
Sent: Friday, February 17, 2023 12:10 PM
To: Emily Fox <efox@mono.ca.gov>
Cc: Rhonda Duggan <rduggan@mono.ca.gov>
Subject: documents

Hi Emily and Rhonda,

What is the process of appealing the use permit to the BOS? I would like to be notified if the home occupation permit is appealed. Will anyone notify me?

I am concerned about planning staffs lack of or incorrect response to the commissioners. Both Ms. Fogg and Mr. Lizza asked the planning staff and the applicant what the elevation and height of the existing home were, trying to establish if the garage was subordinate to the main home as required in the height element on 04.110. I appreciated that the commissioners were making an effort to inform themselves to make a good decision. However, both Mr. Draper and Ms. Sherer said that they don't know, which is just not true. The elevation of the base of the house in on the site plan. There active an building permits from 2015, not yet finalled, on the house for a remodel include house plans that show the height of the house. Mr. Draper mentioned these permits in his presentation and his written report to the commissioners. While Mr. Draper could have commented that he didn't know off the top of his head, he had a responsibility to answer with the truth, which is that the information is in planning's hands and someone could have

looked into it during the meeting and answered the commissioners. This was a major decision making element of the commissioners – if the residence was in fact subservient to the garage or not, yet the information was purposely withheld, or so it seems.... The house is at a base elevation of about 2-3 feet higher than the garage, but the roof is at an elevation lower than the garage. Exact numbers can be calculated off the plans in planning's possession.

The commissioners seemed to have based their decision on photos that Ms. Sherer showed of other structures in the neighborhood. Planners did nothing to put these in perspective, even though the information is at their fingertips; it's in the system. For instance, she showed a photo of a beautiful wood barn recently built at 857 Swall Meadows Rd. This barn is only 26 feet high, that was all planning would allow him, and it is over 60 feet from all roads and property lines on a 2.26 acre lot. The other photos was of a two story garage, one story in the back as its built into the hill. It is residential, my friends live in it, and its well under 35 feet. The last photo was a barn (the old Wilson Barn)that might be similar in height to theirs or a bit lower, but it is on an 8 acre parcel, it is set back from roads by 70-80 feet or more, and was likely built before the GP even had a height for this area. If the commissioners knew this, would they have voted how they did? I doubt it.

Is there a process to formally challenge the height and location of a building so that a surveyor must check them? Even if I pay the cost of the surveyor? Ms. Sherer thinks that I am mispresenting the truth, however, I am not disagreeing with her that the building was staked out; I never said that. I am saying that the building was staked out PRIOR to the grading of the pad and that in the process the markings were removed. A surveyor has not been to the property since Dec. 3 of 2021, prior to the grading work for the pad. The surveyor never set any pins, the Sherers did not want to pay the extra fee for that. So, there are no permanent markers anywhere on the eastern lot line and once they were moved in excavation, there was nothing to reference. See the site plan, you can see the pins I paid for when I had to get their fence off my property, but no pins on the eastern line. That means that the location of the pad and the elevation of the slab have never been verified by a surveyor, the only person who has the tools to actually render an accurate location/elevation. The neighbor has asked Ms. Sherer to remove her 30-35 ft. fence encroachment but Ms. Sherer said she does not know where her property line is and that the neighbor has to pay Triad to mark it. Hard to hear this right after she told the commissioners that they had their pad staked and that she knows it is on her property. So either she doesn't know where her property is and it should be surveyed, or she does and she should remove her fence.....

I did not see the approved WCDR checklist for the Sherer's garage in the documents you sent. I only saw one for their deck. The WCDR could not have been provided all the documents needed to approve the garage, because they do not exist. Specifically item J, which is in essence a cross section elevation which, according to planning's checklist, is required for a building permit, but one is not done for this property. (that is what my email to planning staff that you answered is requesting, I've asked several times and they have not answered. I can only suspect that it is because it is not there, another mistake) Would you please forward the approval for the garage and any notes from WCDR? It appeared that the Planning decision gave weight to the approval of the project by the WCDR without knowing the full capacity of the WCDR. The WCDR never had any elevations of the building on the lot to make any options about it being attractive from all directions as stated in item J. Even if they had them, they are still not approving or verifying heights, only aesthetics. It is not the WCDR job to know the exact requirements for height, setbacks, or any of the GP rules for each type of construction or zoning. They have their own checklist and architectural standards to address and that is the end of their scope of duty.

There were many more comments against this project made to Planning Staff and Supervisor Duggan, yet they were not included in the staff report and Mr. Drapers photo with stars of where comments came from. He never told people that commented before Feb. 3rd that their comments expired and were not being passed on to the Planning Commission. Many people felt that they had commented, yet their comments were not included and they had no star on their property. This is an amazing lack of transparency for the benefit of the applicant. There is no reason why Mr. Draper could not have explained the process to them. I also have a vacant lot, and that did not get a star, yet another land owner who spoke in favor of the project and has a house and a lot, got a star on each one. Every single element of this seems so incredibly biased towards the applicant, it is overwhelming.

Would you please send me all documents after the packages you already sent, including Mr. Draper's presentation and the Sherer's presentation? Is there a recording of the meeting available? Is there a commissioners report? I noticed that there was a second motion on the home occupation as to why it wasn't passed, but there were no reasons summarized in a similar fashion as to why the motion was passed for the use permit. The only reasons I came away with were them saying there were other tall detached garages in Swall (there are not, or the 1 that does exist is on 8 acres 70 feet from the road, not 12 feet from someone else's land and grandfathered in) and them circling back to the WCDR approving the permit, though you stated it did not include them approving height. I feel like you promoted Mr. Draper to explain this to the commissioners, but he did not, and it really sailed right over their heads since Ms. Robertson kept bring it up over and over, regardless of the fact that it is unrelated to the height.

Maybe there can be a training for the commissioners after this meeting? They seem to have good intentions but it was clear that they didn't have all the information necessary to make an informed decision. If they were told the items above, maybe in the future they would know to take a moment and ask clarifying details on the false statements that they based their vote on. They could learn that they can instruct staff to find data for them to make informed decisions. They can postpone a vote if they are basing it on data that is not verified by anyone but the applicant herself. It doesn't hurt to at least try to learn from processes that don't go quite right. Each commissioner needs to ask themselves, how would I vote if this was a new application and there was not a building already on the ground? I don't think they did that. I am hoping that planning staff has learned from their mistakes, though I'm not seeing any indication that they have by their actions at this time. I am hoping that everyone realizes that there is an obligation of the county to make sure that WCDR follows the general plan, a citizen group needs to be check by staff. Checks and balances are the basis of our democracy. There should be public meetings, minutes, and posted agendas. It protects everyone. Maybe we can figure out a good process that would protect everyone from things like this in the future and propose it to the BOS to add an amendment to the WCDR governing docs. Oh – I did turn in an application for the WCDR committee – I'd rather help than complain...

Thank you again for all of your help.

Warm Regards,
Alisa

ALISA ADRIANI | CA Broker Associate
Intero Real Estate Services
C 530.412.3070
CA BRE# 01303619
www.TahoeDreamTeam.com

From: [Brandon Barter](#)
To: [CDD Comments](#)
Subject: 1273 Swall Meadows_Use Permit_23-001-Sherer
Date: Sunday, March 26, 2023 12:07:50 PM

You don't often get email from ravenbarter@aol.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Greetings to the Concerned Party,

I am taking pen in hand to opine on the matter of the use permit 23-001 appeal that has been filed by Alisa Adriani and Blythe Osterman, the appellants in question. My aim is to express my resolute support for the permit approval that would allow the construction of a 35-foot barn structure on the property situated at 1273 Swall Meadows Rd.

As far as I know, the planning commission has approved the building height in adherence to the existing guidelines. Being a resident of the neighborhood myself, I can say with certainty that there is no issue with the height of this particular structure. The appellants' claims that "no other buildings of this sort in Swall Meadows" exist are entirely unfounded. There are at least three barn structures in the area that stand at the same height, and they have been present for many years. In fact, there is one such barn structure, also measuring 35 feet, on Swall Meadows Road that houses recreation vehicles and boats.

The barn project at 1273 Swall Meadows Rd is visible from our deck, and I can say without hesitation that it does not obstruct our enjoyment of the surrounding views. The Sherers, who are our neighbors, are great neighbors, and their house and property are impeccably maintained. I am confident that the new structure will be no different. It is regrettable that the appellants (who are not full-time residents, and one of them has attempted to sell her vacant lot several times over the past few years) have taken such a personal stance on this issue.

In conclusion, I stand with the Sherers and their barn project, and I eagerly anticipate seeing its completion.

Respectfully yours,

Brandon Barter
760-978-5853

From: [Blythe Ousterman](#)
To: [CDD Comments](#)
Subject: Postponement of meeting to appeal
Date: Tuesday, March 28, 2023 10:52:02 AM

[You don't often get email from blythee@earthlink.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL EMAIL]

I'm writing to ask that the meeting to appeal the Sherer's use permit and building permit be postponed until the weather is milder and travel is safer.

A veteran of many zoom meetings, there is much that can be missed. Please consider the historic snowfalls and postpone the meeting so all of us who want to be present can safely do so.

Thank you,

Blythe Ousterman

From: spottab@aol.com
To: [CDD Comments](#)
Subject: Use Permit 23-001/Sherer
Date: Sunday, March 26, 2023 12:03:18 PM

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[EXTERNAL EMAIL]

TO: Mono County Board of Supervisors

RE: Use Permit 23-001/Sherer

I am writing to express my continued support for Lindsey and Chris Sherer's application for a Use Permit to allow for a >20-foot height of their garage, and to lodge my opposition to the appeal of the Planning Commission's unanimous affirmation of the permit on 16 February, 2023.

