

October 20, 2015
Regular Meeting
Board of Supervisors
Department Report

Bob Musil

**Clerk-Recorder-Registrar of
Voters**

**October 6, 2015 Special
Election Results**

**CERTIFICATE OF COUNTY CLERK/REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF THE OCTOBER 6, 2015
TOWN OF MAMMOTH LAKES SPECIAL ELECTION
MEASURE 'Z'**

STATE OF CALIFORNIA

COUNTY OF MONO

I, Bob Musil, County Clerk/Registrar of Voters of said County, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the Special Town of Mammoth Lakes Election held in said County on October 6, 2015, for Measure Z that was submitted to the vote of the voters, and that the Final Summary Report to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 15th day of October 2015, at the County of Mono.



A handwritten signature in blue ink, appearing to read "Bob Musil", is written above a solid horizontal line.

**Bob Musil
Registrar of Voters**

**County of Mono
State of California**

MONO_20151006_E

October 6, 2015

Summary Report

Mono County

Final

Registration & Turnout	2,900	Voters
Election Day Turnout	462	15.93%
Vote By Mail Turnout	860	29.66%
Total ...	1,322	45.59%
MEASURE Z - TOWN OF MAMMOTH LAKES	5/5	100.00%
YES	910	68.89%
NO	411	31.11%
Total ...	1,321	100.00%

We, the undersigned, certify that the above results are true and correct.
Signed:

[Signature]
Shannon Kendall
[Signature]

MONO_20151006_E

October 6, 2015

Precinct Report

Mono County

Final

08 MAMMOTH MEADOW

Registration & Turnout		398	
Election Day Turnout	77	19.35%	
Vote By Mail Turnout	148	37.19%	
Total...	225	56.53%	

MEASURE Z - TOWN OF MAMMOTH LAKES (Final)

YES	177	78.67%	
NO	48	21.33%	
Total...	225	100.00%	

09 MAMMOTH MINARET

Registration & Turnout		771	
Election Day Turnout	122	15.82%	
Vote By Mail Turnout	248	32.17%	
Total...	370	47.99%	

MEASURE Z - TOWN OF MAMMOTH LAKES (Final)

YES	260	70.27%	
NO	110	29.73%	
Total...	370	100.00%	

10 MAMMOTH PINECREST

Registration & Turnout		522	
Election Day Turnout	68	13.03%	
Vote By Mail Turnout	168	32.18%	
Total...	236	45.21%	

MEASURE Z - TOWN OF MAMMOTH LAKES (Final)

YES	161	68.22%	
NO	75	31.78%	
Total...	236	100.00%	

12 MAMMOTH VIEW

Registration & Turnout		727	
Election Day Turnout	123	16.92%	
Vote By Mail Turnout	156	21.46%	
Total...	279	38.38%	

MEASURE Z - TOWN OF MAMMOTH LAKES (Final)

YES	171	61.51%	
NO	107	38.49%	
Total...	278	100.00%	

13 OLD MAMMOTH

Registration & Turnout		482	
Election Day Turnout	72	14.94%	
Vote By Mail Turnout	140	29.05%	
Total...	212	43.98%	

MEASURE Z - TOWN OF MAMMOTH LAKES (Final)

YES	141	66.51%	
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MONO_20151006_E

October 6, 2015

Precinct Report

Mono County

Final

13 OLD MAMMOTH

MEASURE Z - TOWN OF MAMMOTH LAKES

(Final)

NO	71	33.49%
Total...	212	100.00%

We, the undersigned, certify that the above results are true and correct.

Signed:

Shannon Kendall
Shannon Kendall
Aileen [unclear]

Statement of Vote
 Mono County
MONO_20151006_E
 10/9/2015

MEASURE Z - TOWN OF MAMMOTH LAKES

	Registered	Turnout	Percent	1	2
08 MAMMOTH MEADOW	398	225	56.53%	177	48
Election Day		77	19.35%	53	24
Vote By Mail		148	37.19%	124	24
09 MAMMOTH MINARET	771	370	47.99%	260	110
Election Day		122	15.82%	78	44
Vote By Mail		248	32.17%	182	66
10 MAMMOTH PINECREST	522	236	45.21%	161	75
Election Day		68	13.03%	37	31
Vote By Mail		168	32.18%	124	44
12 MAMMOTH VIEW	727	279	38.38%	171	107
Election Day		123	16.92%	74	49
Vote By Mail		156	21.46%	97	58
13 OLD MAMMOTH	482	212	43.98%	141	71
Election Day		72	14.94%	44	28
Vote By Mail		140	29.05%	97	43
	2,900	1,322	45.59%	910	411

Candidates

- 1 YES
- 2 NO

MONO_20151006_E

October 6, 2015

Provisional Vote Precinct Status Report

Mono County

Precinct Name	Total Provisional Ballots Cast	Total Pending Ballots	Total Rejected Ballots	Total Ballots Resolved in the same Precinct	Total Ballots Resolved in a Different Precinct
08 MAMMOTH MEADOW	12	0	3	9	0
09 MAMMOTH MINARET	22	0	6	16	0
10 MAMMOTH PINECREST	14	0	1	13	0
12 MAMMOTH VIEW	24	0	4	20	0
13 OLD MAMMOTH	5	0	1	4	0
Total:	77	0	15	62	0

Rejection Rational
Not Registered

Voters
15

October 20, 2015
Regular Meeting
Board of Supervisors
Item #7f

Response to
Grand Jury Report
Amendment



prospect of one employee having to work seven days a week for whatever period of time, which is an unnecessary hardship on that person.

Board Response: the Board agrees with the finding.

2. The Bridgeport Probation office still has an open lobby space that does not help protect the staff from the potential of harm, given the potential created by a criminal clientele. The space also has uncontrolled access to the rest of the office space.

Board Response: the Board agrees that the Bridgeport Probation office has an open lobby space.

3. The Mammoth courthouse prisoner holding facility is unused because of poor design.

Board Response: the Board agrees generally with the finding but understands the facility is not entirely "unused." In any event, the County had no role in designing the facility.

Recommendations:

1. While budget constraints are a fact of life for many aspects of Mono County government, the Grand Jury once again recommends the creation of a relief jail cook position, and the filling of same.

Board Response: The recommendation requires further analysis, which should be completed within six months and then considered during the County's mid-year budget review.

2. Again, budget is always the issue, but Mono County should strongly consider finding the funding to construct at the Bridgeport Probation office a counter/partition to create a barrier to the actual workplaces, and to secure the top of it with appropriately tempered glass and other materials. Also, the Mammoth Probation office's security measures should be reassessed to determine if they need to be upgraded as well.

Board Response: The basic concept of the recommendation is currently being implemented, in-house, by Public Works staff and should be completed by the end of this fiscal year. Security measures will also be reassessed by the end of this fiscal year.

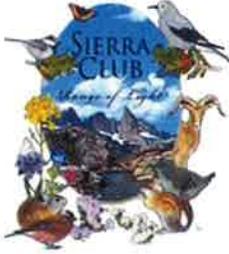
3. The Sheriff's Department should again approach the Judicial Council and any other participating agency to speak again about fixes that could be made to the prisoner holding facility in the Mammoth Courthouse to make it useable.

Board Response: The recommendation appears directed to the Sheriff, but we understand from the Sheriff's response that she intends to implement it and we support her doing so.

October 20, 2015
Regular Meeting
Board of Supervisors
Item #9a

Plastic Bag Ban
Ordinance

Correspondence Received



*Range of Light Group
Toiyabe Chapter, Sierra Club
Counties of Inyo and Mono, California
P.O. Box 1973, Mammoth Lakes, CA, 93546
Rangeoflight.sc@gmail.com*



October 20, 2015

Dear Mono Board of Supervisors,

The Range of Light Group (Toiyabe Chapter, Sierra Club) with over 160 members in Mono County notes the agenda item (9.A) for the Board of Supervisors' meeting on October 20, 2015, concerning a possible single use plastic bag ban ordinance. We realize the presentation on October 20 is only informational and that the Board could direct staff to prepare a plastic bag ban ordinance for consideration at a future meeting.

The Range of Light Group supports a county ban on single use plastic bags. We are not at this time taking a position on the details of such a ban. However, we suggest that for ease of understanding and enforcement throughout the county, it be similar to the ban adopted as part of its consent agenda by the town council of Mammoth Lakes at its September 16, 2015 meeting. We realize that the Mammoth Lakes ban differs in some details from the ban in SB270.

We also realize that statewide ban (SB 270), if sustained in the referendum in the November, 2016, election would pre-empt the terms of the county and town bans.

The Sierra Club California has strongly supported a plastic bag ban including working for the passage of SB270. Various local Sierra Club chapters and groups in California have also worked for the passage of SB270 as well as for local and county bans.

Thank you for your consideration. And congratulations on now having BOS meetings available on line – streaming and archived.

Sincerely,

Malcolm Clark

Malcolm Clark, vice-chair & conservation chair
Range of Light Group, Toiyabe Chapter, Sierra Club
wmalcolm.clark@gmail.com (my email)
PO Box 3328, Mammoth Lakes, CA 93546 (my mail box)
760-924-5639



October 19, 2015

The Honorable Members of the Board of Supervisors
County of Mono
ATTN: Clerk of the Board
74 North School Street
Bridgeport, CA 93517

DELIVERED VIA EMAIL

Re: **OCTOBER 20, 2015 AGENDA ITEM # 9.A PLASTIC BAG BAN ORDINANCE – REQUEST FOR RESTAURANT EXEMPTION**

Dear Members of the Board of Supervisors:

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members, we submit this letter to provide our position regarding plastic bag ordinances and the need for an exemption for restaurants and foodservice providers. As providers of prepared food, restaurants take their responsibility to provide food in a safe and unadulterated manner seriously and devote a tremendous amount of effort to ensure food safety. If plastic bags are banned the only bag options left for restaurants are reusable bags or paper bags. These options pose serious public health and safety risks as well as operational challenges for restaurants. **For these reason as well as the reasons explained below, we ask the Mono County fully exempt food service establishments from a possible ordinance that would prohibit the use of plastic bags.**

Restaurants are generally exempted from bag ordinances due to food safety concerns with using reusable bags for prepared food to-go. For example, the City of San Jose, San Mateo County and Santa Clara County have exempted restaurants from their ordinances.

Other California jurisdictions that have passed bag ordinances with an exemption for restaurants include Cupertino, Calabasas, Long Beach, Los Angeles County, City of Los Angeles, Marin County, Oakland, Santa Clara County and Santa Monica. For example:

- Santa Monica's ordinance provides: "5.45.040 Exemptions (a)(1): Single-use plastic carry out bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out

foods and liquids intended for consumption away from the food provider's premises."¹

- San Jose provided that "Restaurants and food establishments would not be subject to the ban for public health reasons. Reusable bags are considered impractical for these purposes."²
- According to the US Department of Health and Human Services, "Harmful bacteria are the most common cause for food poisoning" or foodborne illness.³ To safeguard against foodborne illness, restaurants must follow strict food safety standards in food handling under Cal Code, the California retail food code. Restaurants are regularly inspected by their county environmental health department under these guidelines.
- Food safety and food borne illness prevention is a top priority for restaurants, but no matter what precautions are taken by the restaurant to prevent cross contamination, it can all be in vain if people use contaminated reusable bags to transport restaurant food.
- People use reusable bags for various purposes, not just to transport food. They use reusable bags to carry dirty clothes, shoes, pet items and any number of personal items. The co-mingling of non-food items with perishable, food items can expose food to germs and bacteria. Additionally, many people do not wash their reusable bags. Bags are often kept in car trunks for convenience; an environment that can be a breeding ground for bacteria.
- Any potential risk of cross contamination is taken very seriously and cause for concern. This risk exists with reusable bags. (See research by University of Arizona and Loma Linda University, Center for Food Industry Excellence at Texas Tech University, and Health Canada).
- Health Canada warns: "When you are using reusable bags and bins, the biggest food safety concern is cross-contamination. Because these kinds of grocery bags and bins are used frequently, they can pick up bacteria from foods they carry."⁴

In a study by University of Arizona and Loma Linda University, a total of 84 reusable bags were collected from consumers (25 Los Angeles, 25 San Francisco, and 34 from Tucson). Ninety-seven percent of persons interviewed did not clean their reusable bags.

- International Center for Food Industry Excellence at Texas Tech University tested 11 reusable bags – 8 used and 3 new. Half of the used bags indicated coliform contamination, while a quarter of the used bags tested positive for generic E. coli

¹ City of Santa Monica Bag Ordinance at http://qcode.us/codes/santamonica/view.php?topic=5-5_44-5_45-5_45_040&frames=on

² City of San Jose Bag Ordinance Development, February 2010.

³ US Department of Health and Human Services at www.FoodSafety.org

⁴ Health Canada at <http://www.hc-sc.gc.ca/fn-an/securit/kitchen-cuisine/reusable-bags-sacs-reutilisables-eng.php> and <http://www.halifax.ca/districts/dist08/documents/BeaconSept09.pdf>.

contamination.⁵

- The use of reusable bags by restaurant patrons increases the owner's/operator's liability because there is a potential for cross-contamination.
- Unlike food purchased at the grocery store, restaurant food is typically not prepackaged or sealed. There can be spills and not all food is completely wrapped up or enclosed in a container (e.g. fries at quick service restaurants).
- Using a new, clean bag is the best way to ensure food is safely transported from the restaurant. Restaurants should have the freedom of choice to determine what type of bag works best to maintain the integrity of their product. Paper bags are not always the most practical choice for restaurants.
- Plastic bags are superior to paper bags in protecting against accidental spills and leaks during transport, whereas the content would just seep through a paper bag. Customers become disgruntled when food from the bag leaks onto their car, carpet, clothes, etc.
- In addition, some types of containers don't fit as well in paper bags. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular-shaped which doesn't work when you have a standard, large square container.
- Restaurants will tightly pack up food in a plastic bag and use the handles to tie the bag so as to prevent the food from moving around and spilling. You can't do this with a paper bag.

Therefore, we urge the Mono County Board of Supervisors to carefully consider these public health reasons for why restaurants are in a unique situation and should exempt all restaurants and food service establishments from a possible ordinance.

Should you have any questions, please contact me at 916.431.2773 or at jgonzalez@calrest.org.

Sincerely,



Javier M. González
Senior Legislative Director
Government Affairs + Public Policy

⁵ Research by the International Center for Food Industry Excellence at Texas University at http://www.wpri.com/dpp/news/12_for_action/reusable-bags-may-carry-contamination

October 20, 2015
Regular Meeting
Board of Supervisors
Item #9b

Appeal of Variance
#15-001

Correspondence Received



Paradise Fire Protection District
5300 Old Sherwin Grade
Bishop, CA 93514
(760) 387-2255

Date: 2015-10-14

To: Mono County Board of Supervisors
Attn: Shannon Kendall, Board Clerk, skendall@mono.ca.gov

From: Michael R. House, Chief, and
Mark C. Daniel, Asst. Chief
Paradise Fire Protection District
5300 Old Sherwin Grade
Bishop, CA 93514-7114
(760) 387-2255 (Voice/FAX)

Re: Concerns About the Water Supply in Paradise

Dear Mono County Supervisors,

In recent weeks, objections have been raised by the owner(s) of the Rock Creek Ranch development against a proposed noise ordinance variance to allow round-the-clock drilling of the replacement well for the Lower Rock Creek Mutual Water Company, who is presently the sole provider of water for residential and fire-suppression use in the unincorporated community of Paradise.

As the Lower Rock Creek Mutual Water Company's current well in Paradise continues to age and diminish in its flow rate, the security of our water supply is increasingly in doubt.

The importance of a reliable and safe water supply in Paradise cannot be overstated, as was clearly demonstrated during the Round Fire on February 6th and 7th of 2015. The presence of an abundant source of water, available from the hydrants in Paradise, made a significant difference in the speed and effectiveness of our fire suppression and structure protection efforts in Paradise.

As the continuation of a safe and reliable source of water in Paradise is essential for both public health and fire safety, we would respectfully ask that the Mono County Board of Supervisors carefully consider this issue.

We thank you on behalf of the Volunteers of the Paradise Fire Protection District.

Sincerely,



Michael R. House, Chief
Paradise Fire Protection District



Mark C. Daniel, Asst. Chief
Paradise Fire Protection District

Helen Nunn

From: Helen Nunn
Sent: Friday, October 16, 2015 11:43 AM
To: Helen Nunn
Subject: FW: Lower Rock Creek Mutual Water Company Variance Appeal

From: Fred Stump
Sent: Friday, October 16, 2015 10:59 AM
To: Scott Burns; Gerry LeFrancois; Courtney Weiche
Cc: schneider115tr@yahoo.com
Subject: FW: Lower Rock Creek Mutual Water Company Variance Appeal

Would you please see that Jeanne's comments are entered into the record.

Thanks,
Fred

From: Jeanne Schneider [schneider115tr@yahoo.com]
Sent: Thursday, October 15, 2015 6:05 PM
To: Fred Stump
Subject: Lower Rock Creek Mutual Water Company Variance Appeal

Dear Fred,

I understand that on October 20 there will be a Board Meeting and that Matthew Lehman's appeal is on the agenda. As you know, Mr. Lehman is not a resident and is not affected by the noise issue. All those who are residents have agreed to the variance for 24 hour drilling, in light of the serious issues of water security and water for fire suppression/safety. Considering the issues of community safety and essential services I trust that there will be no further roadblocks thrown in front of our Water Board. Please keep in mind that the Board, in saying 'No' to Mr. Lehman's request for affiliation, have honored their fiduciary duty to the water district members who clearly oppose the affiliation. I am planning to attend the meeting and hope that you can help this community get this done. A safe water supply is vital for all. Thanks.

Helen Nunn

From: Shannon Kendall
Sent: Saturday, October 17, 2015 4:35 PM
To: Helen Nunn
Subject: Fwd: For 'appeal hearing' scheduled Tue. Oct. 20, 10am

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: John Martin <johnmartin88@me.com>
Date: October 17, 2015 at 3:28:24 PM PDT
To: <skendall@mono.ca.gov>
Cc: <moyerjames697@gmail.com>
Subject: For 'appeal hearing' scheduled Tue. Oct. 20, 10am

The following is in regards to the 'Appeal' from Matthew Lehman; hearing scheduled for Tue. Oct. 20, 10am.

Dear Ms. Shannon Kendall and Board of Supervisors,

As a home owner in Paradise Estates and shareholder of LRCMWC (LowerRockCreekMutualWaterCompany), it is extremely important that our community sustain a reliable and continuous source of water. This can be accomplished through initiation of the approved plan for a second water well (to supplement the current 22 year old well).

Mr. Matthew Lehman's appeal has stopped implementation of our communities approved water well project. Mr. Lehman's property, adjacent to and not in Paradise Estates, is land only and does not hold any residences.

The drilling is on Paradise Estates property, not his property, so there should be no major disturbances to his resources or property.

As far as noise: On September 8th, The Mono County Planning Commission had already voted to approve our request for noise variance. Paradise Estates community residences have agreed to endure any necessary drilling noise. And again, Mr. Lehman's property is just land and does not hold any residences.

We understand the importance to hear and respect other party's concerns. We hope the outcome will not place an entire community in a dangerous situation.

Given the high fire danger that Mono County endures and reflecting on the recent Round Fire, it is extremely important to understand the safety and welfare of an established residential community.

Paradise Estates and LRCMWC have pulled together along with Mono County to establish this well to have healthy water and most important, fire protection safety, in a timely manner. We are requesting the Board to uphold the Planning Commissions decision and deny Mr. Matthew Lehman's appeal.

Kind Regards,
John Martin
4916 Westridge Rd.
[Paradise Estates, Mono County]
Bishop CA 93514

Helen Nunn

From: Shannon Kendall
Sent: Saturday, October 17, 2015 4:35 PM
To: Helen Nunn
Subject: Fwd: Paradise Noise variance

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Craig Williams <cjwill911@aol.com>
Date: October 17, 2015 at 4:14:25 PM PDT
To: <skendall@mono.ca.gov>
Subject: Paradise Noise variance

Board,

As full time 18 year residents of Paradise we have no problem with giving the Lower Rock Creek Mutual Water District a noise variance to drill a new well. Allowing outside sources to control our communities welfare is not in the best interest of the people in this community. Please accept this letter of support in this matter in our absence to the meeting.

Thank you,
Craig & Jill Williams
4843 Sherwin Trail

Helen Nunn

From: Shannon Kendall
Sent: Saturday, October 17, 2015 6:02 PM
To: Helen Nunn
Subject: Fwd: Paradise Water Well

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Anne Willis <awillis48@aol.com>
Date: October 17, 2015 at 5:48:43 PM PDT
To: <skendall@mono.ca.gov>
Subject: Paradise Water Well

To Whom It May Concern:

I am a resident in Paradise Estates and I believe it is crucial that we are able to drill another water well for our area. Any drilling noise will not be a problem, as we have too much of a need for the well and we can endure a bit of a drilling noise.
Please consider the needs of residents at this time.

Thank you,
Anne Willis
196 Summit Road
Bishop, CA 93515

awillis48@aol.com

Helen Nunn

From: Shannon Kendall
Sent: Sunday, October 18, 2015 7:29 AM
To: Helen Nunn
Subject: Fwd: Paradise Water Well

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Mike McGrale <mmcgrale.skidad@gmail.com>
Date: October 17, 2015 at 7:22:46 PM PDT
To: <skendall@mono.ca.gov>
Subject: Paradise Water Well

Dear Ms. Kendall,

I am writing to express my support of the water well drilling decision that I, and my neighbors around the community of Paradise had made over the summer. September 8, the Mono County planning commission voted to approve our request for a noise variance. In order to avoid a substantial increase in capital expense, the residents and share holders of the local water company decided that we would rather suffer through the noise of 24 hour drilling.

It is my understanding that a non resident, development speculator with an empty property adjacent to Paradise, has been allowed to appeal our local decision to drill 24/7. This makes absolutely no sense to me, but the circumstances around the history of Matthew Lameman and Paradise are rather curious.

Why should M. Lameman even care what we do in Paradise, as he does not live here, and is very rarely even seen here. Is it an attempt at revenge, or some sort of vendetta toward the residents of Paradise because we did not allow him to drill around the clock for his development project? He didn't live here then either.

From my perspective, M. Lameman is abusing the system at the expense of Lower Rock Creek Mutual Water Co. share holders, the Mono County Planning Commission, and the Mono Co. Board of Supervisors!

I urge the Board to Deny M. Lameman's appeal, and put him in his proper place.

Thank you for your support of our community, and the needed water system improvements.