With respect to the building height, I see no conflict here with the Swall Meadows Area Plan. There are many buildings here – both residences and outbuildings – that are as tall or taller, and do not spoil the ambiance of the community. In reviewing the Land Use Element of the General Plan, I could only find one mention of protection of views (Policy 24.F.4.1), but it only offers protection to “parcels which are on the 'upper' side" of the proposed project. Given that caveat, the only two neighbors with legitimate claims to any negative impacts (Terry Lee and Karen Marshall) have both written in strong support of the project. Visual impacts to other residences seem inconsequential.

Regarding the Sherers' intended use of the building, my view is that, as long as any and all uses conform to the applicable County ordinances, it's really nobody's business. In the context of residential use, we all enjoy considerable latitude in how we use a garage or other outbuilding.

I am not sure if there are any residual objections to the architectural style or finish of this building. But, it is clearly compatible with policies 24.A.4 and 24.E.1.a, as reflected in the project's approval by the Wheeler Crest Design Review Committee. Personally, I find the construction of an all-metal building to be laudable in light of the extreme wildfire hazards in Swall Meadows.

As I've said before, I find the Sherers to be excellent, hard-working and conscientious neighbors. Having younger, working families in the community is essential if we are to avoid becoming a *de facto* retirement community. Given a certain amount of Planning Division ineptitude in the permitting and approval of this project, I think it is past time to let the Sherers complete the garage and get on with their busy lives. Accordingly, I strongly urge the Board to deny the appeal, and to bring an end to this protracted project-approval process.

Dave Parker
264 Mountain View Drive
Swall Meadows

From: [Pam Padgett](#)
To: [CDD Comments](#)
Subject: Use Permit 23-001/Sherer
Date: Tuesday, March 28, 2023 4:01:59 PM

You don't often get email from ppadgett1460@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

To Mono County Board of Supervisors
Re: Use Permit 23-001/Sherer

I am writing to express my continued support for Lindsey and Chris Sherer's application for a Use Permit to allow for a >20-foot height of their garage. I wish to state my opposition to the appeal by Alisa Adriana and Blythe Ousterman to the Planning Commission's unanimous affirmation of the permit on 16 February, 2023.

First, there is no conflict with the Area Plan for Swall Meadows, nor the General Plan for Mono County for this accessory building. As was presented at the Planning meeting, under non-controversial conditions a permit may be issued by the Building Department without the need to apply for a use permit. Because of a complaint, a permit was requested, and the Planning Commission granted it unanimously, all within code. Along those lines the building plans were reviewed and approved by the Swall Meadows Architectural Review Committee. The Committee was well aware of the height and the materials, and approved the plans as being consistent with community standards.

Secondly, It is unclear exactly which neighbors might be **hurt** (as stated in the appeal application) by construction of this garage. Both fulltime neighbors across the street, who are most affected by having the building in their viewshed, have written in support the project. Ms. Adriani, a parttime resident who owns property to the west, may have to drive by the building, but once on her property, the building is largely blocked from her view by a grove of trees. Ms. Blyth owns property to the east of the Sherer's. She doesn't even have a house on her property, her property is a vacant lot. And it is unclear if she will ever have a house as she has put her property on the market at least once in recent years. So which neighbors will be hurt is a bit of a mystery.

Contrary to the statement that "There are no other buildings of this sort in

Swall Meadows..." There are 4 detached accessory buildings in Upper Swall Meadows very similar in height and style: 857 Wilson Road, 1097 Swall Meadows Road, 101 Mountain View Drive, and 356 Willow Road. The exception is that the Sherer's garage is designed to be fire resistant. Both the internal super-structure and the external paneling are made of metal making it far more fire resistant than most other structures found in the community.

The Sherer's are valuable members of the community. Their contributions range from the professional, running a business specializing in fuel reduction; to social, contributing to community gatherings and support for community projects. The on-going harassment by Ms Adriani is very much contrary to community standards and norms where we all try to help each other out, and a general ethic of live-and-let-live prevails.

The Sherer's have had to put up with far more than their fair share of hoops and roadblocks. It is time to allow them to complete this project and move on with their busy lives.

Sincerely,
Pamela Padgett

264 Mountain View Dr
Swall Meadows, CA
93514



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Emergency Management

TIME REQUIRED 45 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Chris Mokracek, Director of
Emergency Management

SUBJECT Winter Storm Update

AGENDA DESCRIPTION:

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

Presentation by Chris Mokracek providing an update on the impacts of and response to the winter storms impacting Mono County in 2023.

RECOMMENDED ACTION:

None, informational only. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time	Who	Approval
3/29/2023 4:12 PM	County Counsel	Yes
3/27/2023 3:59 PM	Finance	Yes
3/29/2023 7:59 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: CAO

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Ordinance Amending Mono County
Code Section 2.60.090 - Office of
Emergency Services

AGENDA DESCRIPTION:

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

Proposed ordinance amending existing section 2.06.090 of the Mono County Code to memorialize the establishment of the Office of Emergency Services within the Office of the County Administrator and designate the County Administrative Officer, or his or her designee, as the Director of Emergency Services, thereby replacing the Mono County Sheriff as the Director of Emergency Services and the Sheriff's Department as the Office of Emergency Services.

RECOMMENDED ACTION:

Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Emily Fox

PHONE/EMAIL: 7609241712 / efox@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Ordinance

History

Time	Who	Approval
3/24/2023 11:11 AM	County Counsel	Yes

3/27/2023 3:59 PM

Finance

Yes

3/27/2023 4:00 PM

County Administrative Office

Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christopher L. Beck

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**

Mono County

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

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Emily Fox

Date: April 4, 2023

Re: Ordinance amending Section 2.60.090 to establish the Office of Emergency Services within the Office of the County Administrative Officer

Strategic Plan Focus Areas Met

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

Discussion

Currently, under existing Mono County Code section 2.60.090, the County Director of Emergency Services is created and situated within the Sheriff-Coroner's Office. As the COVID-19 pandemic demonstrated, there is a need for emergency services to be coordinated across all departments within Mono County government. As such, the Office of the County Administrative Officer is a more appropriate department to locate the County Director of Emergency Services.

Accordingly, the attached ordinance amends existing section 2.60.090 to move the Office of Emergency Services to within the Office of the County Administrative Officer. Instead of the Sheriff-Coroner, the County Administrative Officer shall be the default Director of Emergency Services. The County Administrative Officer may designate a qualified employee to act in their capacity as Director of Emergency Services. In the event the County Administrative Officer and their designee are not available to serve as Director of Emergency Services, the Sheriff-Coroner (or the Undersheriff) would act as the Director of Emergency Services. The ordinance as amended contains a description of all the powers and duties of the Director of Emergency Services.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.



ORD23-__

AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS AMENDING MONO COUNTY CODE SECTION 2.60.090 TO ESTABLISH THE OFFICE OF EMERGENCY SERVICES WITHIN THE OFFICE OF THE COUNTY ADMINISTRATOR; OUTLINE THE ROLE OF THE DIRECTOR OF EMERGENCY SERVICES AND MAKE RELATED CHANGES

WHEREAS, Mono County Code section 2.60.090 currently creates and situates the director of emergency services in the Sheriff-Coroner’s Office; and

WHEREAS, the COVID-19 pandemic illustrated the need for emergency services coordination across all departments within Mono County government; and

WHEREAS, the office of the County Administrative Officer is best situated to direct emergency services that require coordination and cooperation across the breadth of county government;

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

SECTION ONE: Section 2.60.090 of the Mono County Code is hereby amended in its entirety to read as follows:

“2.60.090 - County director of emergency services—Line of Succession; Powers and duties.

A. There is within the Office of the County Administrative Officer, an Office of Emergency Services and a County Director of Emergency Services (“Director”) who shall run the day-to-day operations of the Office of Emergency Services. The Director shall be the County Administrative Officer or their qualified designee.

1. If the Director is not available to respond during an emergency, his or her qualified designee shall exercise all powers and duties of the Director.
2. If neither the Director or the qualified designee is available to respond during an emergency, the Sheriff-Coroner (or if they are not available, the Undersheriff) shall exercise all powers and duties of the Director.

1
2 B. The Director and any appointed qualified designee is empowered:

3 1. To make and issue rules and regulations on matters reasonably related to the
4 protection of life and property as affected by the emergency; provided, however,
5 the rules and regulations must be confirmed at the earliest practicable time by the
6 Board of Supervisors;

7 2. To obtain vital supplies, equipment, and such other properties found lacking
8 and needed for the protection of life and property, and to bind the County for the
9 fair value thereof, and if required immediately, to commandeer them for public
10 use;

11 3. To require emergency services of any county officer or employee and, in the
12 event of the proclamation of a state of emergency in the county or the existence
13 of a state of war emergency, to command the aid of as many citizens of the
14 county as he or she deems necessary in the execution of his or her duties; such
15 persons shall be entitled to all privileges, benefits, and immunities as are
16 provided by State law to registered disaster service workers;

17 4. To requisition necessary personnel or material of any county department or
18 agency;

19 5. To execute all of his or her ordinary power as Director and use all of the
20 special powers conferred upon him or her by this section or by resolution, all
21 powers conferred upon him by any statute, by any agreement approved by the
22 Board of Supervisors, and by any other lawful authority;

23 6. To request the Board of Supervisors to proclaim the existence or threatened
24 existence of a "local emergency" if the Board of Supervisors is in session, or to
25 issue such proclamation if the Board of Supervisors is not in session. Whenever a
26 local emergency is proclaimed by the director, the Board of Supervisors shall
27 take action to ratify the proclamation within seven days thereafter or the
28 proclamation shall have no further force or effect;

29 7. To recommend that the Chair of the Board of Supervisors request the
30 Governor to proclaim a state of emergency when, in the opinion of the director,
31 the locally available resources are inadequate to cope with the emergency;

32 8. To control and direct the effort of the emergency organization of this county
for the accomplishment of the purposes of this chapter;

9. To direct cooperation between and coordination of services and staff of the
emergency organization of this county, and to resolve questions of authority and
responsibility that may arise between them; and

10. To represent this County in all dealings with public or private agencies on
matters pertaining to emergencies as defined herein.