Kindest Regards,

Mike McGrale

October 17, 2015

Mono County Board of Supervisors
c/o Shannon Kendall, Board Clerk
PO Box 715
Bridgeport, CA 93517

Honorable Supervisors:

I support Lower Rock Creek Mutual Water Company (LRCMWC) Directors and the noise variance request for a secondary well drilling permit. The secondary well is necessary to provide water to the community, especially in light of the increased threat of fires and in the event that the primary well fails. On September 8, the Mono County Planning Commission voted to approve our request for a noise variance allowing drilling on a 24/7 schedule. The LRCMWC had a permit for the drilling issued by Mono County that unfortunately expired on October 7, due to the filing of an appeal by a non-resident developer (Matt Lehman).

The main concern that he has been raised is the noise generated by the 24/7 drilling. This is not an issue for most of the residents of Paradise Estates, who realize the need for a reliable future water supply. The primary opponent to the noise variance is Mr. Lehman, who wants to express his vendetta in putting roadblocks in a project that is needed for the welfare of the residents of Paradise. Ultimately his property could be in jeopardy if the Paradise Fire Department does not have sufficient water resources to battle blazes that do not respect private property boundaries, such as the Round Valley Fire of February 6, 2015.

I have lived in Paradise since 1994, and owned property there since 1991. I currently own one developed and four undeveloped parcels. I am impressed by the volunteers who work diligently on issues that affect the welfare of the community, such as the Paradise Fire Department and the LWCMWC Board.

I am out of town and cannot attend the meeting in Mammoth Lakes on October 20. I do hope that you deny Mr. Lehman's appeal and approve the LRCMWC's well drilling noise variance permit.

Sincerely,

Dr. Patricia Brown
134 Eagle Vista
Bishop, CA 93514

Helen Nunn

From: Shannon Kendall
Sent: Sunday, October 18, 2015 10:29 AM
To: Helen Nunn
Subject: Fwd: Request support for LRCMWC application for noise variance

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Em Holland <em.dash@me.com>
Date: October 18, 2015 at 10:21:07 AM PDT
To: <skendall@mono.ca.gov>
Cc: Michael & Debbie House <timerider@earthlink.net>
Subject: Request support for LRCMWC application for noise variance

To: Mono County Board of Supervisors
Regarding: LRCMWC application for noise variance to drill second well

As a Paradise resident, homeowner, LRCMWC shareholder, and Paradise Fire Protection District volunteer firefighter I urgently request that you deny Mr. Lehmann's appeal, and uphold the decision of the Mono County Planning Commission to grant a noise variance to drill a second well.

I question Mr. Lehmann's motives for his appeal. He does not reside in or anywhere near Paradise, nor are there any habitable structures, livestock, or visible activity on his property near Paradise. Thus, it is my belief that Mr. Lehmann would not be affected in any way by noise from the well drilling. I cannot see his appeal as anything other than an egregious, and even malicious, attempt to punish the Paradise community and LRCMWC for denial of his earlier request to "plug in" to LRCMWC's already stressed water system.

You need look no further than the lack of potable water experienced by Paradise residents for weeks after the Round Fire, and the complete draining of our existing water reservoir to fight that fire, to understand the very urgent need for the drilling of a second well to proceed without further delay. Even though I work at home, I have absolutely no objection to the noise variance because I understand and support the greater good. It would be a tragic misuse of the appeal process and a waste of public officials' time to give any credence to this appeal.

I further request that any delay caused by Mr. Lehmann's appeal be compensated for by allowing extra time past the well drilling permit deadline for the well to proceed ASAP this year.

Respectfully,
Elaine M. Holland

5157 Westridge Road
Paradise Community
Bishop CA 93514

cc: Chief Michael House, PFPD

Helen Nunn

From: Shannon Kendall
Sent: Sunday, October 18, 2015 3:08 PM
To: Helen Nunn
Subject: Fwd: Appeal of Noise Variance 15-001

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Frank Humberstone <humberstonef@verizon.net>
Date: October 18, 2015 at 11:04:57 AM PDT
To: "skendall@mono.ca.gov" <skendall@mono.ca.gov>
Subject: Appeal of Noise Variance 15-001
Reply-To: Frank Humberstone <humberstonef@verizon.net>

As a homeowner in Sierra Paradise Estates and a shareholder of the Lower Rock Creek Mutual Water Company I urge the Board of Supervisors to deny the appeal of Noise Variance 15-001 by Matthew Lehman. The Planning Commission approved this variance last month to allow the LRCMWC to drill a long overdue and much needed second well on a 24/7 schedule allowing for a faster completion. The second well is needed to provide a continuous water supply while the original well is being rehabilitated and to provide redundancy to the water system. It will also provide an increased level of fire protection against events such as the recent Round Fire. To my knowledge Matthew Lehman is not a member of the community and has no interest that would be adversely affected by the noise variance. Again I urge you to uphold the Planning Commission's decision and deny Mr. Lehman's appeal.

Sincerely,

Frank Humberstone
5177 Westridge Road
Paradise Estates

Helen Nunn

From: Shannon Kendall
Sent: Sunday, October 18, 2015 3:08 PM
To: Helen Nunn
Subject: Fwd: Appeal of Variance 15-001

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Bill and Tina <billandtinab@earthlink.net>
Date: October 18, 2015 at 12:22:03 PM PDT
To: <skendall@mono.ca.gov>
Subject: Appeal of Variance 15-001
Reply-To: Bill and Tina <billandtinab@earthlink.net>

Date: October 18, 2015

To: Ms. Shannon Kendall

Subject: Appeal of Variance 15-001

Ms. Kendall:

We are homeowners in Paradise Estates. We live at 5023 Westridge Road. We have been residents since 1996. It is imperative that a second well be drilled for our community and we do not object to a 24/7 drilling schedule to get the job done. Please recommend that the Mono County Planning Commission uphold their approval of Variance 15-001 so the Lower Rock Creek Mutual Water Company can move forward with this project.

Thank you.

William and Christina Bohannon

Kevin McDavid
4987 Westridge Road
Bishop, CA 93514

760-387-2431
kmac@pachell.net

October 10, 2015

Mono County Board of Supervisors
C/O Clerk of the Board
PO Box 715
Bridgeport, CA 93517

To the Board of Supervisors:

This letter is to convey my support for a new well for Sierra Paradise Estates where my wife and I have our second home. SPE has a twenty-two year old well that provides potable water and firewater for the entire community and it is in dire need of maintenance which necessitates a second well. That necessity has been presented to and approved by the Mono County Planning Commission.

Enter Mr. Matthew Lehman, who subsequently appealed the Lower Rock Creek Mutual Water Company request for a noise variance. His action has essentially stopped progress in drilling the new well. I fully understand a citizen's right to appeal and would not fault my fellow neighbors if they felt so inclined to do so. What I do not understand is why this individual, who is not my neighbor, would go this far. I wholeheartedly urge the supervisors to deny this appeal.

My conclusion is that Mr. Lehman's action is that of a vindictive and spiteful man who seems to be retaliating against our community whom he must somehow begrudge for the demise (downsizing) of his Rock Creek Ranch development. Why would someone who resides thirty miles away from the well site be concerned about noise?

My suggestion for Mr. Lehman is if he truly cares for and is concerned about the welfare of Paradise, he could demonstrate it by becoming a volunteer fireman for the Paradise Fire Protection District. This way he could help protect SPE as well as his own property on the east side of Lower Rock Creek. Last February with the wildfire threatening Paradise, our remarkable PFPD volunteers helped to protect not only our community but Mr. Lehman's property too. And the water they used came from the LRCMWC well. I find it ironic indeed that Mr. Lehman would jeopardize that firewater source plus the health and welfare of SPE with an appeal to the noise variance. Please deny this appeal.

Sincerely yours,



Kevin McDavid

Helen Nunn

From: Shannon Kendall
Sent: Sunday, October 18, 2015 3:08 PM
To: Helen Nunn
Subject: Fwd: Paradise replacement well

Thank you,
Shannon

Please excuse formatting errors, sent from my iPhone

Begin forwarded message:

From: Roger Smith <rogersmithcg@earthlink.net>
Date: October 18, 2015 at 3:07:53 PM PDT
To: "skendall@mono.ca.gov" <skendall@mono.ca.gov>
Cc: Jim Moyer <moyerjames697@gmail.com>, Kathy Saladin <saladinsmith@earthlink.net>
Subject: Paradise replacement well
Reply-To: Roger Smith <rogersmithcg@earthlink.net>

Shannon Kendall,

I am writing in response to Matt Lehman's appeal of the noise variance for drilling the Paradise replacement well.

I was the primary onsite hydrogeologist for Mr. Lehman during the drilling, construction and testing of the wells on his property. I was a resident of Paradise at that time and now own the house at 4917 Westridge Road. While I can state that Mr. Lehman was treated poorly when he tried to get a noise variance, one should have been issued as 24 hour drilling is the most cost effective and safe means of getting the job done and the lack of a variance cost him significantly more to drill his wells than it should have. I must also state the following:

This is a replacement well that the Paradise community is trying to drill and construct. Therefore any potential geologic or hydrogeologic impacts to the aquifer are already in existence.

Mr. Lehman was required by State and County regulations to perform pump and aquifer testing to prove that there was no impact to the existing Paradise well. There was no impact. (see report by RC Slade and Assoc.)

It is extremely unlikely that there would be any impact on Mr. Lehman's wells when the replacement well is constructed and brought online. They are already pumping from this location.

There is no one residing on Mr. Lehman's property. Noise will not be an issue.

The drilling company for Paradise should be required to follow the same environmental standards that Mr. Lehman's drillers were required to follow, which are the same for all drillers.

Mr. Lehman's appeal has no merit based upon geology and hydrogeology issues.

I cannot comment on his other issues due to a conflict of interest.

Sincerely,
Roger Smith
Consulting Geologist
Part time resident at;
4917 Westridge Road
Paradise

Helen Nunn

From: Shannon Kendall
Sent: Monday, October 19, 2015 11:34 AM
To: Helen Nunn
Subject: FW: Paradise Noise Variance for New Well

From: Annie Hoffman [<mailto:hoffmanja@gmail.com>]
Sent: Monday, October 19, 2015 11:23 AM
To: Shannon Kendall; Liz O'Sullivan
Subject: Paradise Noise Variance for New Well

My husband and I live at 173 Summit Road in Paradise Estates. We have owned our home here for more than 15 years.

We are writing to you to tell you of the importance of the new well that we need in our community. Our well is old and in poor condition. We residents have signed a noise variance saying we are waiving our right to the regulations that limit the hours and days of construction noise.

The variance we signed is being challenged by the owners of a large parcel of land with no homes on it. We, in Paradise, are willing to suffer for what is a total necessity for us. We need the new well.

Thank you for considering our plight.

Ann and John Hoffman
173 Summit Road
Bishop CA 93514
Mono County
760 387 9108

Helen Nunn

From: Shannon Kendall
Sent: Monday, October 19, 2015 3:39 PM
To: Helen Nunn
Subject: FW: LRCMWC support for well drilling

From: biglar [<mailto:havendrop@earthlink.net>]
Sent: Monday, October 19, 2015 3:38 PM
To: Shannon Kendall
Subject: LRCMWC support for well drilling

To: The Mono County Board of Supervisors

This email is being written and I am asking that it be part of the record for the Mono County Board of Supervisor meeting on October 20, 2015 regarding the LRCMWC water well drill permit and request for noise variance of the same. I am a property owner in Paradise Estates for 26 years and holder of a water company share for my property on Westridge.

The request for variance is not unusual and is supported by the Paradise community. This new water well and it's quick development is important to meet water demands within the community and is vital to maintaining the un-interrupted water flow to the private property owners and shareholders. The rapid drilling will enable a safe, reliable, and continuous water source for both domestic use and of most importance fire protection. A 24/7 drilling schedule is warranted.

I requesting that the Board uphold the Planning Commissions decision and deny Mr. Lehman's appeal.

Larry Primosch
120 Foothill Dr.
Bishop, CA 93514

Helen Nunn

From: Shannon Kendall
Sent: Monday, October 19, 2015 5:15 PM
To: Helen Nunn
Subject: FW: Noise variance appeal by Matthew Lehman

-----Original Message-----

From: jpenajudy@schat.com [<mailto:jpenajudy@schat.com>]
Sent: Monday, October 19, 2015 5:08 PM
To: Shannon Kendall
Subject: Noise variance appeal by Matthew Lehman

Mono County Board of Supervisors
Shannon Kendall, Board Clerk

My husband and I live in Glen Court, in the community of Paradise, Bishop, CA Our concerns are the state of our current well. We understand that it is in need of repair. What happens if it fails? We need to have the security of a constant water source for obvious reasons. I do not understand why Mr. Lehman would object to the 24/7 drill noise if he does not live here? My husband and I live directly above where the new well will be drilled, we do not object. Please grant Lower Rock Creek Mutual Water Company the OK to go ahead with their plans to start the process of getting the drilling going.

Thank you,
Richard and Judy Pena
105 Glen Ct

October 19, 2015

Mono County Board of Supervisors

Mr. Larry Johnston
Mr. Fred Stump
Mr. Tim Alpers
Mr. Tim Fesko
Ms. Stacy Corless

Honorable Supervisors,

My wife and I have been homeowners in Paradise since 1988. We currently own two residences in Paradise.

The community of Paradise Estates has been in existence for over 45 years. Our community relied on water from Lower Rock Creek until 1993 when we were required to stop utilizing creek water. Our community and Board of Directors elected to drill a well to provide water to our community, which was completed in 1993. Our existing well is now 22 years old, and its reliability is in question.

Our project is to drill a replacement well in order to provide redundancy in our system in the event of a well failure. Our community's existence depends on a reliable water supply to satisfy our domestic and fire protection needs. This replacement well has been planned for almost 20 years. We as homeowners and shareholders have been paying into an assessment fund since 1998 to finance this well. This well was specifically planned for when the Rock Creek Canyon Specific Plan was approved. Our Board of Directors has worked diligently with Mono County staff to ensure that all applicable state and county regulations have been adhered to, during this current application process and in 1993 when our existing well was drilled. We have a history of compliance.

The Lower Rock Creek Mutual Water Company and my wife and I are asking for a variance on the noise ordinance for this project.

We do not have a problem with the noise or extended hours proposed for this project. We have experienced this noise before when our neighboring development drilled wells, and we were able to cope with that noise and duration of the project.

We understand that our existing project qualifies for a Categorical Exemption from CEQA, because it is a "Replacement or reconstruction of an existing utility system and/or facility involving negligible or not expansion of facility". The only discretionary action before you is a request to grant a variance from the noise standards and work hours which affects any reasonable person RESIDING IN THE AREA". The homeowners and shareholders in Paradise who reside in the area have demonstrated overwhelmingly that we support this variance and need to have our well drilled as soon as possible to avoid catastrophic well failure.

Respectfully,

Mark Daniel
Denyse Racine
Paradise residents

October 20, 2015
Regular Meeting
Board of Supervisors
Item #9b

Appeal of Variance
#15-001

Community Development
Presentation

Appeal of Noise Variance 15-001

Board of Supervisors 10.20.15
Courtney Weiche, Associate Planner

Variance Request

- LRCMWC requested a variance from Mono County Code Chapter 10.16 Noise Regulations to allow the applicant to exceed the maximum noise levels for activities to drill a replacement well for the community of Paradise
- Generally speaking, the community prefers the variance option in order to expedite the construction of the replacement well and to minimize the short-term noise impacts associated with the drilling

Discussion

- The well installation itself does not require any planning approval
 - The well was authorized as part of the RCC SP in 2010
 - A ministerial well permit has already been issued by EH
- The only issue before the Commission was whether a variance from noise standards should be granted
- Had the Variance not been appealed, well installation would have occurred mid-November and required 3 - 4 weeks
- Due to demand for well driller services, the driller indicated they needed to drill 24 hours a day for 7 days a week, therefore exceeding the maximum noise levels for these activities

Mono County Code Chapter

10.16 Noise Regulations

10.16.090 Noise Level Limitations Exterior Noise Levels Construction Noise Limits

C. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of seven p.m. and seven a.m., or at any time on Sundays, weekends or holidays, such that the sound therefrom creates a nuisance or a public safety hazard, or by various causes issued by the Planning and Zoning Commission, except in an emergency work of public service utilities or other activities issued by the following: WHEREAS it is technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule:

Time Period	Single Family Residential Land Use	Multi-Family Residential Land Use	Mixed Use Residential Commercial
Mon-Sat, 7:00 a.m. – 6:59 p.m.	60 dBA	65 dBA	70 dBA
Mon-Sat, 7:00 p.m. – 6:59 a.m.	50 dBA	55 dBA	60 dBA
All Day, Sundays & Legal Holidays			

- At residential properties:
 - Mobile equipment:** mobile equipment: (less than ten days) of
 - Stationary equipment:** (less than ten days) of
- At business properties:
 - Mobile equipment.** Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment, daily including Sunday and legal holidays, at all hours, shall be 85 dBA.
 - Stationary equipment.** Maximum noise levels for repetitively scheduled and relatively long-term operation (ten days or more) of stationary equipment, shall comply with the noise limits in Table 10.16.060.
- All mobile or stationary internal combustion engine-powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order.

Projected Noise Levels to Nearest Sensitive Receptors

Distance from noise source (meters)	Noise level at that distance dB(A)
10	110
20	104
40	98
80	92
160	86
320	80
640	74
960	68

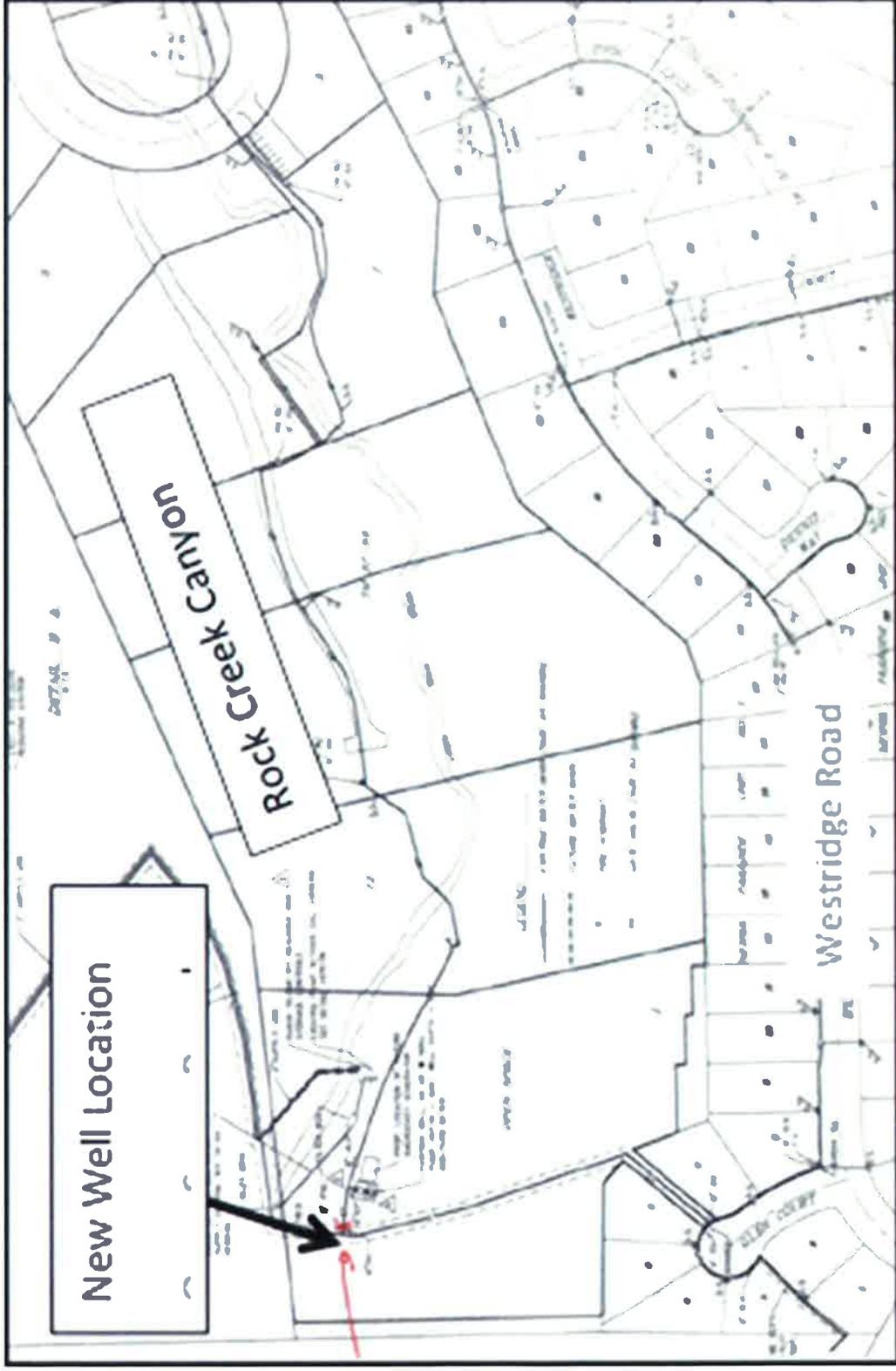
According to WELSCO, The loudest noise to occur would be approximately 87 dBA at the site

Noise levels typically drop 6 decibels every time the distance

The closest sensitive receptors are residences located above, along Westridge about 350 lineal ft to the west; approx an affected noise of ~70 dBA