33 C. The Director and any appointed qualified designee shall be responsible for:

34 1. Development of planning and training for Mono County emergency response
35 functions;

36 2. Research and the drafting and dissemination of emergency response plans;

37 3. Serving as operational area coordinator;

1 4. Performing such other duties as may be prescribed by the board of supervisors.”

2
3 D. Notwithstanding any other provisions of this section, the Sheriff-Coroner is
4 responsible for the operational command and control, direction, and deployment of
5 public safety resources relating to law enforcement.

6 E. Notwithstanding any other provisions of this chapter, the Sheriff-Coroner shall have
7 the following duties:

- 8 1. To exercise operational command and control, direction, and deployment of
9 public safety resources relating to law enforcement; and
- 10 2. To coordinate law enforcement mutual aid for the county.

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

17 **PASSED, APPROVED and ADOPTED** this ____ day of _____, 2023, by
18 the following vote, to wit:

19 **AYES:**

20 **NOES:**

21 **ABSENT:**

22 **ABSTAIN:**

23 _____
24 Rhonda Duggan, Chair
25 Mono County Board of Supervisors

26 **ATTEST:**

27 **APPROVED AS TO FORM:**

28 _____
29 Clerk of the Board

30 _____
31 County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: CAO

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Consolidation of Public Health and
Social Services Departments

AGENDA DESCRIPTION:

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

Presentation by Mary Booher regarding consolidation of Public Health and Social Services.

RECOMMENDED ACTION:

The Board (1) receive a report from staff regarding possible consolidation of Public Health and Social Services into a consolidated agency; (2) direct staff to establish positions for the consolidated agency Director and consolidated agency lead fiscal position; (3) direct staff to develop the recommended organizational structure for the Consolidated agency; and (4) direct County Counsel to make the necessary ordinance changes to effectuate the creation of a consolidated agency.

FISCAL IMPACT:

None.

CONTACT NAME: Mary Booher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> PH SS Staff report</p>

History

Time	Who	Approval
3/30/2023 11:52 AM	County Counsel	Yes
3/30/2023 8:33 AM	Finance	Yes

3/30/2023 11:57 AM

County Administrative Office

Yes



March 21, 2023

To: Mono County Board of Supervisors

From: Mary Booher, Acting County Administrator

RE: Consolidation of Public Health and Social Services

BOARD OF SUPERVISORS

CHAIR

Rhonda Duggan / District 2

VICE CHAIR

John Peters / District 4

Bob Gardner / District 3

Lynda Salcido / District 5

Jennifer Kreitz / District 1

COUNTY DEPARTMENTS

ASSESSOR

Hon. Barry Beck

DISTRICT ATTORNEY

Hon. David Anderson

SHERIFF / CORONER

Hon. Ingrid Braun

ANIMAL SERVICES

Chris Mokracek (Interim)

BEHAVIORAL HEALTH

Robin Roberts

COMMUNITY DEVELOPMENT

Wendy Sugimura

COUNTY CLERK-RECORDER

Scheereen Dedman

COUNTY COUNSEL

Stacey Simon, Esq.

ECONOMIC DEVELOPMENT

Jeff Simpson

EMERGENCY MEDICAL SERVICES

Bryan Bullock

FINANCE

Janet Dutcher

CPA, CGFM, MPA

INFORMATION TECHNOLOGY

Milan Salva (Interim)

PROBATION

Karin Humiston

PUBLIC HEALTH

Kathy Peterson (Interim)

PUBLIC WORKS

Paul Roten

SOCIAL SERVICES

Kathy Peterson

Strategic Plan Focus Areas Met

A Thriving Economy Safe and Healthy Communities

Sustainable Public Lands Workforce & Operational Excellence

Executive Summary:

In September 2022, the Public Health Director resigned from his position, and the Board appointed Kathy Peterson, Director of Social Services, as the Interim Director of Public Health. Since that time, fiscal functions in the two departments have already been partially integrated, using out-of-class pay. The County Administrator also engaged the services of MRG Solutions to conduct an assessment to evaluate Public Health, and provide recommendations for the future.

Based on the information received and for the reasons discussed in this staff report, I recommend moving forward with the long-term creation of a consolidated health and human services agency in Mono County, and initially consolidating Public Health and Social Services in this new agency. I also recommend that this agency incorporate Behavioral Health at some point in the future when the timing is appropriate. As part of engaging staff in this transition, the name of the new consolidated agency will be developed early in the implementation process.

Based on interviews with staff, especially in Public Health, Kathy Peterson has been an effective leader as the Interim Director of Public Health and is well qualified to lead a newly-created consolidated agency.

Should the Board adopt the recommended action, staff will work with consultants from MRG Solutions to develop a full implementation plan, including a job description for the consolidated agency Director, the consolidated agency fiscal lead position, and other job descriptions to align with the proposed staffing matrices and organizational charts that will be developed during this process.

Background:

Why create a consolidated agency? The goal is for a client needing services to go to one place, tell their story one time, and be directed to all of the services that they need, based on the information presented. Providing services through a consolidated model has proven to increase accessibility to services, and clients are treated more holistically,

because all the services are available in one location. Staff has more opportunities to address the root cause of the need for services, rather than just addressing the need identified by the client. Other benefits of the consolidated model are operational and cost efficiencies; more opportunities for staff development; and additional opportunities for funding based on collaborative models.

In 2004, under the leadership of CAO Dave Wilbrecht, Mono County formed a Health and Human Services Agency, incorporating Public Health, Behavioral Health (known as Mental Health and Alcohol and Drug Services at the time), and Social Services. The structure at the time was an HHS Director, a director for each of the 3 departments, an Agency fiscal staff person, and fiscal staff in each of the 3 departments. Tom Wallace was promoted from Behavioral Health Director to be the HHS Director, and Mary Booher was promoted from the Public Health fiscal position to the HHS fiscal position. These two positions were funded from the three departmental budgets. The fiscal staff in each department continued to report to the department heads, with the HHS staff providing direction and guidance.

In 2008, with the great recession looming, the HHS Director and the HHS fiscal positions were moved into the County Administrator's office in 2011, with the General Fund assuming ½ the cost of each of these positions. The HHS Director became an Assistant CAO and was also assigned to some oversight of HHS in this role. When the incumbent retired at the end of 2008, the decision was made to not re-fill, a decision based on the pending recession. The Fiscal staff person was assigned to other tasks in the CAO's office, beginning with the 2009/10 budget. These actions resulted in the end of the HHS at the time, then in 2011, under the recommendation of Finance Director Brian Muir, the Board repealed the ordinance that had created the HHS.

As one of the staff involved in the HHS during this time, along with Supervisor Salcido, who was the Public Health Director at the time, are uniquely positioned to provide insight as to what did not work well, and ultimately led to the dissolution of the HHS in Mono County. The comments below reflect my observations, with the benefit of hindsight, along with where this proposal is different and why I believe this proposal today will succeed.

1. Organizational structure was too top-heavy. The structure included 2 well-paid positions, without any corresponding reduction in staffing costs in the departments. While there was potential for long-term savings, this model did not give those opportunities the time to develop.

The proposed model will be a single Director, with deputy directors over programmatic areas. Therefore, the departments will share the costs of a single director position, which should more than offset the costs of increasing some existing positions to deputy director.

2. The transition from 3 separate departments to a single agency was driven from the top down, and developing buy-in from the staff at all levels.

The plan outlined by MRG Solutions would include approaching implementation in a way that includes all staff, and focuses on several areas including communication; policies and procedures; recruitment and retention; employee training; appropriate balance of remote work and in-person work; and compliance.

3. The ideal organizational structure was not implemented, due to an attempt to placate some of the staff in the affected positions. One example of this was that the HHS Fiscal position was not given supervision over the lead fiscal staff in each of the three departments. Instead, those three individuals continued to report to the Department Heads, even though the HHS fiscal position, was given responsibility for all fiscal activities in HHS (based on the approved job description).

Taking the opportunity to make this transition while the Public Health Director is vacant will result in clearer roles, responsibilities, and lines of authority. During the implementation planning phase, emphasis will be placed on appropriate placement of positions, with clear lines of authority.

4. In the first attempt at creating a Health and Human Services Agency, staff were located throughout the County, and this presented significant challenges to creating a culture of shared service. Social Services had staff in Walker, Bridgeport, and Mammoth; Public Health had staff in Bridgeport and Mammoth, and Behavioral Health had staff in Mammoth. Though some staff traveled to provide services in other communities within the County, most staff remained at their primary location for most of the time. In addition, the staff in Mammoth were located in 2 different malls, Sierra Center Mall and Minaret Mall, creating little opportunity for a "one-door" model that was the vision.

The completion and occupation of the Civic Center leads to much greater opportunities for shared services. In addition, more and more of the staff are based in Mammoth, and remote work technologies implemented during COVID-19 have enhanced the ability of staff to collaborate remotely.