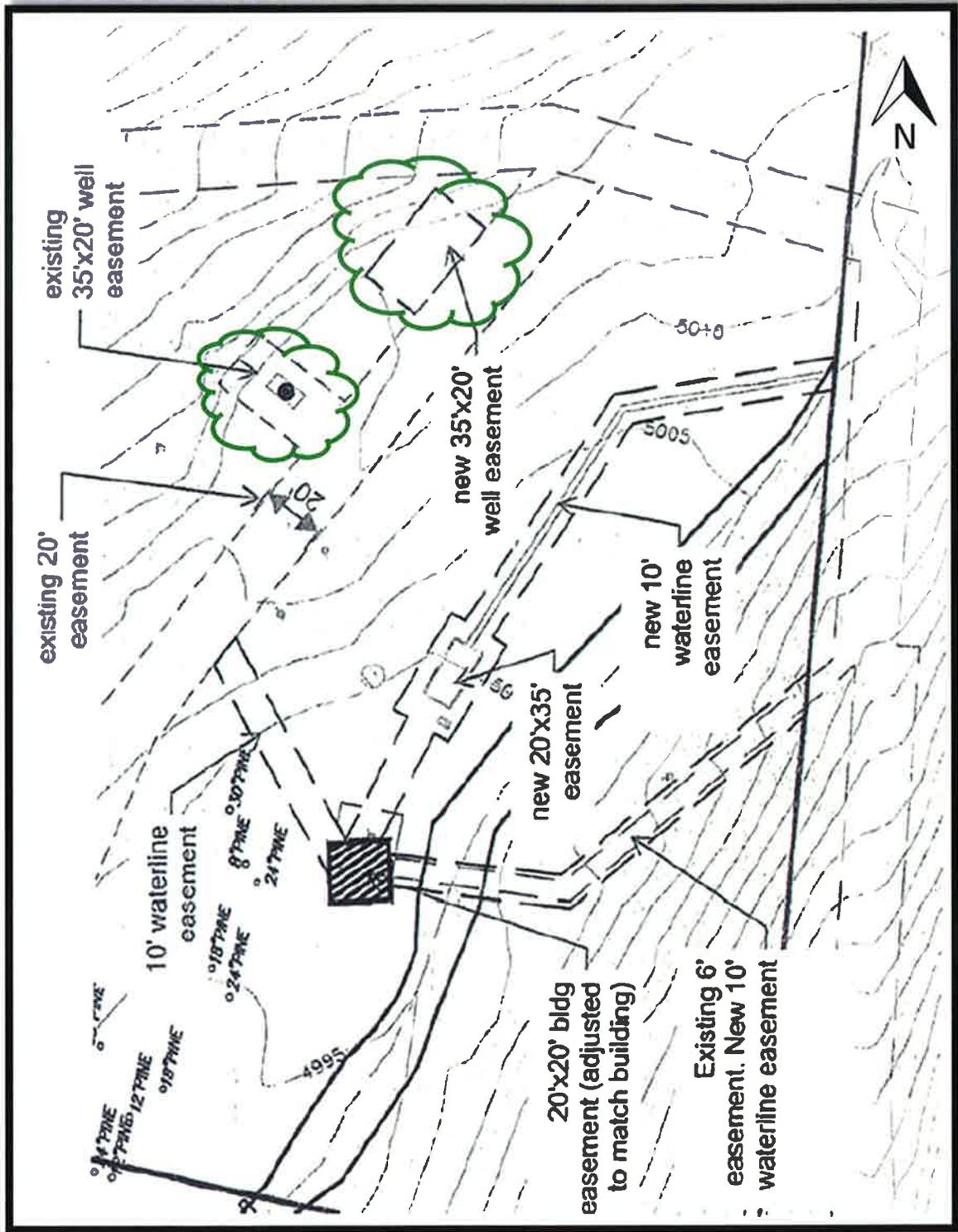
Due to the topography of the canyon and available space at the well site, it is difficult, if not impossible, to erect any kind of adequate sound wall as possible noise mitigation

Site Location



North most parcel in the Rock Creek Canyon subdivision

Site Plan





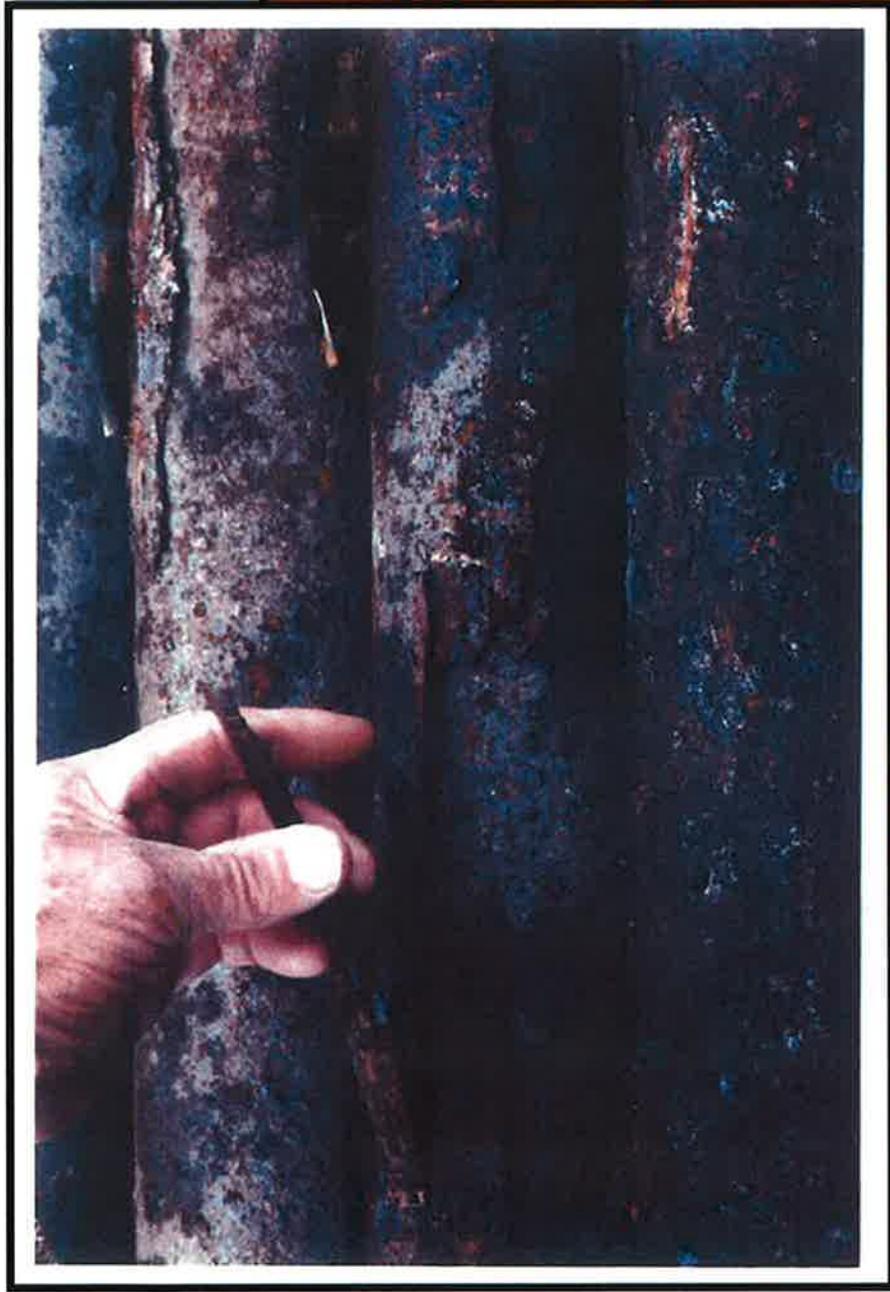
Google earth

Imagery Date: 9/14/2013 37°28'39.91" N 118°36'11.77" W, elev. 4977 ft eye alt 6102 ft

© 2013 Google
Image Landsat

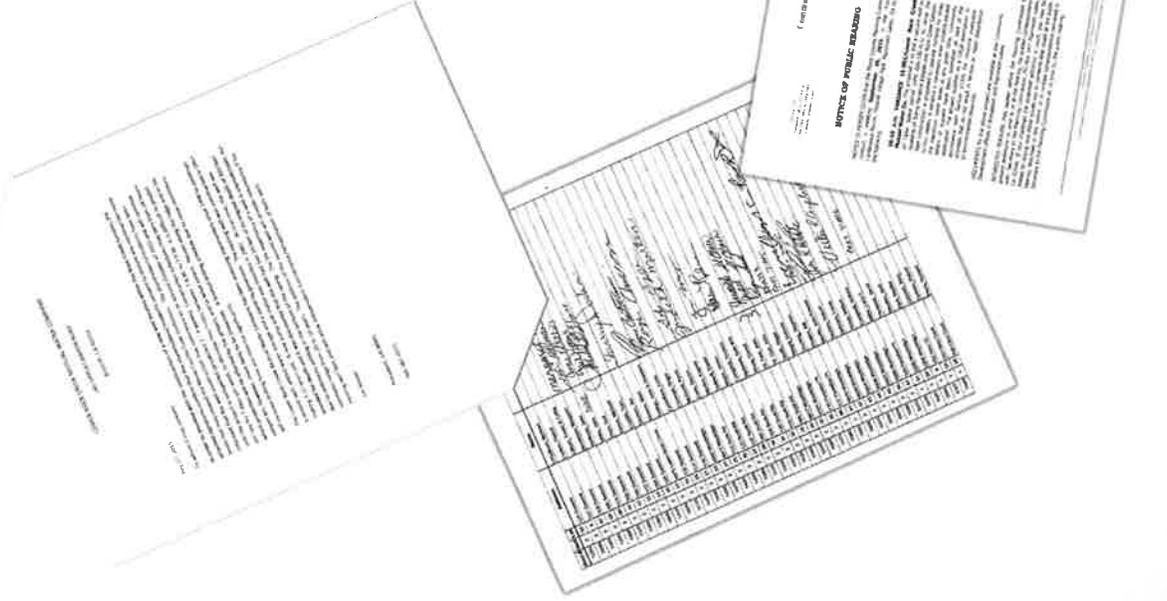
4729

Timeline



Project Outreach/Public Comment

- LRCMWC circulated a petition informing residents of requested noise Variance: 70+ signatures were gathered
- Public Hearing notices were sent Aug. 24 to all property owners in the Paradise community and October 7th to property owners within 300 ft.
 - To date, a number of comments have been received in support of the Planning Commission's Variance approval



Applicants Appeal

- Nature of the Appeal:
 - Drilling operations;
 - Well Construction; and,
 - Development.
- Stated Reason for the Appeal:
 - CEQA Exemptions, noise variances, environmental resource concerns, impacts to neighboring property owners, and biased applicant treatment.
- However, the only approval issued on September 10th by the Planning Commission was of noise Variance 15-001 (and associated findings) and, accordingly, only that action is subject to appeal

Environmental Review

The project qualifies for the following categorical exemptions from the provisions of CEQA:

- *CEQA Guidelines, 15303, Class 2 – Replacement or Reconstruction.* A Class 2 exemption consists replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:
 - (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of facility.
- *CEQA Guidelines 15306, CEQA Class 6 – Information Collection.* A Class 6 exemption consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Staff Recommendation

It is recommended that following the public hearing, the Board of Supervisors:

- Consider the appeal by Matthew Lehman and Lehman Investments LLC of noise Variance 15-001/ Lower Rock Creek Mutual Water Company (LRCMWC), and either affirm, affirm in part, or reverse the Planning Commission's decision granting the variance, making appropriate findings.

October 20, 2015
Regular Meeting
Board of Supervisors
Item #9b

Appeal of Variance
#15-001

Additional Email Corresp.

Courtney Weiche

Subject: FW: Another question

From: Jim Moyer [<mailto:moyerjames697@gmail.com>]

Sent: Tuesday, October 13, 2015 2:11 PM

To: Courtney Weiche

Subject: Re: Another question

Courtney:

The existing well, when new, produced a 150 gpm at the well head using the driller's 50 hp test pump. The driller then installed our original 30 hp pump that produced 135 gpm when pumped to the water tanks 250 ft above the well location.

The replacement well will have the same size casing at about the same depth so we're hoping it will produce about the same. Until the well is constructed and developed, the capacity is an unknown variable. There's a chance that it could be a dry hole. ☹

On October 13, 2015, at 1:36 PM, Courtney Weiche <cweiche@mono.ca.gov> wrote:

Hi Jim,

Would you be able to answer this question? Putting the last touches on the staff report. I am sure it must be in one of the documents you sent me, but because we are short on time I thought I'd ask you if you knew off hand:

1. What is the capacity of the new well compared to the existing well?

Thank you,
Courtney Weiche
760.924.1803

October 20, 2015
Regular Meeting
Board of Supervisors
Item #9b

Appeal of Variance
#15-001

Jim Moyer, LRCMWC
Statement to Board

BOS MEETING - OCTOBER 20, 2015

Jim Moyer, President, Board of Directors, LRCMWC

My name is Jim Moyer and I am the president of the Board of Directors of the Lower Rock Creek Mutual Water Company. I have been working with community water systems for 26 years: nine years with the June Lake Public Utilities District and seventeen years with the Lower Rock Creek Mutual. I currently have a Grade 4 Water Distribution Certificate and a Grade 2 Water Treatment Plant Certificate. Our water company is fortunate to have three other certified operators: Sam Lovell, Chuck Goede and Travis Gilbert. Sam and Chuck have been maintaining our system for over 20 years. We take our job seriously because the health and safety of our friends and neighbors depend on us. Our job is to provide potable water, at cost, for domestic use and fire protection to the shareholders residing in Rock Creek Canyon and Sierra Paradise Estates. We monitor and record our pumping data daily and have observed the decline in our well performance. It is our intent and our responsibility to have a replacement well in operation before the existing well fails. There is a certified operator on-call 24 hours a day, seven days a week, to respond to any water emergency. When there is a fire that requires the use of our fire hydrants, it is our policy to go immediately to the well and turn the pump on manual to assure a maximum supply of water for fire suppression. During the Round Fire, while residents were evacuating, our operator and maintenance supervisor, Sam Lovell (age 84), unaware that there was no electricity, placed himself in harm's way to drive into Rock Creek Canyon and turn the pump on manual. Our volunteer fire department, with the help of neighboring departments, facing windswept flames 30 feet high, saved all but one structure in Paradise. Our water system supplied an estimated 130,000 gallons of water before it ran dry. The water company has, following the fire, spent \$5,000 from our Capital Improvement Fund to install a power transfer switch in preparation for an emergency generator. Once the replacement well is in operation and funds permitting, we plan to purchase the generator – an estimated \$20,000 expense.

We are, of course, a mutual water company and every lot that we serve has a share in the company. Therefore, when I use the pronouns we or us, I am referring to the 145 shareholders that are co-owners of the company and tax payers in Mono County.

Mutual water companies have limited financial resources. Though we serve a community water system, we are a private water company, not a Community Service District. As such, we are not eligible for many of the state grants that are available to a CSD. The State of California defines a small water system as 10,000 connections or less and tends to send grants where they will serve the most people. The State Revolving Fund offers low interest loans but have prevailing wage requirements that add 30% to the project cost. A \$400,000 project increased by 30% becomes a \$520,000 project, a \$120,000 increase, plus interest. Conventional loans are also problematic because we have no collateral. Consequently, our financial resources depend on water usage fees, assessments and/or cash-calls (the cash-call being the least popular option).

Aware that our well, now 22-years old, has a limited life span, we shareholders have been assessing ourselves for **16 years** at \$200/share, per year, to build up our Capital Improvement Fund in order to

ab

finance a second well. As reflected in your staff report, this replacement well has become an urgent necessity in order to assure a continuous supply of water for both domestic and fire protection purposes to our community. In 2012 we felt we were sufficiently funded to drill our much needed replacement well. We acquired a drilling permit on March 27, 2013 and were ready to start. As a result of the extended drought, wells in California and other states were drying up and people were without water. Our replacement well was placed on the back burner while drillers around the state were responding to water emergencies. During the past two years, we three times mailed the "request for bids" to over forty drillers in California and Nevada - to no avail. The Mono County Health Department has been understanding and has generously granted us three extensions on our drilling permit during this period. In the spring of 2015, we were finally able to attract a driller to the job for a reasonable price. Drilling was to commence eight weeks from signing a contract.

We were informed by the well driller that the noise from the drilling would exceed the County's noise standards by 10-20 decibels and that, due to the topography of the well site, it would not be technically or financially possible to mitigate this noise. Therefore, on July 29, I submitted an application for a variance with a list of 80+ signatures from residents of RCC and Paradise in favor of **(none opposed)** drilling the well 24 hour/day for 7 days/week. We met with the Building Department on August 3. The Planning Commission Meeting to decide our variance application was scheduled for September 10. A week before that meeting we were notified that there was one protest by a non resident. Scott Burns and Courtney Weiche called me to see if we, the water company, would meet with them and the one protesting non-resident, Mathew Lehman, on September 8, to discuss some kind of agreement. We met with them on the 8th where Mr. Lehman vehemently voiced his intent to cause the water company to spend all of our well money on attorney fees if we pursued our replacement well.

On September 10, the Planning Commission granted the variance. On September 18, Mr. Lehman appealed the Commission's decision. At this point, we were advised by a number of shareholders to seek legal counsel. On October 6, we retained the services of Tim Sanford. On October 9, Scott Burns called to ask if I would meet with Mr. Lehman alone, without any other board members to discuss the variance and related matters. I agreed to meet if our attorney, Mr. Sanford, could come. We met on October 12 where Mr. Lehman proposed we buy his property for \$600,000 suggesting we give him our well money and he and his partners would carry paper on the balance. I explained our financial options and calculated that to purchase his property would require a cash-call of \$4,139.31/share. We could not use our well money for a purchase because we need our well yesterday. I then offered that, though the water company could not sell him water because he is not a shareholder, we could possibly purchase water from him if it was made potable and accessible (the lower well water, among other contaminants including aluminum, barium and hydrogen sulfide odors, has an arsenic content above the Maximum Contaminant Level and requires treatment, and it is located a half-mile from our water tanks). I agreed to present Mr. Lehman's offer to the water board at our scheduled Board of Directors meeting on October 14; though what the purchase of Mr. Lehman's property has to do with the noise variance was unclear. However, Mr. Sanford and I did make it clear to Mr. Lehman that any possible consideration of a purchase of his property would have to be an issue entirely separate from the variance due to the

urgent need for the replacement well, and that the replacement well would be necessary regardless of whether Mr. Lehman's property was later purchased.

It appears that Mr. Lehman is trying to use the county's processes as a vehicle to facilitate his intent of leveraging a buyout of his property. The obstruction of a community to secure a reliable, uninterrupted source of potable water for domestic use and fire protection and thereby potentially endangering the health and safety of that community, especially in light of the recent Round Fire, is unconscionable, to say the least.

At our scheduled Board of Directors meeting on October 14, I presented Mr. Lehman's proposal to purchase his property. The Directors and employees of the Lower Rock Creek Mutual Company (a particularly wise, discerning and well informed collection of talented and experienced individuals) chose unanimously to not pursue the purchase of Mr. Lehman's property because it is not technically or financially feasible. The Directors voted to proceed to the County Board of Supervisors meeting scheduled for October 20, 2015.

Whether or not the Board of Supervisors approves the variance today, the water board has decided to postpone drilling until the spring of 2016. Due to the delays incurred by Mr. Lehman's unrelated complaints and his appeal of the Planning Commission's decision, we have not signed a contract with the driller. If we signed today, the driller schedules eight weeks from signing, giving us a start date of December 20. Our drilling permit extension expires on December 31, and winter conditions can cause numerous problems related to the drilling process. Providing we acquire a noise variance and are able to secure an available driller, we will apply for a new permit in the spring. If our well fails before that, leaving us without a source of potable water or an adequate supply for fire suppression, we will respond to that emergency under the direction of the Mono County Health Department and their standard emergency procedures.

Thank you for your time and service to the residents of Mono County.

Mr. Sanford is here to briefly speak to you regarding the legal aspects of this matter. Can I answer any questions?

October 20, 2015
Regular Meeting
Board of Supervisors
Item #13a

Library Funding

**Dr. Stacey Adler and Ana
Danielson**

Action Items – Library Board Authority

Administration:

Reduction to the Library Director's hours:

Option 1: .95 FTE (savings of \$5,390.00 annually)

Option 2: .90 FTE (savings of \$10,191.00 annually)

Bookmobile:

Option 3: Eliminate Bookmobile (savings of approximately \$10,000 annually)
(currently the Bookmobile is not operating, as the engine was smoking on its last run)

Bridgeport Library:

Change to preparation hours

Option 4: Preparation time (when the Library is closed to the public) will be reduced to 1 hour/day or 5 hours/week
(savings of \$11,624 annually)

Option 5: Preparation time (when Library is closed to the public) will be eliminated*
(savings of \$23,248 annually)

Mammoth Lakes Library:

Option 6: Reduction of operation hours by 3.5 hours/week
(savings of \$8,946 annually)

*At this time, the Bridgeport Library is the only Library in the System that has any preparation time. All other branches are only staffed during hours when open to the public.

2011 - 2012

	Branch Operation Hours	Funding Amount in 11 - 12	Attendance	Attendance #s/ % of total	Circulation	Circulation #s/ % of total	Population	2010 Census Data by #/ % of total	Average
Benton	20	\$32,235	\$35,000	7,610 /5%	\$28,000	8,629 /4.0%	\$48,300	931/ 6.9%	\$37,100
Bridgeport	38	\$132,906	\$49,700	10,783 /7.1%	\$96,600	28,659 /13.8%	\$29,000	575/ 4.2%	\$58,800
Coleville	20	\$41,255	\$21,000	4,642 /3.0%	\$26,600	7,840 /3.8%	\$77,000	1,536/ 11%	\$41,300
Crowley Lk	20	\$76,623	\$21,700	4,753 /3.1%	\$30,100	8,978 /4.3%	\$63,000	1,266/ 9%	\$38,500
June Lake	20	\$37,133	\$53,900	11,820 /7.7%	\$43,400	12,868 /6.2%	\$32,200	629/ 4.6%	\$43,400
Lee Vining	20	\$25,277	\$12,600	2,691 /1.8%	\$15,400	4,643 /2.2%	\$20,300	394/ 2.9%	\$16,100
Mammoth	55.5	\$369,225	\$504,000	109,260 /72%	\$445,900	132,831 /63.7%	\$427,000	8,234/ 61%	\$459,200
Totals	194	\$714,654	\$697,900	152,619	\$686,000	208,344	\$696,800	13,565	\$694,400

2012 - 2013

	Branch Operation Hours/ Branch Staff Hours	Funding Amount in 12 - 13	Attendance	Attendance #s/ % of total	Circulation	Circulation #s/ % of total	Population	2010 Census Data by #/ % of total	Average
Benton	20	\$33,244	\$28,700	5,756 /4.1%	\$21,700	6,158 /3.1%	\$48,300	931/ 6.9%	\$32,900
Bridgeport	38	\$137,488	\$51,100	10,298 /7.3%	\$103,600	29,051 /14.8%	\$29,000	575/ 4.2%	\$60,900
Coleville	20	\$40,605	\$22,400	4,441 /3.2%	\$42,000	11,835 /6.0%	\$77,000	1,536/ 11%	\$46,900
Crowley Lk	20	\$82,208	\$21,700	4,424 /3.1%	\$30,800	8,693 /4.4%	\$63,000	1,266/ 9%	\$38,500
June Lake	20	\$38,724	\$59,500	11,904 /8.5%	\$43,400	12,293 /6.2%	\$32,200	629/ 4.6%	\$44,800
Lee Vining	20	\$21,437	\$14,700	3,000 /2.1%	\$16,800	4,720 /2.4%	\$20,300	394/ 2.9%	\$17,500
Mammoth	55.5	\$329,205	\$501,900	100,731 /71.7%	\$437,500	123,023 /62.5%	\$427,000	8,234/ 61%	\$455,000
Totals	194	\$682,911	\$700,000	140,554	\$695,800	196,950	\$696,800	13,565	\$696,500