In conclusion, Mono County has an opportunity right now to make an organizational change now that will improve the services to our community, as well as create a better work environment for our employees by consolidating Public Health and Social Services into a consolidated agency.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: County Counsel

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Stacey Simon, County Counsel

SUBJECT Employment Agreement - Interim
County Administrative Officer

AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with Mary Booher as Interim County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Approve Resolution approving a contract with Mary Booher as Interim County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

FISCAL IMPACT:

The estimated cost of this retired annuitant contract for the remainder of the fiscal year is \$78,030, of which \$76,016 is salary and \$2,014 is payroll taxes. The total cost for an entire fiscal year is approximately \$100,012, of which \$97,430 is salary and \$2,582 is payroll taxes. There is enough budget savings in the County Administration FY 2022/23 budget to cover the cost of this contract.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 7606483270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff report](#)

[Resolution - Employment Agreement](#)

[Employment Agreement](#)

History

Time	Who	Approval
3/29/2023 5:03 PM	County Counsel	Yes
3/27/2023 4:23 PM	Finance	Yes
3/29/2023 7:59 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christopher L. Beck

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

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

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Stacey Simon

Date: April 4, 2023

Re: Employment Agreement – Interim County Administrative Officer

Strategic Plan Focus Areas Met

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

Discussion

Mary Booher returned to Mono County on February 9, 2023, as a retired annuitant providing assistance with special projects within the office of the County Administrator. On February 21, 2023, she transitioned to the role of Interim Assistant County Administrator, pending the recruitment and hiring of a permanent Assistant County Administrator. There is currently a vacancy in the position of County Administrative Officer and a recruitment to fill that position has commenced.

Ms. Booher’s service and assistance during the past two months, which have included her leadership during a severe winter storm emergency, have demonstrated that she has the skills and capacity to fill the role of Interim County Administrative Officer (ICAO) during the time period in which the County recruits to fill the position of County Administrative Officer on a permanent basis.

As a retired annuitant through California’s Public Employment Retirement System (CalPERS), Ms. Booher is limited to working 960 hours in a fiscal year total for any PERS-covered employer. Additionally, PERS laws mandate that the salary for annuitants serving in an interim capacity be equivalent to the rate paid for the position (not less than the lowest listed salary nor more than the highest listed salary). The proposed rate of pay is therefore \$101.49 per hour, which is equivalent to the “E” step hourly rate for the position of County Administrative Officer.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1704.



RESOLUTION NO. R23-

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN
EMPLOYMENT AGREEMENT WITH MARY BOOHER AS INTERIM
AND PRESCRIBING THE COMPENSATION, APPOINTMENT,
AND CONDITIONS OF SAID EMPLOYMENT**

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

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the Agreement Regarding Employment of Mary Booher as Interim County Administrative Officer, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Ms. Booher. The Chair of the Board of Supervisors shall execute said Agreement on behalf of the County.

PASSED and **ADOPTED** this 4th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
Clerk of the Board

Rhonda Duggan, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

**EMPLOYMENT AGREEMENT WITH MARY BOOHER
AS INTERIM COUNTY ADMINISTRATIVE OFFICER
DURING THE PERIOD OF RECRUITMENT TO FILL THE POSITION
OF COUNTY ADMINISTRATIVE OFFICER**

The County wishes to employ Mary Booher, a retired annuitant under the California Public Employees' Retirement System ("Ms. Booher") to serve as Interim County Administrative Officer during the County's period of recruitment for a full-time permanent County Administrative Officer (CAO) pursuant to the terms and conditions and on the bases set forth below. Ms. Booher wishes to accept employment with the County on said terms and conditions.

Ms. Booher's prior appointment as "Interim Assistant County Administrative Officer" shall be superseded and replaced by this Board appointment.

I. TERMS & CONDITIONS OF EMPLOYMENT

1. Ms. Booher is hereby appointed as Interim County Administrative Officer (ICAO) for the County of Mono and shall serve in that capacity until such time as a permanent CAO is hired by Mono County and commences work or this agreement is otherwise terminated, as provided below.
2. The Board of Supervisors shall be considered the appointing authority for all purposes with respect to Ms. Booher's employment.
3. During the term of this employment, Ms. Booher shall provide Interim CAO services at the discretion of the Board of Supervisors. The total number of hours of work that Ms. Booher performs for any public employer that is a member of CalPERS shall not exceed 960 hours per fiscal year. Ms. Booher shall set her own hours of work, in consultation with the Board and other CAO office staff.
4. During the course of her employment under this Agreement, Ms. Booher's compensation shall be \$101.49 per hour. This hourly compensation shall encompass the full wages and benefits paid to Ms. Booher and Ms. Booher shall not be entitled to any additional compensation or benefits, including but not limited to, service credit or retirement rights or medical or dental coverage, as a result of this employment, except as required by law. Notwithstanding the foregoing, to the extent that it is not inconsistent with CalPERS requirements applicable to retired annuitants, Ms. Booher shall accrue sick, vacation and holiday leave to the same extent as other at-will employees.
5. Consistent with the at-will nature of Ms. Booher's employment, the Board of Supervisors may terminate her employment at any time without cause. Ms. Booher understands and acknowledges that as an at-will employee, she will not have permanent status nor will her employment be governed by the County Personnel System. Among other things, she will have no property interest in her employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other

disciplinary action the Board of Supervisors may, in its sole discretion, take during Ms. Booher's employment.

- 6. Ms. Booher shall not be entitled to any severance pay upon separation from employment with the County, regardless of the reason for said separation. Ms. Booher shall also not be entitled to any severance pay in the event she becomes unable to perform the essential functions of her position (with or without reasonable accommodations) and her employment is duly terminated for such non-disciplinary reasons.
- 7. Ms. Booher may resign her employment with the County at any time. The resignation shall be deemed effective when tendered, and her employment shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the County and Ms. Booher. Ms. Booher shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.

II. ANNUITANT CERTIFICATIONS

By her signature below, the terms and conditions stated herein are accepted by Annuitant and the Annuitant certifies as follows:

(1) Annuitant has not received any unemployment insurance compensation arising out of her prior employment with a CalPERS employee within the 12-month period preceding this appointment; and (2) More than 180 days have passed since Annuitant's date of retirement.

III. EXECUTION

This Agreement is agreed and executed by the parties effective April 4, 2023, as follows:

EMPLOYEE

BOARD OF SUPERVISORS

Signature: _____
Mary Booher

Rhonda Duggan, Chair

Date: _____

APPROVED AS TO FORM:

County Counsel



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: Finance

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Janet Dutcher, Director of Finance

SUBJECT Employment Agreement - Assistant
Director of Finance -
Auditor/Controller

AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with Kim Bunn as Assistant Director of Finance - Auditor/Controller, and prescribing the compensation, appointment, and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Approve Resolution, approving a contract with Kim Bunn as Assistant Director of Finance - Auditor-Controller, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

FISCAL IMPACT:

Estimated cost of this position for the remainder of the fiscal year is \$39,228, of which \$28,482 is salary and \$10,746 is benefits. The full cost of salary and benefits for an entire fiscal year is approximately \$169,990, of which \$123,424 is salary and \$46,566 is benefits. This is included in the Finance FY 2022/23 budget.

CONTACT NAME: Janet Dutcher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff Report](#)

[Resolution](#)

[Employment Agreement](#)

History

Time	Who	Approval
3/22/2023 9:07 AM	County Counsel	Yes
3/22/2023 12:32 PM	Finance	Yes
3/23/2023 8:15 AM	County Administrative Office	Yes



DEPARTMENT OF FINANCE AUDITOR-CONTROLLER COUNTY OF MONO

Vacant
Assistant Finance Director
Auditor-Controller

Janet Dutcher, CPA, CGFM, MPA
Director of Finance

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

To: Honorable Board of Supervisors

From: Janet Dutcher, Finance Director

Date: April 4, 2023

Re: Employment Agreement with Kim Bunn as Assistant Director of Finance
- Auditor / Controller

Recommend Action:

Announce Fiscal Impact.

Approve Resolution, approving a contract with Kim Bunn as Assistant Director of Finance – Auditor / Controller, and prescribing the compensation, appointment, and conditions of said employment.

Discussion:

Kim Bunn has served as Assistant Director of Finance – Auditor/Controller since March 9, 2020. In that time, she has proven to be an integral and essential part of the Finance Department team and provides excellent oversight of six employees in the Auditor / Controller division of the Department. Kim has been with the County since May 1, 2006, holding successively higher fiscal positions in the County, each having greater responsibility and complexity. She manages the accounting and reporting of transactions in over 1,000 funds, \$306 million of revenues, \$260 million of expenditures, and \$290 million in assets, including processing of paychecks for over 300 full-time and part-time employees, calculation and apportionment of property taxes, and the filing of various federal and state financial reports.

Her current employment agreement expired on March 8, 2023. It is my pleasure to recommend that the Board enter into a new, evergreen employment agreement with Ms. Bunn, to take effect April 4, 2023.

If you have any questions regarding this item prior to your meeting, please call me at 760-932-5494, or email me at jdutcher@mono.ca.gov



RESOLUTION NO. R23-

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN
EMPLOYMENT AGREEMENT WITH KIM BUNN
AND PRESCRIBING THE COMPENSATION, APPOINTMENT,
AND CONDITIONS OF SAID EMPLOYMENT**

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

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

PASSED and **ADOPTED** this 4th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
Clerk of the Board

Rhonda Duggan, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

**EMPLOYMENT AGREEMENT OF KIMBERLY BUNN AS
ASSISTANT DIRECTOR OF FINANCE – AUDITOR/CONTROLLER
FOR MONO COUNTY**

This Agreement is entered into by and between Kimberly Bunn and the County of Mono (hereinafter "County").

I. RECITALS

Kimberly Bunn (hereinafter "Ms. Bunn") is currently employed by County as its Assistant Director of Finance – Auditor/Controller. The County wishes to continue to employ Ms. Bunn as its Assistant Director of Finance – Auditor/Controller in accordance with the terms and conditions set forth in this Agreement. Ms. Bunn wishes to accept continued employment with the County on said terms and conditions.

II. AGREEMENT

1. This Agreement shall commence April 4, 2023 ("Effective Date"), and shall remain in effect unless or until terminated by either party in accordance with this Agreement.
2. As of the Effective Date, Ms. Bunn shall continue to be employed by Mono County as its Assistant Director of Finance – Auditor/Controller, serving at the will and pleasure of the Director of Finance. Ms. Bunn accepts such continued employment. The Director of Finance shall be deemed the "appointing authority" for all purposes with respect to Ms. Bunn's employment. The Director of Finance and Ms. Bunn will work together to establish specific, measurable, achievable, and realistic performance goals for Ms. Bunn's work. Ms. Bunn's job performance and progress towards achieving the agreed-upon goals shall be evaluated by the Director of Finance in accordance with the "Policy Regarding Compensation of At-Will and Elected Management Level Officers and Employees" adopted by Resolution R21-44 on June 15, 2021, and as the same may be amended or updated from time to time and unilaterally implemented by the County (hereinafter the "*Management Compensation Policy*").
3. Ms. Bunn's salary shall continue to be Range 14, Step E as set forth in the "Resolution Adopting and Implementing a Salary Matrix applicable to At-Will Employee and Elected Department Head Positions" (Resolution R23-016 adopted on February 21, 2023, hereinafter the "*Salary Matrix*") and shall be modified as provided in the Management Compensation Policy and the Salary Matrix, and as the same may be amended or updated from time to time and unilaterally implemented by the County.
4. Ms. Bunn understands that she is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to her employment for the County as determined by the County's contract with PERS and/or County policy, and also any employee share of the "normal cost" of her retirement benefits that may be mandated by the Public Employees' Pension Reform Act of 2013 (PEPRA).

5. Ms. Bunn shall continue to earn and accrue vacation and sick leave in accordance with the "Policy Regarding Benefits of Management-level Officers and Employees," updated most recently by Resolution R20-56 of the Mono County Board of Supervisors and as the same may be further amended from time to time and unilaterally implemented by the County (hereinafter the "**Management Benefits Policy**") and in accordance with any applicable County Code provisions not in conflict with said Policy. Also, pursuant to said Policy, in recognition of the fact that her employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, she shall be entitled to 80 hours of merit leave (aka administrative leave) during each calendar year of service. Ms. Bunn understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided, or it is lost. Consistent with Ms. Bunn's uninterrupted employment status, this Agreement shall have no effect on any sick leave or vacation time that Ms. Bunn may have accrued as of the effective date of this Agreement nor on her original date of hire or total years of service as a County employee, to the extent the same may be relevant in determining such accruals or Ms. Bunn's date of eligibility for or vesting of any non-salary benefits or for any other purpose.
6. The County shall pay the professional dues, subscriptions, and other educational expenses necessary for Ms. Bunn's full participation in applicable professional associations, for her continued professional growth and for the good of the County, as determined to be appropriate, and as approved by the Director of Finance.
7. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Ms. Bunn shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits at the tier applicable to Ms. Bunn's employment, CalPERS medical insurance, County dental and vision coverage, and life insurance.
8. Ms. Bunn understands and agrees that her receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy - including but not limited to salary, insurance coverage, and paid holidays or leaves - is expressly contingent on her actual and regular rendering of full-time personal services to the County or, in the event of any absence, upon her proper use of any accrued leave. Should Ms. Bunn cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then she shall cease earning or receiving any additional compensation or benefits until such time as she returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Ms. Bunn's regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees.

9. Consistent with the "at will" nature of Ms. Bunn's employment, the Director of Finance may terminate Ms. Bunn's employment at any time during this Agreement, without cause. In such event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Ms. Bunn understands and acknowledges that as an "at will" employee, she will not have permanent status nor will her employment be governed by the County Personnel System (Mono County Personnel Rules) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, she will have no property interest in her employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Administrative Officer may, in her or her discretion, take during Ms. Bunn's employment.
10. In the event of a termination without cause under paragraph 9, Ms. Bunn shall receive as severance pay a lump sum equal to six (6) months' salary. For purposes of severance pay, "salary" refers only to base compensation. Ms. Bunn shall not be entitled to any severance pay in the event that the County Counsel has grounds to discipline her on or about the time he or she gives notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in section 520 of the Mono County Personnel Rules, as the same may be amended from time to time. Ms. Bunn shall also not be entitled to any severance pay in the event that she becomes unable to perform the essential functions of her position (with or without reasonable accommodations) and her employment is duly terminated for such non-disciplinary reasons.
11. Ms. Bunn may resign her employment with the County at any time. Her resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Ms. Bunn shall not be entitled to any severance pay or to earn or accrue additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Ms. Bunn.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Ms. Bunn's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Ms. Bunn's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus. Pursuant to Government Code sections 53243. Ms. Bunn shall reimburse the County for any paid

leave pending an investigation, legal criminal defense, or cash settlement related to termination by the County if Ms. Bunn is convicted of a crime involving abuse of office or position.

14. Ms. Bunn acknowledges that this Agreement is executed voluntarily by her, without duress or undue influence on the part or on behalf of the County. Ms. Bunn further acknowledges that she has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive her right to do so, and that she is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION:

This Agreement is executed by the parties this 4th day of April, 2023.

EMPLOYEE

THE COUNTY OF MONO

Kim Bunn

Rhonda Duggan, Chair

APPROVED AS TO FORM:

COUNTY COUNSEL



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: CAO

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Board Ad Hoc Committees

AGENDA DESCRIPTION:

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

Establishment of Board ad hoc committees on the following topics: (1) evaluation of potential locations for county-supported housing development ("Housing Ad Hoc Committee"); (2) negotiation of a tax-sharing agreement related to an annexation of property by the Mammoth Community Water District ("Tax Sharing Ad Hoc Committee"); and (3) negotiation of an Educational Revenue Augmentation Fund (ERAF) calculation adjustment with the Long Valley Fire Protection District (LVFPD) ("ERAF Committee").

RECOMMENDED ACTION:

Establish Housing Ad Hoc Committee, Tax Sharing Ad Hoc Committee and ERAF Ad Hoc Committee and appoint two members of the Board of Supervisors to each committee.

FISCAL IMPACT:

None.

CONTACT NAME: Mary Booher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Ad Hoc Staff Report
<input type="checkbox"/> Housing Site Charter
<input type="checkbox"/> Tax Sharing Charter
<input type="checkbox"/> Long Valley Fire ERAF Charter

History

Time	Who	Approval
3/30/2023 11:51 AM	County Counsel	Yes
3/30/2023 8:36 AM	Finance	Yes
3/30/2023 11:57 AM	County Administrative Office	Yes



March 24, 2023

To: Mono County Board of Supervisors

From: Mary Booher, Acting County Administrator

RE: Appointment of Board members to 2 Ad Hoc Committees

BOARD OF SUPERVISORS

CHAIR

Rhonda Duggan / District 2

VICE CHAIR

John Peters / District 4

Bob Gardner / District 3

Lynda Salcido / District 5

Jennifer Kreitz / District 1

COUNTY DEPARTMENTS

ASSESSOR

Hon. Barry Beck

DISTRICT ATTORNEY

Hon. David Anderson

SHERIFF / CORONER

Hon. Ingrid Braun

ANIMAL SERVICES

Chris Mokracek (Interim)

BEHAVIORAL HEALTH

Robin Roberts

COMMUNITY DEVELOPMENT

Wendy Sugimura

COUNTY CLERK-RECORDER

Scheereen Dedman

COUNTY COUNSEL

Stacey Simon, Esq.

ECONOMIC DEVELOPMENT

Jeff Simpson

EMERGENCY MEDICAL SERVICES

Bryan Bullock

FINANCE

Janet Dutcher

CPA, CGFM, MPA

INFORMATION TECHNOLOGY

Milan Salva (Interim)

PROBATION

Karin Humiston

PUBLIC HEALTH

Kathy Peterson (Interim)

PUBLIC WORKS

Paul Roten

SOCIAL SERVICES

Kathy Peterson

Strategic Plan Focus Areas Met

A Thriving Economy Safe and Healthy Communities

Sustainable Public Lands Workforce & Operational Excellence

Recommended Action:

The Board (1) appoint 2 members to an Ad Hoc Committee to evaluate potential housing sites; (2) appoint 2 members to an Ad Hoc Committee to negotiate a Tax Sharing Agreement with Mammoth Community Water District (MCWD) and the Mammoth Lakes Mosquito Abatement District (MLMAD); and (3) appoint 2 members to an Ad Hoc Committee to negotiate an ERAF calculation adjustment with Long Valley Fire Department (LVFD).

Potential Housing Sites:

On March 14, the Board of Supervisors received a Housing update from Stan Kealing. That update included generic description of several potential properties that may be potential housing sites. One of these sites is currently on the market for sale. In addition, the owner of a parcel in the unincorporated County has approached the County about purchasing his parcel for the development of affordable housing.