2013 - 2014

	Branch Operation Hours	Funding Amount in 13 - 14	Attendance	Attendance #s/ % of total	Circulation	Circulation #s/ % of total	Population	2010 Census Data by #/ % of total	Average
Benton	20	\$34,775	\$18,900	3,383 /2.7%	\$21,700	5905 /3.1%	\$48,300	931/ 6.9%	\$56,700
Bridgeport	38	\$139,084	\$53,200	9,536 /7.6%	\$101,500	27,486 /14.5%	\$29,000	575/ 4.2%	\$60,900
Coleville	20	\$42,189	\$30,100	5,451 /4.3%	\$42,000	11,377 /6.0%	\$77,000	1,536/ 11%	\$49,700
Crowley Lk	20	\$41,960	\$22,400	3,952 /3.2%	\$35,000	9527 /5.0%	\$63,000	1,266/ 9%	\$39,900
June Lake	20	\$40,389	\$66,500	11,948 /9.5%	\$59,500	16,001 /8.5%	\$32,200	629/ 4.6%	\$52,500
Lee Vining	20	\$26,945	\$15,400	2,736 /2.2%	\$18,200	4978 /2.6%	\$20,300	394/ 2.9%	\$17,500
Mammoth	55.5	\$384,489	\$493,500	88,387 /70.5%	\$413,000	111,615 /59%	\$427,000	8,234/ 61%	\$444,500
Totals	194	\$709,831	\$700,000	125,393	\$690,900	189,221	\$696,800	13,565	\$721,700

Library Fund Allocation Possibilities

2014 - 2015

	Branch Operation Hours	Funding Amount in 14 - 15	Attendance	Circulation	Circulation #s/ % of total	Population	2010 Census Data by #/ % of total	Average
			#s/ % of total					
Benton	20	\$36,362	5,381/ 4.5%	\$24,500	6,317 /3.5%	\$48,300	931/ 6.9%	\$34,720
Bridgeport	35-38	\$143,764	8,589/ 7.2%	\$105,000	26,955 /15%	\$29,000	575/ 4.2%	\$61,600
Coleville	20	\$39,229	5,828/ 4.9%	\$45,500	11,438 /6.5%	\$77,000	1,536/ 11%	\$52,220
Crowley Lk	20	\$34,976	3,568/ 3.0%	\$28,000	7,477 /4.0%	\$63,000	1,266/ 9%	\$37,310
June Lake	20	\$36,449	9,790/ 8.2%	\$56,000	14,297 /8.0%	\$32,200	629/ 4.6%	\$48,510
Lee Vining	20	\$36,449	2,912/ 2.4%	\$21,000	5,367 /3.0%	\$20,300	394/ 2.9%	\$19,320
Mammoth	55.5	\$344,187	83,584/ 69.8%	\$406,000	102,510 /58%	\$427,000	8,234/ 61%	\$440,720
Totals	194	\$671,416	119,717	\$686,000	176,113	\$696,800	13,565	\$694,400

October 20, 2015
Regular Meeting
Board of Supervisors
Item #13a

Library Funding

John Schoonover

FY 13-14

7-1-13/6-30-14

FY 14-15

7-1-14/6-30-15

FY 15-16

7-1-15/6-30-16

Good afternoon Supervisors and Staff. My Name is John Schoonover and I am a resident of Bridgeport, a registered voter of Mono county, who votes, and a member of Bridgeport Friends of the Library.

Would the Board of Supervisors consider taking back control the Mono County Libraries. MCOE's main function should be to address Education; under the Board the Library's main function would be to address the needs of the Public.

We feel that the Library under the MCOE has been mismanaged as to the Library Budget.

The Budget has been running a deficit for about seven years even before the current staff.

There has been a lack of transparency of the budget.

After becoming apprised of the situation, the Friends invited Stacey and Anna to a meeting re: the budget and proposed solutions.

FY 13-14 figures were shown to the Friends on large tablet paper. We believe this is the same information that was presented to the Library Board at an earlier meeting. The figures only represented about 75% of the Total. The data did not reflect all relative costs. We requested more detailed data relative to the Budget.

FY14-15 figures were not available until late September 2015 at a Library Board meeting. When given they were more detailed but still presented questions.

Re: FY 15-16, As of 10-16-15 only a Projected a Total Budget was presented, however, there were no allocations for individual Branches. We are now 4 months into FY 15-16. How can Branches be expected to comply.

As of 10-16-15 The Library Board has not provided Minutes from the August nor the September meetings. You might ask whats the big deal, however it was from Minutes of a past Board meeting that we first became aware of the budget problem and their proposed solutions.

In addition, as of 10-16-15, there is no available Agenda for the upcoming Library Board meeting on October 22, 2015.

As to the County Librarian Position:

Under the current scenario why wouldn't the County Librarian's office be located in Bridgeport where the MCOE is? That is where the main Budget person is. That way the County Librarian could work more closely with the budget person.

(Mention the board of Supervisors Resolution 14-72)

It does not appear to be clear as to the Library duties, specifically as to the County Librarian.

Also, we can't get clarification on why the County Librarian position was not filled in compliance with the following California Education Codes:

19140 Appointment of County Librarian

19142 Qualifications

19150 Qualifications of Acting of Assistant Librarian. Temporary only. (We understand that either a waiver has been granted or requested, we would like to know if that is a fact).

Thank you.

CA. Education Codes

19140-Appointment of a county librarian.

Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian.

19142-Qualifications.

No person may be appointed to the office of county librarian on or after January 1, 1987, unless he or she possesses both of the following qualifications:

- (a) Graduation from a graduate library school program accredited by the American Library Association.
- (b) Demonstrated knowledge of principles and practices of public administration, including county government, and of the laws applicable to library service in this state.

19150-Qualifications for acting or assistant librarian.

Except when the county librarian is temporarily absent, no person shall serve in the position of the county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person meets the qualifications set forth in Section 19142.

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the State Librarian to appoint an unqualified person to the position. This written permission may be granted by the State Librarian for a period of time up to but not exceeding one year. The State Librarian may from time to time in his or her discretion renew the permit.

19110- Contracts with other counties for services of a librarian.

The board of supervisors of any county may contract with the board of supervisors of any other county or two or more counties to provide for the services of a single qualified librarian to serve simultaneously as the county librarian of each county.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MONO, STATE OF CALIFORNIA
NO. 14-72

A RESOLUTION OF THE BOARD OF SUPERVISORS)
OF THE COUNTY OF MONO, STATE OF CALIFORNIA,)
RELATIVE TO THE TRANSFER OF CERTAIN DUTIES)
AND FUNCTIONS FROM THE BOARD OF SUPERVISORS)
TO THE COUNTY BOARD OF EDUCATION)

WHEREAS, Sections 658 and 671 of the Education Code provide for the transfer of certain duties and functions of the Board of Supervisors to the County Board of Education; and

WHEREAS, these duties and functions include approval of the County Superintendent's estimate of anticipated revenue and expenditures, allowance of the actual and necessary travel expenses, the expenses of the Office of the County Superintendent of Schools, and the expenses of providing housing for all the services of the County Superintendent, pursuant to Sections 653, 751, 752, 753 and 754 of the Education Code; and

WHEREAS, Sections 871 to 876 of the Education Code provide, among other things, that County employees assigned to the Office of the County Superintendent of Schools shall cease to be employees of the County upon the establishment of a separate budget for the Office of the County Superintendent of Schools and shall thereafter be paid from the County School Service Fund; and

WHEREAS, Chapter 2 of Division 15 (commencing with Section 20400) of the Education Code provides for the adoption of a single budget which is to show all the purposes for which the County School Service Fund, County Board of Education, County Committee on School District Organization, and the Office of the County Superintendent of Schools will need money; and

WHEREAS, per authorization of section 27125(b) of Government Code authorizing the establishment of a consolidated library system of two or more

1 public agencies; and

2 WHEREAS, that portion of the consolidated system attributable to the
3 County General Fund should be transferred with the other single budget
4 responsibilities; and

5 WHEREAS, it is the expressed desire of the County Board of Education
6 to assume greater responsibility and fiscal discretion with respect to its
7 affairs, the affairs of the County Committee on School District Organization
8 and those of the Office of the County Superintendent of Schools; and one
9 consolidated library system; and

10 WHEREAS, the Board of Supervisors concurs in said desire of the
11 County Board of Education;

12

13 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MONO COUNTY HEREBY

14 RESOLVES AND ORDERS as follows:

15 I. Single Budget. The provisions of Chapter 2 (commencing at
16 Section 20400), et seq., Division 15 of the Education Code shall be applicable in
17 Mono County upon the effective date of this Resolution.

18 II. Transfer of Functions and Duties. As authorized by Chapter 2.5
19 (commencing at Section 671), Chapter 1, Division 3 of the Education Code, this
20 Board hereby transfers all of its following duties and functions to the County
21 Board of Education:

- 22 1. Approval of the County Superintendent's estimate of anticipated
23 revenue and expenditures pursuant to Education Code Section 653,
24 following which it shall be filed with the Board of Supervisors;
- 25 2. Allowance of the actual and necessary travel expenses, the
26 expenses of the Office of the County Superintendent of Schools,
27 and the expenses of providing housing for all the services of
28 the County Superintendent of Schools pursuant to Education

1 Code Sections 751, 752, 753 and 754;

2 3. By agreement with the County Board of Education, any other
3 duties and functions of an educational nature which by
4 law are required or permitted to be performed by the
5 County Board of Supervisors;

6 4. Transfers to the County Board of Education Budget responsi-
7 bility for the General Fund County Library responsibility
8 under the consolidated library system heretofore established;

9 PROVIDED that all expenses for such duties and functions required or
10 permitted under any provision of law to be paid out of the County General Fund
11 shall not be paid out of the County General Fund but shall be included in
12 that part of the single budget prepared by the County Board of Education for
13 which a County tax rate is fixed pursuant to Education Code Section 20403.

14 III. Employees.

15 1. The provisions of Article 4 (commencing at Section 871),
16 Chapter 2, Division 3 of the Education Code shall become
17 operative in Mono County upon the effective date of this
18 Resolution.

19 2. Mono County does not have a civil service system and is
20 a contract member of the State Employees Retirement
21 System. Employees will retain all such Retirement
22 System Benefits.

23 IV. Transfer of Specified Functions Relating to School District

24 Names, Organizations, Reorganizations, Boundaries, Lapation and Annexations.

25 Subject to the exception set forth herein, upon the effective date of this
26 Resolution, this Board hereby consents to and orders the transfer of all the
27 functions of the County Board of Supervisors provided for in Section 658 of the
28 Education Code, to the County Board of Education, such functions to include

1 but not be limited to the receipt of petition and reports and other papers.

2 EXCEPTION. The Board of Supervisor_s retains the function and duty of
3 making each final order to complete an action to organize, reorganize or lapse
4 school districts and making such order_s in connection therewith to create,
5 change or terminate school districts and to establish or reestablish the
6 boundaries of the school districts affected by such actions. The County
7 Board of Education shall (1) conduct all proceedings and hearings requisite
8 and preliminary to the making of any such final order, (2) prepare a transcript
9 of proceedings showing compliance with the legal procedures necessary to the
10 making of such final order, (3) certify such transcript of proceedings to the
11 Board of Supervisors for the making of such final order, and (4) recommend to
12 the Board of Supervisors the final action to be taken. The recommendation
13 shall be accompanied by a form of resolution in form suitable for adoption
14 which shall recite the events leading up to the final order with reference to
15 appropriate statutory authority and shall contain the text of such order or
16 orders as may be necessary to effectuate the recommendation.