The Brown Act limits closed session on real estate transactions to price and terms of payment. This does not include a feasibility study to determine how much affordable housing could be developed on a site. Therefore, staff recommends the appointment of an Ad Hoc to discuss, potentially initiate, and review feasibility studies before making acquisition recommendations to the full Board.

Tax Sharing Agreements:

Effective March 7, 2018, the State Board of Equalization (BOE) approved the annexation of tax parcels 004-140-005-000 and 004-140-005-000 into MCWD, after approval by the Local Agency Formation Commission (LAFCo) in February 2018. At the time, staff at LAFCo mistakenly believed that adjustments to the tax share would happen automatically. Later discussions between MCWD and the County resulted in Director of Finance Dutcher sending a letter regarding a Tax Sharing agreement to the other taxing jurisdictions, other than schools, receiving

funds from these parcels. Subsequent discussions with the County have not resulted in a Tax Share agreement. In December 2022, the County received a request from MLMAD to negotiate a Tax Sharing agreement for these same parcels.

Staff is asking for the Board to appoint 2 members to an Ad Hoc committee to conduct these negotiations and bring proposed resolutions back to the Board for approval.

ERAF Calculation Adjustment:

Since 2002, staff at the Long Valley Fire Department have asked for an adjustment to the original calculation that allocated ERAF to all of the taxing agencies, starting in 1992-93. This discussion comes up regularly and has not yet been resolved. Staff would like to come to a final resolution on this, both for the sake of the County and LVFD.

Staff is asking for the Board to appoint 2 members to an Ad Hoc committee to conduct these negotiations and bring proposed resolutions back to the Board for approval.

**County of Mono
Housing Site Evaluation Committee
Charter / Scope of Work
(Board Report – Attachment 1)**

Background

On March 14, the Board of Supervisors received a Housing update from Stan Kealing. That update included generic description of several potential properties that may be potential housing sites. One of these sites is currently on the market for sale. In addition, the owner of a parcel in the unincorporated County has approached the County about purchasing his parcel for the development of affordable housing.

The Brown Act limits closed session on real estate transactions to price and terms of payment. This does not include a feasibility study to determine how much affordable housing could be developed on a site.

Purpose and Scope

This ad hoc would work with staff to evaluate potential housing sites and formulate recommendations for the full Board. The ad hoc may direct staff to engage consultants for feasibility studies to ensure due diligence.

Committee Duration

This committee will be activated when there are potential sites for evaluation, and will therefore be episodic.

Committee Members

To be appointed by the Board of Supervisors.

County Department, Other Agency, and Consulting Resources

County Administrative Office, with support from County Counsel, Community Development, and outside consultant resources.

**County of Mono
Housing Site Evaluation Committee
Charter / Scope of Work
(Board Report – Attachment 2)**

Background

Effective March 7, 2018, the State Board of Equalization (BOE) approved the annexation of tax parcels 004-140-005-000 and 004-140-005-000 into MCWD, after approval by the Local Agency Formation Commission (LAFCo) in February 2018. At the time, staff at LAFCo mistakenly believed that adjustments to the tax share would happen automatically. Later discussions between MCWD and the County resulted in Director of Finance Dutcher sending a letter regarding a Tax Sharing agreement to the other taxing jurisdictions, other than schools, receiving funds from these parcels. Subsequent discussions with the County have not resulted in a Tax Share agreement. In December 2022, the County received a request from MLMAD to negotiate a Tax Sharing agreement for these same parcels.

Purpose and Scope

This ad hoc will work with the County Administrative Officer and act as the County's negotiating team in coming to resolution with MCWD and MLMAD.

Committee Duration

This committee will be active only for the duration of these negotiations, which should be concluded by July 30, 2023.

Committee Members

To be appointed by the Board of Supervisors.

County Department, Other Agency, and Consulting Resources

County Administrative Office, with support from Finance and County Counsel.

**County of Mono
Housing Site Evaluation Committee
Charter / Scope of Work
(Board Report – Attachment 3)**

Background

Since 2002, staff at the Long Valley Fire Department have asked for an adjustment to the original calculation that allocated ERAF to all of the taxing agencies, starting in 1992-93. This discussion comes up regularly and has not yet been resolved. Staff would like to come to a final resolution on this, both for the sake of the County and LVFD.

Purpose and Scope

This ad hoc will work with the County Administrative Officer and act as the County's negotiating team in coming to resolution with Long Valley Fire Department.

Committee Duration

This committee will be active only for the duration of these negotiations, which should be concluded by July 30, 2023.

Committee Members

To be appointed by the Board of Supervisors.

County Department, Other Agency, and Consulting Resources

County Administrative Office, with support from Finance and County Counsel.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: CAO

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT Contract with Municipal Resource
Group, LLC

AGENDA DESCRIPTION:

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

Proposed contract with Municipal Resource Group, LLC (MRG) pertaining to the provision of consulting support and project services. This contract supersedes and replaces two prior agreements between the County and MRG.

RECOMMENDED ACTION:

Approve, and authorize the County Administrative Officer to sign, contract with Municipal Resource Group, LLC for for consulting support and project services for the period February 1, 2023, through December 31, 2023 and a not-to-exceed amount of \$210,000.

FISCAL IMPACT:

Up to \$210,000, over this and the next fiscal years

CONTACT NAME: Mary Booher

PHONE/EMAIL: 760-932-5414 / mbooher@mono.ca.gov

SEND COPIES TO:

Andi Stanley (astanley@solutions-mrg.com)

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Contract

History

Time

Who

Approval

3/29/2023 4:24 PM	County Counsel	Yes
3/27/2023 10:39 AM	Finance	Yes
3/29/2023 7:58 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christopher L. Beck

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

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

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Kevin Moss

Date: April 4, 2023

Re: Contract with Municipal Resource Group, LLC for Provision of Consulting Support and Project Services

Strategic Plan Focus Areas Met

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

Discussion

The County Administrator's Office of Mono County had a contract in place for consulting, HR, and Strategic Plan services provided by Municipal Resource Group, LLC. The need for services required by the County has changed since the commencement of that contract and the County therefore wishes to amend the contract to correspond to current needs. These services will include those of James Gandley which will be provided to Public Health, and which were previously addressed with a separate contract. This contract will supersede and terminate all previous contracts with Municipal Resource Group, LLC.

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

**AGREEMENT BETWEEN COUNTY OF MONO
AND MUNICIPAL RESOURCE GROUP, LLC
FOR THE PROVISION OF CONSULTING SUPPORT AND PROJECT SERVICES**

INTRODUCTION

This Agreement is entered into by and between the County of Mono (hereinafter referred to as “County”), a political subdivision of the State of California, and MUNICIPAL RESOURCE GROUP, LLC (hereinafter referred to as “Contractor”). County and Contractor are sometimes referred to herein collectively as “the parties”.

WHEREAS, the parties previously entered into two contracts governing Contractor’s provision of strategic plan development, emergency preparedness, justice equity and diversity, human resources functions, and organizational assessment services to the County. Those contracts include: 1) a contract entered into on or about June 3, 2021, amended on September 21, 2021, October 21, 2021, May 3, 2022, and September 6, 2022 (the “Original Contract”); and 2) a Contract for Organizational Assessment Services entered into on or about October 1, 2022 (the “Organizational Assessment Contract”); and

WHEREAS, this Agreement shall supersede, terminate, and replace the Original Contract and the Organizational Assessment Contract, including all amendments thereto;

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK

Contractor shall furnish to County, upon its request, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein. Requests by County to Contractor to perform under this Agreement will be made by the Office of the County Administrator, or an authorized representative thereof. Requests to Contractor for work or services to be performed under this Agreement will be based upon County's need for such services. County makes no guarantee or warranty, of any nature, that any minimum level or amount of services or work will be requested of Contractor by County under this Agreement. By this Agreement, County incurs no obligation or requirement to request from Contractor the performance of any services or work at all, even if County should have some need for such services or work during the term of this Agreement.

Services and work provided by Contractor at County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and county laws, ordinances, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those that are referred to in this Agreement.

This Agreement is subject to the following Exhibits (as noted) which are attached hereto, following all referenced Attachments, and incorporated by this reference. In the event of a conflict between the terms of an attached Exhibit and this Agreement, the terms of the Exhibit shall govern:

- Exhibit 1:** General Conditions (Construction)
- Exhibit 2:** Prevailing Wages
- Exhibit 3:** Bond Requirements
- Exhibit 4:** Invoicing, Payment, and Retention

- Exhibit 5:** Trenching Requirements
- Exhibit 6:** FHWA Requirements
- Exhibit 7:** CDBG Requirements
- Exhibit 8:** HIPAA Business Associate Agreement
- Exhibit 9:** Other _____

2. TERM

The term of this Agreement shall be from February 1, 2023, to December 31, 2023, unless sooner terminated as provided below.

3. CONSIDERATION

A. Compensation. County shall pay Contractor in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A that are performed by Contractor at County’s request.

B. Travel and Per Diem. Contractor will not be paid or reimbursed for travel expenses or per diem that Contractor incurs in providing services and work requested by County under this Agreement, unless otherwise provided for in Attachment B.

C. No Additional Consideration. Except as expressly provided in this Agreement, Contractor shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Contractor shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

D. Limit upon amount payable under Agreement. The total sum of all payments made by County to Contractor for services and work performed under this Agreement shall not exceed \$210,000 during the Term of this Agreement, plus (for public works) the amount of any change order(s) approved in accordance with authority delegated by the Board of Supervisors (hereinafter referred to as "Contract Limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed that is in excess of the Contract Limit.

E. Billing and Payment. Contractor shall submit to County, on a monthly basis, an itemized statement of all services and work described in Attachment A, which were done at County’s request. The statement to be submitted will cover the period from the first (1st) day of the preceding month through and including the last day of the preceding month. Alternatively, Contractor may submit a single request for payment corresponding to a single incident of service or work performed at County’s request. All statements submitted in request for payment shall identify the date on which the services and work were performed and describe the nature of the services and work which were performed on each day. Invoicing shall be informative but concise regarding services and work performed during that billing period. Upon finding that Contractor has satisfactorily completed the work and performed the services as requested, County shall make payment to Contractor within 30 days of its receipt of the itemized statement. Should County determine the services or work have not been completed or performed as requested and/or should Contractor produce an incorrect statement, County shall withhold payment until the services and work are satisfactorily completed or performed and/or the statement is corrected and resubmitted.

If Exhibit 4 (“Invoicing, Payment, and Retention”) is attached to this Agreement, then the language contained in 4 shall supersede and replace this Paragraph 3.E. in its entirety.

F. Federal and State Taxes.

(1) Except as provided in subparagraph (2) below, County will not withhold any federal or state income taxes or social security from any payments made by County to Contractor under the terms and conditions of this Agreement.

(2) County shall withhold California state income taxes from payments made under this Agreement to non-California resident independent contractors when it is anticipated that total annual payments to Contractor under this Agreement will exceed One Thousand Four Hundred Ninety-Nine dollars (\$1,499.00).

(3) Except as set forth above, County has no obligation to withhold any taxes or payments from sums paid by County to Contractor under this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Contractor. County has no responsibility or liability for payment of Contractor's taxes or assessments.

(4) The total amounts paid by County to Contractor, and taxes withheld from payments to non-California residents, if any, will be reported annually to the Internal Revenue Service and the California State Franchise Tax Board.

4. WORK SCHEDULE

Contractor's obligation is to perform, in a timely manner, those services and work identified in Attachment A that are requested by County. It is understood by Contractor that the performance of these services and work will require a varied schedule. Contractor, in arranging his/her schedule, will coordinate with County to ensure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS

Any licenses, certificates, or permits required by the federal, state, county, or municipal governments, for Contractor to provide the services and work described in Attachment A must be procured by Contractor and be valid at the time Contractor enters into this Agreement. Further, during the term of this Agreement, Contractor must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Contractor at no expense to County. Contractor will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits that are required to perform the services identified in Attachment A. Where there is a dispute between Contractor and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, support services and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

7. COUNTY PROPERTY

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, uniforms, vehicles, reference materials, furniture, appliances, etc. provided to Contractor by County pursuant to this Agreement is, and at the termination of this Agreement remains, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, that is the result of Contractor's negligence.

B. Products of Contractor's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, videotapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind that are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Contractor's services or work under this Agreement are, and at the termination of this Agreement shall remain, the sole and exclusive property of County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

8. INSURANCE

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

A. Minimum Scope and Limit of Insurance. Coverage shall be at least as broad as (please select all applicable):

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

Worker's Compensation Exempt: Contractor is exempt from obtaining Workers' Compensation insurance because Contractor has no employees. Contractor shall notify County and provide proof of Workers' Compensation insurance to County within 10 days if an employee is hired. Such Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of County for all work performed by Contractor, its employees, agents, and subcontractors. Contractor agrees to defend and indemnify County in case of claims arising from Contractor's failure to provide Workers' Compensation insurance for employees, agents and subcontractors, as required by law.

Professional Liability (Errors and Omissions): Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$1,000,000 aggregate.

Contractors' Pollution Legal Liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000 per occurrence or claim, and \$1,000,000 policy aggregate.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the County requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

B. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

- (1) **Additional Insured Status:** The County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used).
- (2) **Primary Coverage:** For any claims related to this contract, the Contractor's insurance coverage shall be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. This requirement shall also apply to any Excess or Umbrella liability policies.
- (3) **Umbrella or Excess Policy:** The Contractor may use Umbrella or Excess Policies to provide the liability limits as required in this agreement. This form of insurance will be acceptable provided that all of the Primary and Umbrella or Excess Policies shall provide all of the insurance coverages herein required, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The Umbrella or Excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Contractor's primary and excess liability policies are exhausted.
- (4) **Notice of Cancellation:** Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the County.
- (5) **Waiver of Subrogation:** Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against the County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County has received a waiver of subrogation endorsement from the insurer.
- (6) **Self-Insured Retentions:** Self-insured retentions must be declared to and approved by the County. The County may require the Contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and

defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or County. The CGL and any policies, including Excess liability policies, may not be subject to a self-insured retention (SIR) or deductible that exceeds \$100,000 unless approved in writing by County. Any and all deductibles and SIRs shall be the sole responsibility of Contractor or subcontractor who procured such insurance and shall not apply to the Indemnified Additional Insured Parties. County may deduct from any amounts otherwise due Contractor to fund the SIR/deductible. Policies shall NOT contain any self-insured retention (SIR) provision that limits the satisfaction of the SIR to the Named. The policy must also provide that Defense costs, including the Allocated Loss Adjustment Expenses, will satisfy the SIR or deductible. County reserves the right to obtain a copy of any policies and endorsements for verification.

- (7) **Acceptability of Insurers:** Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the County.
- (8) **Claims Made Policies:** If any of the required policies provide claims-made coverage:
 - a. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
 - b. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
 - c. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
- (9) **Verification of Coverage:** Contractor shall furnish the County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause and a copy of the Declarations and Endorsements Pages of the CGL and any Excess policies listing all policy endorsements. All certificates and endorsements and copies of the Declarations & Endorsements pages are to be received and approved by the County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- (10) **Special Risks or Circumstances:** County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

9. STATUS OF CONTRACTOR

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as an independent contractor, and not as an agent, officer, or employee of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of, or exercise any right or power vested in, County, except as expressly provided by law or set forth in Attachment A. No agent, officer, or employee of County is to be considered an employee of Contractor. It is understood by both Contractor and County that this Agreement shall not, under any circumstances, be construed to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall determine the method, details, and means of performing the work and services to be provided by Contractor under this Agreement.

B. Contractor shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement.

C. Contractor, its agents, officers and employees are, and at all times during the term of this Agreement shall represent and conduct themselves as, independent contractors, and not employees of County.

9. DEFENSE AND INDEMNIFICATION

Contractor shall defend with counsel acceptable to County, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from or in connection with, the performance of this Agreement by Contractor, or Contractor's agents, officers, or employees. Contractor's obligation to defend, indemnify, and hold County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this Paragraph 11 extends to any claim, damage, loss, liability, expense, or other costs that are caused in whole or in part by any act or omission of Contractor, its agents, employees, supplier, or anyone directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

Contractor's obligation to defend, indemnify, and hold County, its agents, officers, and employees harmless under the provisions of this Paragraph 11 is not limited to, or restricted by, any requirement in this Agreement for Contractor to procure and maintain a policy of insurance and shall survive any termination or expiration of this Agreement.

10. RECORDS AND AUDIT

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, county, municipal, ordinances, regulations, and directions. Contractor shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Contractor may fulfill its obligation to maintain records as required by this Paragraph 12 by substitute photographs, micrographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Contractor, that County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Contractor. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

11. NONDISCRIMINATION

During the performance of this Agreement, Contractor, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. Contractor and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act

of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act.

12. TERMINATION

This Agreement may be terminated by County without cause, and at will, for any reason by giving to Contractor thirty (30) calendar days written notice of such intent to terminate. Contractor may terminate this Agreement without cause, and at will, for any reason whatsoever by giving to County thirty (30) calendar days written notice of such intent to terminate.

Notwithstanding the foregoing, if this Agreement is subject to General Conditions (set forth as an Exhibit hereto), then termination shall be in accordance with the General Conditions and this Paragraph 14 shall not apply.

13. ASSIGNMENT

This is an agreement for the personal services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any moneys due or to become due under this Agreement without the prior written consent of County.

14. DEFAULT

If Contractor abandons the work, fails to proceed with the work or services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, then County may declare Contractor in default and terminate this Agreement upon five (5) days written notice to Contractor. Upon such termination by default, County will pay to Contractor all amounts owing to Contractor for services and work satisfactorily performed to the date of termination.

15. WAIVER OF DEFAULT

Waiver of any default by either party to this Agreement shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in Paragraph 23.

16. CONFIDENTIALITY

Contractor agrees to comply with various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Contractor in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Contractor agrees to keep confidential, all such privileged, restricted or confidential information and records obtained in the course of providing the work and services under this Agreement. Disclosure of such information or records shall be made by Contractor only with the express written consent of County.

17. CONFLICTS

Contractor agrees that he/she has no interest, and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the work and services under this Agreement. Contractor agrees to complete and file a conflict-of-interest statement.

18. POST-AGREEMENT COVENANT

Contractor agrees not to use any confidential, protected, or privileged information that is gained from County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Contractor agrees for a period of two (2) years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with County, or who has been an adverse party in litigation with County, and concerning such, Contractor by virtue of this Agreement has gained access to County's confidential, privileged, protected, or proprietary information.

19. SEVERABILITY

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

20. FUNDING LIMITATION

The ability of County to enter into this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to terminate, reduce, or modify this Agreement, or any of its terms within ten (10) days of notifying Contractor of the termination, reduction, or modification of available funding. Any reduction or modification of this Agreement effective pursuant to this provision must comply with the requirements of Paragraph 23.

21. AMENDMENT

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change order is in written form, and executed with the same formalities as this Agreement or in accordance with delegated authority therefor, and attached to the original Agreement to maintain continuity.

22. NOTICE

Any notice, communication, amendments, additions or deletions to this Agreement, including change of address of any party during the term of this Agreement, which Contractor or County shall be required, or may desire to make, shall be in writing and may be personally served, or sent by prepaid first-class mail or email (if included below) to the respective parties as follows:

County of Mono:
County Administrative Office
PO Box 696
Bridgeport, California 93517
cao@mono.ca.gov

Contractor:

Municipal Resource Group, LLC
ATTN: Mary Egan
PO Box 561
Wilton, California 95693

23. COUNTERPARTS

This Agreement may be executed in two (2) or more counterparts (including by electronic transmission), each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

24. ENTIRE AGREEMENT

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

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

COUNTY OF MONO

CONTRACTOR

By: _____

By: Mary Egan

Title: _____

Title: CEO

Dated: _____

Dated: 3/7/23

APPROVED AS TO FORM:

County Counsel

APPROVED BY RISK MANAGEMENT:

Risk Manager

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF MONO
AND MUNICIPAL RESOURCE GROUP, LLC
FOR THE PROVISION OF CONSULTING SUPPORT AND PROJECT SERVICES**

TERM:

FROM: FEBRUARY 1, 2023 TO: DECEMBER 31, 2023

SCOPE OF WORK:

MRG will provide the following services as discussed with Mono County.

The following services are assigned to Robert Bendorf. MRG estimates 30 hours at \$250 per hour for the following tasks:

- Position Allocation Report Development and associated HR policies
- Form development for CAO contract review of department submittals
- Comprehensive Fee Study report review and implementation alternatives
- Additional services as requested and approved via email with County within the confines of the agreement total

The following services are assigned to Patty Francisco and other MRG consultants. MRG estimates 25-45 hours per month at \$225 per hour, one on-site visit in February/March and one on-site visit between April and June. Time and frequency of visits from July through December shall be determined and agreed upon by the parties. Work may include:

- Recruitment and Selection
- Human Resources Technology Review
- Classification Analysis
- Discipline and Retention
- Other HR services as requested

The following services are assigned to James Gandley. MRG estimates 16 hours per month at \$200 per hour on a time schedule to be agreed upon by the parties. Work will include the following:

- Organizational transition and reengineering
- Policy and Procedure review and standardization
- On-site individual and group coaching, mentoring and training sessions
- Other transitional services as requested

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF MONO
AND MUNICIPAL RESOURCE GROUP, LLC
FOR THE PROVISION OF CONSULTING SUPPORT AND PROJECT SERVICES**

TERM:

FROM: FEBRUARY 1, 2023 TO: DECEMBER 31, 2023

SCHEDULE OF FEES:

Project Fees

The contract limit for services through 12/31/23 is \$210,000. Expenses include but are not limited to travel expenses, mileage (at current IRS rates), printing, postage, parking, and tolls. Hotel stays and meals will be billed at 100% cost.

Additional work not contemplated in this Schedule of Fees will be billed at the stated hourly rates on the included rate sheet and will begin only after agreed upon between the County and MRG.

<i>Effective January 1, 2023</i>	<i>Rate</i>
Human Resources Professional Services	\$225
Organizational Assessment/Change Management (James Gandley)	\$200
Coaching, Professional Development	\$250
Principal Consultant Professional Services	\$300
Custom Virtual Interactive Training	quoted
Investigative Services	\$325
Testimony, Expert Witness	\$395
Technical Support (MRG Staff)	\$95
Mileage, Travel, Printing and Postage, etc.	At cost



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

Departments: CAO

TIME REQUIRED 15 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Mary Booher, Acting County
Administrative Officer

SUBJECT County Contribution to the National
Center for Public Lands Counties

AGENDA DESCRIPTION:

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

Presentation by Mary Booher regarding the National Center for Public Lands Counties which was recently established by the National Association of Counties (NACo), Western Interstate Region (WIR) for the purpose of pursuing programs of interest to counties with significant areas of public land.

RECOMMENDED ACTION:

Board approve a contribution of \$55,887 to the National Center for Public Lands Counties, using Local Assistance and Tribal Consistency Funds and direct staff to include appropriations in the final budget adjustments for the FY 2022-23 budget. Provide any additional direction to staff.

FISCAL IMPACT:

Approval of this action would result in the use of \$55,887 of the General Fund. There are potential positive long-term benefits to the General Fund from the County's participation in NACo's National Center for Public Lands Counties.

CONTACT NAME: Mary Booher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> National Center for Public Lands Staff Report</p>
--

History

Time	Who	Approval
3/29/2023 4:11 PM	County Counsel	Yes

3/30/2023 8:34 AM

Finance

Yes

3/30/2023 10:50 AM

County Administrative Office

Yes



April 4, 2023

To: Mono County Board of Supervisors

From: Mary Booher, Acting County Administrator

RE: County Contribution to National Center for Public Lands Counties

BOARD OF SUPERVISORS

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Rhonda Duggan / District 2

VICE CHAIR

John Peters / District 4

Bob Gardner / District 3

Lynda Salcido / District 5

Jennifer Kreitz / District 1

COUNTY DEPARTMENTS

ASSESSOR

Hon. Barry Beck

DISTRICT ATTORNEY

Hon. David Anderson

SHERIFF / CORONER

Hon. Ingrid Braun

ANIMAL SERVICES

Chris Mokracek (Interim)

BEHAVIORAL HEALTH

Robin Roberts

COMMUNITY DEVELOPMENT

Wendy Sugimura

COUNTY CLERK-RECORDER

Scheereen Dedman

COUNTY COUNSEL

Stacey Simon, Esq.

ECONOMIC DEVELOPMENT

Jeff Simpson

EMERGENCY MEDICAL SERVICES

Bryan Bullock

FINANCE

Janet Dutcher
CPA, CGFM, MPA

INFORMATION TECHNOLOGY

Milan Salva (Interim)

PROBATION

Karin Humiston

PUBLIC HEALTH

Kathy Peterson (Interim)

PUBLIC WORKS

Paul Roten

SOCIAL SERVICES

Kathy Peterson

Strategic Plan Focus Areas Met

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

Discussion

As part of the American Rescue Plan Act (ARPA) investments over the past several years, Congress has invested record sums of money in programs that support "public lands counties." Among these investments is the new, \$1.5 billion program known as the Local Assistance and Tribal Consistency Fund (LATCF), which provides a once in a generation opportunity to build a more promising future for counties with substantial amounts of federal public land. Mono County is eligible for \$5,588,855 of LATCF funds over the next 2 years.

Additionally, the National Association of Counties (NACo) and the Western Interstate Region (WIR) have established the National Center for Public Lands Counties (Center). The intent is to leverage the Center to give public lands counties an enhanced opportunity to demonstrate how prosperous public lands create a prosperous America, with the goal of seeking means to better support their financial needs. The funding for the Center comes from the interest borne through the money held in trust, which would be raised through a request that each LATCF recipient invest an amount equal to 1% of their allocation to this cause. Mono County's share is \$55,887, and the California State Association of Counties (CSAC) is assisting in compiling all of the funds for California's 1% share of the LATCF funds.

Mono County is approximately 94% publicly-owned, and the County is responsible for providing services to these visitors, without the corresponding property tax revenue from these recreational lands. In the FY 2022-23 budget, we are scheduled to receive \$1.45 million dollars for over 1.7 million acres of Federal land. This is an annual appropriation subject to congressional deliberations, and is not guaranteed from year to year. The opportunity to join with other Public Lands counties could help to stabilize, and possibly increase, this critical funding source.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Mary Booher, Stacey Simon, Janet Dutcher, Jack Conry, and Oliver Yee. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time	Who	Approval
3/22/2023 9:05 AM	County Counsel	Yes
3/22/2023 12:33 PM	Finance	Yes
3/23/2023 8:14 AM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

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 Corporation; Cardinal Health, Inc.; McKesson Corporation; Purdue Pharma L.P.; Purdue Pharma, Inc., et al., United States District Court, Eastern District of California, Case No. 2:18-cv-01149-MCE-KJN

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
3/24/2023 10:57 AM	County Counsel	Yes
3/22/2023 12:32 PM	Finance	Yes
3/24/2023 11:34 AM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

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 cases: *SCE v. State Board of Equalization* (Orange County Superior Court Case Nos.: 30-2022-01258057-CU-MC-CJC and 30-2022-01258109-CU-MC-CJC.

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
3/30/2023 2:18 PM	County Counsel	Yes
3/30/2023 2:01 PM	Finance	Yes
3/30/2023 2:26 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Closed Session - Exposure to
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 – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 17606483270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
3/29/2023 3:37 PM	County Counsel	Yes
3/27/2023 4:02 PM	Finance	Yes
3/29/2023 7:58 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

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MEETING DATE April 4, 2023

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 EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer recruitment.

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
3/22/2023 9:07 AM	County Counsel	Yes
3/22/2023 12:34 PM	Finance	Yes
3/23/2023 8:14 AM	County Administrative Office	Yes



OFFICE OF THE CLERK
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REGULAR AGENDA REQUEST

Print

MEETING DATE April 4, 2023

TIME REQUIRED

SUBJECT Closed Session - Public Employee
Evaluation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: (1) Interim Assistant County Administrative Officer; (2) County Counsel.

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
3/22/2023 9:06 AM	County Counsel	Yes
3/22/2023 12:32 PM	Finance	Yes
3/23/2023 8:14 AM	County Administrative Office	Yes