17 V. Expenses. Unless expressly otherwise provided in this Resolution
18 or by law, all expenses necessary for the County Board of Education, the
19 County Superintendent of Schools and the County Committee on School District
20 Organization required or authorized by Education Code Section 881 or other
21 provisions of the law to be paid from the County General Fund and all expenses
22 for such duties and functions of the County Board of Education, the County
23 Superintendent of Schools and the County Committee on School District
24 Organization, all expenses for salaries and employee benefits of employees
25 (including the compensation, benefits and expenses of the County Superintendent
26 of Schools and the members of the County Board of Education) assigned to or
27 employed by the County Board of Education, the County Superintendent of Schools
28 or the County Committee on School District Organization, and all other expenses

1 of an educational nature which are by law permitted or required to be a
2 charge against and paid from the General Fund of the County, shall be a charge
3 against and paid from the County School Service Fund and included in the
4 single budget herein provided for, regardless of whether such functions and
5 duties are herein transferred to the County Board of Education or are by law
6 imposed upon the County Board of Education, County Superintendent of Schools
7 and the County Committee on School District Organization.

8 VI. Tax Rate. The tax rate for education purposes fixed by the
9 Board of Supervisors pursuant to the provisions of Chapter 2 of Division 15 of
10 the Education Code shall be separately stated on the tax bill pursuant to the
11 provisions of Section 2611.5 of the Revenue and Taxation Code.

12 VII. Personal Property. Title to personal property of the County,
13 including office machines, furnishings and consumable supplies, and the County's
14 interests in relocatable buildings, which on June 30, 1972 are assigned to or
15 in use by the Office of the County Superintendent of Schools, the County Board
16 of Education or the County Committee on School District Organization, shall
17 vest on July 1, 1972 in the Office of the County Superintendent of Schools.

18 VIII. Effective Date. This Resolution shall become effective,
19 applicable and operative in the County of Mono on July 1, 1972. Acceptance and
20 agreement of this Resolution has been manifested by the filing with this
21 Board of a certified copy of a Resolution duly adopted by the County Board of
22 Education, agreeing to and accepting the provisions of this Resolution.

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1 PASSED AND ADOPTED by the Board of Supervisors of the County of Mono, State
2 of California, this 7th day of March, 1972, by the
3 following vote:

4 AYES: Supervisors Cain, Falconer, Partridge

5 NOES: Supervisors Mahan, Remes

6 ABSENT: 0

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8

Walter B. Cain
Walter B. Cain
Chairman, Board of Supervisors
County of Mono

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11 ATTEST: Ann M. Webb
12 County Clerk

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13 BY Marian S. Payne
14 Principal Clerk

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RECESS WAS TAKEN FROM THE HOUR OF 12:00 NOON UNTIL 2:00 P.M.

ATTEST:

Louise A. Hardisty
Deputy Clerk

JUNE 15, 1965 - 2:00 P.M.

The Board met. Members present as before recess. Supervisor Earwaker, Chairman, presiding.

APPEARANCES: DAN C. SPENCER, County Superintendent of Schools, appeared in connection with the establishment of a Mono County Free Library System and appointment of a Mono County Librarian.

CHARLES E. SHERVINGTON, District Engineer, District IX, Division of Highways, requested that a public hearing be held at the regular meeting of the Board on August 3, 1965 at the hour of 2:00 P.M. for the purpose of hearing persons for and against the line change in the proposed freeway route at Casa Diablo, which request was granted.

JACK C. NICHOLS, M.D. requested a 90 day extension of the budget for Clinic employees to facilitate the establishment of a new doctor, which was granted.

JIM REDDING, Hospital Administrator, presented his occupancy report for the month of May.

KENNETH C. SCHOLL, Probation Officer, presented a Contract Agreement by and between the County of Mono and the California Youth Authority for diagnostic, treatment and detention services and discussed his plans for the operation of the Burger Barn by the Bridgeport Youth Club.

ORDERS: Moved by Cain, seconded by Mahan, that the dates of July 7 and July 8, 1965 be set for hearings of the County Board of Equalization and so advertised. Motion carried.

The following resolution was moved by Mahan, seconded by Cain and adopted by the unanimous vote of the Board:

RESOLUTION NO. 28-65

WHEREAS, the Mono County Board of Supervisors believes that more adequate library services are needed in Mono County, and

WHEREAS, it is the desire of this board to provide improved library services for all the people of Mono County.

NOW, THEREFORE, BE IT RESOLVED that the Mono County Board of Supervisors hereby orders that the Mono County Free Library System be established as of July 1, 1965.

The following resolution was moved by Mahan, seconded by Cain and adopted by the unanimous vote of the Board:

RESOLUTION NO. 29-65

WHEREAS, the Mono County Board of Supervisors has ordered the establishment of the Mono County Free Library System, and

WHEREAS, this board believes that Mrs. Frances Arlene Fisher has the necessary qualifications to be a county librarian.

NOW, THEREFORE, BE IT RESOLVED that this board appoint Mrs. Frances Arlene Fisher to be the Mono County Librarian for the 1965-66 fiscal year.

The following Policy Statement was moved by Cain, seconded by Falconer and adopted by the unanimous vote of the Board:

POLICY STATEMENT

1. The Mono County Board of Supervisors hereby appoints the Mono County Superintendent of Schools as their Authorized Agent for the maintenance and operation of the Mono County Free Library System through the Mono County School Community Library.

2. The board requests that the Mono County Superintendent of Schools formulate, implement, and administer the necessary policies and procedures for the operation and maintenance of said library system.

3. All matters pertaining to the library system shall be channelled to this board through the office of the Mono County Superintendent of Schools.

§ 19116

GENERAL PROVISIONS Div. 1

Section

19150. Qualifications for acting or assistant librarian.

Article 2 was enacted by Stats.1976, c. 1010, § 2, operative April 30, 1977.

Cross References

County librarian as county officer, see Government Code § 24000.

County librarian serving two or more counties, see Education Code § 19110.

§ 19140. Appointment of county librarian

Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical and Statutory Notes

Derivation: Educ.C.1959, § 27201 (Stats. 1959, c. 2, p. 1457, § 27201, amended by Stats. 1959, c. 911, p. 2945, § 1). Educ.C.1943, § 22131 (Stats.1943, c. 71, p. 734). Stats.1911, c. 68, p. 82, § 7.

Cross References

Board of supervisors, see Government Code §§ 25000, 25003 et seq.

County free libraries, see Government Code § 26150 et seq.

County librarian as a county officer, see Government Code § 24000.

County service areas, extended library facilities and services, authority of board of supervisors and funding, see Government Code § 25210.78 et seq.

Library References

Counties ⇨61.
Westlaw Topic No. 104.
C.J.S. Counties § 97.

Legal Jurisprudences

Cal Jur 3d Sch § 49.

Notes of Decisions

Salary 1

1. Salary

Under Educ.C.1943, § 22131 and Educ.C. 1943, §§ 22132 to 22138 and Gov.C. § 24000, if

salary of county librarian was fixed at \$2700 it could not be increased during a fixed four year term of office even when the term ran with the office and not with the officer. 14 Ops.Atty. Gen. 234 (1949).

§ 19141. Civil service

If any county adopts a civil service system or a limited civil service system for county officers and employees, the county librarian shall be entitled to the benefits of such civil service system.

This section does not limit any powers conferred on any county by charter.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical and Statutory Notes

Derivation: Educ.C.1959, § 27201.5, added by Stats.1959, c. 911, p. 2946, § 2.

LIBRARIES

Pt. 11

§ 19145

§ 19142. Qualifications

No person may be appointed to the office of county librarian on or after January 1, 1987, unless he or she possesses both of the following qualifications:

(a) Graduation from a graduate library school program accredited by the American Library Association.

(b) Demonstrated knowledge of principles and practices of public administration, including county government, and of the laws applicable to library service in this state.

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1986, c. 269, § 1.)

Historical and Statutory Notes

Derivation: Educ.C.1959, § 27202 (Stats. 1959, c. 2, p. 1457, § 27207). Stats.1911, c. 68, p. 82, § 7.

Educ.C.1943, § 22132 (Stats.1943, c. 71, p. 734).

Library References

Legal Jurisprudences

Cal Jur 3d Sch § 49.

§ 19143. State citizenship

At the time of his or her appointment, the county librarian need not be a citizen of the State of California.

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1987, c. 1452, § 112; Stats.1991, c. 52 (A.B.490), § 2.)

Historical and Statutory Notes

Legislative findings, declarations and intent relating to Stats.1987, c. 1452, see Historical and Statutory Notes under Education Code § 1007. Educ.C.1943, § 22133 (Stats.1943, c. 71, p. 734). Stats.1911, c. 68, p. 82, § 7.

Derivation: Educ.C.1959, § 27203 (Stats. 1959, c. 2, p. 1457, § 27203).

§ 19144. Repealed by Stats.1987, c. 1452, § 113

Historical and Statutory Notes

The repealed section, enacted by Stats.1976, c. 1010, § 2, derived from Educ.C.1959, § 27204 (Stats.1959, c. 2, p. 1457, § 27204); Educ.C.1943, § 22134 (Stats.1943, c. 71, p. 734); and Stats.1911, c. 68, p. 82, § 6, related to eligibility of persons of either sex for office of county librarian. Legislative findings, declarations and intent relating to Stats.1987, c. 1452, see Historical and Statutory Notes under Education Code § 1007.

§ 19145. Oath and bond

The county librarian shall, prior to entering upon his duties, file the usual oath, and he shall be required to file an official bond in an amount determined

§ 19150

GENERAL PROVISIONS Div. 1

§ 19150. Qualifications for acting or assistant librarian

Except when the county librarian is temporarily absent, no person shall serve in the position of county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person meets the qualifications set forth in Section 19142.

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the State Librarian to appoint an unqualified person to the position. This written permission may be granted by the State Librarian for a period of time up to but not exceeding one year. The State Librarian may from time to time in his or her discretion renew the permit.

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1986, c. 269, § 2.)

Historical and Statutory Notes

Derivation: Educ.C.1959, § 27209 (Stats. Educ.C.1943, § 22139, added by Stats.1957, c. 2151, p. 3809, § 2).

Cross References

State Librarian,
Generally, see Education Code § 19302 et seq.
Powers and duties, see Education Code § 19320 et seq.

Article 3

GOVERNMENT

Section

- 19160. Powers and duties of board of supervisors.
- 19161 to 19166. Repealed.
- 19167. Supervision by State Librarian.
- 19168. Annual convention by county librarians.
- 19169. Annual report of county librarian.
- 19170. Repealed.
- 19171. Allocations of federal funds.
- 19172. Repealed.
- 19173. Creation of special taxing zones.
- 19174. Receipt of gifts, bequests or devises.
- 19174.5. County general fund; use.
- 19175. Property, collection of taxes, and funds.
- 19176. Claims against the county free library fund.
- 19177. Contracts or agreements with county law libraries.
- 19178. School and teachers' libraries.
- 19179. Application of chapter to prior county libraries and to contracts between counties and cities.
- 19180. Financing of buildings for county free library purposes.

Article 3 was enacted by Stats.1976, c. 1010, § 2, operative April 30, 1977.

§ 19160. Powers and duties of board of supervisors

The county free library is under the general supervision of the board of supervisors, which may: