



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

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

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting March 13, 2018

TELECONFERENCE LOCATIONS:

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

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

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

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

and number of persons wishing to address the Board.)

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

5. CONSENT AGENDA

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

A. Board Minutes

Departments: Clerk of the Board

Approval of Board Minutes from the regular meeting on March 6, 2018.

Recommended Action: Approve the Board Minutes from the regular meeting on March 6, 2018.

Fiscal Impact: None.

B. Consolidation of Elections - Municipal

Departments: Elections

The Mammoth Lakes Town Council has requested that the General Municipal Election be consolidated with the Statewide Direct Primary Election, and that the Mono County Elections Division conduct the election and canvass the returns.

Recommended Action: Consider and potentially adopt Resolution R18-_____, Consolidating the General Municipal Election with the Statewide Direct Primary Election, and directing the Mono County Elections Division to conduct the election and canvass the returns.

Fiscal Impact: Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Town of Mammoth Lakes shall reimburse the County for these additional costs.

6. CORRESPONDENCE RECEIVED

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

A. Bridgeport Colony Development Corporation Commercial Cannabis Activity

Letter from the Bridgeport Colony Development Corporation requesting a letter of authorization from the Board of Supervisors in order to apply for state licensure to engage in commercial cannabis activity.

B. Application for Alcoholic Beverage License

Application for alcoholic beverage license(s) by Balanced Rock Saloon in June Lake.

**C. Agricultural Commissioner and Sealer of Weights and Measures
Department Update March 2018**

Department Report for the Inyo / Mono Agricultural Commissioner and Sealer of Weights and Measures.

7. REGULAR AGENDA - MORNING

A. FY 2018-2019 Budget Update

Departments: Finance, CAO

10 minutes

(Janet Dutcher, Leslie Chapman) - CAO and Finance will update the Board about the FY 2018-2019 budget development and process.

Recommended Action: Receive information and provide direction to staff, if desired.

Fiscal Impact: None.

B. Contract for Interim Public Works Director

Departments: CAO

15 mintues

(Leslie Chapman) - Proposed contract with Willdan Consulting for the provision of Interim Public Works Director services by Doug Wilson.

Recommended Action: Approve County entry into proposed contract and authorize Leslie Chapman, CAO, to execute said contract on behalf of the County. Provide any desired direction to staff.

Fiscal Impact: Contract not to exceed \$73,000. Salary savings related to the vacancy of the Director position is estimated at \$73,000 through the end of this Fiscal Year.

C. Animal Control Department Presentation

Departments: Animal Control

30 Minutes

(Angelle Nolan) - Overview of Mono County Animal Control Department functions and programs.

Recommended Action: None; informational only.

Fiscal Impact: None.

D. Proposed Amendments to Chapter 7.92 of the Mono County Code Pertaining to Smoking

Departments: Public Health

30 minutes

(Nancy Mahannah) - Presentation by Public Health on smoking control policies, statistics, community feedback and proposed amendments to Mono County Code Chapter 7.92 pertaining to tobacco and cannabis smoking policies and restrictions, including but not limited to: creation of smoke-free public areas: smoke free multi-unit housing for units with smoke-free provisions in their leases, Covenants Codes and Restrictions or Homeowners Association Rules; and prohibition of the sale of flavored tobacco products.

Recommended Action: Receive presentation. Following discussion on proposed amendments to Mono County Code Chapter 7.92, introduce, read title, and waive further reading of proposed ordinance No. ORD180__ Amending Mono County Code Chapter 7.92 Pertaining to the County's Smoking Policy. Provide any desired direction to staff.

Fiscal Impact: There is no impact to the Mono County General Fund. Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

E. Assessor's Department Presentation

Departments: Assessor's

30 Minutes

(Barry Beck) - The Assessor's Office will provide an update on the progress toward the departmental goals stated on the 2017-2018 Budget Narrative.

Recommended Action: None; informational only.

Fiscal Impact: None.

F. WORKSHOP – General Plan and June Lake Area Plan Updates on Short-Term Rental Policies

Departments: CDD

2 hours (1 hour presentation, 1 hour discussion)

(Wendy Sugimura) - Presentation on the process and community workshop results

for short-term rentals in June Lake, which have resulted in suggested amendments to the General Plan and Mono County Code.

Recommended Action: Receive workshop presentation and provide any desired direction to staff regarding a General Plan Amendment package to be brought to the Board in April.

Fiscal Impact: Increased staff time for enforcement and permitting could result in increased costs; increased compliance and new rentals could result in additional transient occupancy tax revenue for the County.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

9. CLOSED SESSION

A. Closed Session--Human Resources

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

B. Closed Session - Employee Evaluation, County Counsel

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

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

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

11. REGULAR AGENDA - AFTERNOON

A. Mono County First 5 2016-17 Evaluation Report

Departments: First 5
30 Minutes

Evaluation of services provided to families and children prenatal to five years old in Mono County for Fiscal Year 2016-17.

Recommended Action: Receive the report of activities and evaluation results from First 5 Mono County and provide comments about services to families prenatal to five.

Fiscal Impact: None.

B. Cannabis Regulatory Program - Policy Items for Board Consideration

Departments: CAO; County Counsel; Community Development

1 hour (30 minute presentation, 30 minute discussion)

(Tony Dublino, Christy Milovich, Wendy Sugimura) - Presentation regarding the County's Cannabis regulatory program--proposed structure and policy items for Board consideration.

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

Fiscal Impact: None.

12. 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 March 13, 2018

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of Board Minutes from the regular meeting on March 6, 2018.

RECOMMENDED ACTION:

Approve the Board Minutes from the regular meeting on March 6, 2018.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Draft Mins 3-6-18](#)

History

Time	Who	Approval
3/8/2018 8:39 AM	County Administrative Office	Yes
3/7/2018 5:47 PM	County Counsel	Yes
3/8/2018 5:15 PM	Finance	Yes



**DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

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

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

**Regular Meeting
March 6, 2018**

Flash Drive	Board Room Recorder
Minute Orders	M18-43 Not Used
Resolutions	R18-15 Not Used
Ordinance	ORD18-02 Not Used

9:01 AM Meeting called to order by Vice Chair Peters.
Supervisors Present: Peters, and Stump.
Supervisors Absent: Johnston, Corless, and Gardner.

The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>

Vice Chair Peters:

- As the Vice Chair of the Board, I hereby call the regular meeting of the Mono County Board of Supervisors for March 6, 2018, to order.
- As the first order of business, I would like to take roll call to determine whether there is a quorum for today's meeting.
- Roll Call: Supervisor Peters, Supervisor Stump in Mammoth.
- Having determined that there is a lack of a quorum, and pursuant to Government Code section 54955, I hereby adjourn this meeting to Friday, March 9th at 9:00 a.m. in the Board Chambers of the Mono County Courthouse in Bridgeport.
- The Clerk of the Board will post an order of adjournment at the agendized meeting locations.

ADJOURNED at 9:02 A.M.

ATTEST

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

BOB GARDNER
CHAIR OF THE BOARD

SCHEEREN DEDMAN
SR. DEPUTY CLERK



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: Elections

TIME REQUIRED

SUBJECT Consolidation of Elections - Municipal

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Mammoth Lakes Town Council has requested that the General Municipal Election be consolidated with the Statewide Direct Primary Election, and that the Mono County Elections Division conduct the election and canvass the returns.

RECOMMENDED ACTION:

Consider and potentially adopt Resolution R18-____, Consolidating the General Municipal Election with the Statewide Direct Primary Election, and directing the Mono County Elections Division to conduct the election and canvass the returns.

FISCAL IMPACT:

Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Town of Mammoth Lakes shall reimburse the County for these additional costs.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> TOML Consolidation of Election Resolution
<input type="checkbox"/> TOML Request for Consolidation
<input type="checkbox"/> TOML Resolutions
<input type="checkbox"/> TOML Resolution 18-09

History**Time**

3/8/2018 8:48 AM

3/7/2018 5:46 PM

1/26/2018 10:16 AM

Who

County Administrative Office

County Counsel

Finance

Approval

Yes

Yes

Yes



CLERK – RECORDER – REGISTRAR COUNTY OF MONO

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

Shannon Kendall
Registrar of Voters
(760) 932-5533
skendall@mono.ca.gov

To: Honorable Board of Supervisors

From: Shannon Kendall, Registrar of Voters

Date: March 13, 2018

Subject

Consolidation of the June 5, 2018, General Municipal Election for the Town of Mammoth Lakes with the June 5, 2018, Statewide Direct Primary Election.

Recommended Action

Consider and potentially adopt a resolution consolidating the Mammoth Lakes General Municipal Election with the June 5, 2018 Statewide Direct Primary Election.

Discussion

At the December 20, 2017 meeting of the Town Council of Mammoth Lakes, Resolution No. 17-87 was adopted calling for and giving notice of a General Municipal Election to be held on June 5, 2018, for the purpose of electing Municipal Officers.

At the same meeting, Resolution 17-88 was adopted requesting that the Mono County Board of Supervisors consent and agree to consolidate the General Municipal Election with the Statewide Primary Election to be held on the same date.

At the February 21, 2018 meeting of the Town Council of Mammoth Lakes, Resolution No. 18-09 was adopted ordering the submission of a certain measure relating to a cannabis business tax at the General Municipal Election.

As part of these resolutions, the Mammoth Lakes Town Council is requesting that the Mono County Elections Division be responsible for the conduct of the consolidated election.

Fiscal Impact

There will be minor prorated costs associated with the consolidated election. These costs will be determined after the election. In accordance with §10002 of the California Elections Code, the Town of Mammoth Lakes shall reimburse the county in full for these services performed.



R18-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS CONSOLIDATING THE GENERAL MUNICIPAL
ELECTION FOR THE TOWN OF MAMMOTH LAKES WITH THE JUNE 5, 2018,
STATEWIDE DIRECT PRIMARY ELECTION**

WHEREAS, on December 20, 2017, the Town Council of the Town of Mammoth Lakes adopted Resolution R17-87, calling a General Municipal Election to be held on June 5, 2018, for the purpose of electing three members to the Town Council for four-year terms; and

WHEREAS, on March 7, 2018, the Town Council adopted Resolution 18-09 directing that the question of whether to approve a tax on cannabis businesses operating within the Town of Mammoth Lakes be submitted to the voters at the June 5, 2018, General Municipal Election; and

WHEREAS, the Town Council has requested that the Board of Supervisors consolidate the General Municipal Election of June 5, 2018, with the Statewide Primary Election to be held on that same date; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide Direct Primary Election to be held on the same date, and that within the Town, the precincts, polling places and election officers of the two elections be the same, and that the Mono County Elections Division canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election; and

WHEREAS, the Board of Supervisors is requested to consent and agree to the consolidation of the General Municipal Election with the Statewide Direct Primary Election, and issue instructions to the Mono County Elections Division to take any and all steps necessary for the holding of the consolidated election;

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

SECTION 1: Pursuant to §10400, *et seq.*, of the California Elections Code, the Mono County Board of Supervisors consents and agrees to the consolidation of the General Municipal Election called within the Town of Mammoth Lakes on June 5, 2018, with the Statewide Direct Primary Election to be held on Tuesday, June 5, 2018, for the purpose of the election of three members of the Town Council for the Town of Mammoth Lakes and submission to the voters of a measure to enact a tax on cannabis businesses operating within the Town.

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SECTION 2: The Mono County Elections Division is instructed to take any and all steps necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used and shall be in form and content as required by law.

SECTION 3: The Mono County Elections Division is authorized to canvass the returns of the General Municipal Election.

SECTION 4: Pursuant to Elections Code §10002, the Town of Mammoth Lakes shall reimburse the County in full for the services performed upon presentation of a bill to the Town.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bob Gardner, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA, 93546
Ph: (760) 965-3602
Fax: (760) 934-7493

January 2, 2018

Ms. Shannon Kendall
Elections Department
County of Mono
Post Office Box 715
Bridgeport, California 93517

Re: Consolidation of the June 5, 2018 General Municipal Election

Dear Shannon:

Enclosed please find two resolutions adopted by the Town Council of Mammoth Lakes at their meeting of December 20, 2017. Resolution No. 17-87 calls and gives notice of a General Municipal Election to fill three seats on the Town Council, and Resolution No. 17-88 requests the Board of Supervisors to consolidate the election with the Statewide Primary Election on the same date.

Could you please include the request for consolidation on the Board's agenda for approval at your earliest convenience? Feel free to call me at 965-3602 should you have questions or require further information.

Thanks very much for your attention to this matter. I hope all things are going well with you and yours!

Best regards,

Jamie Gray
Town Clerk

Enclosures

RESOLUTION NO. 17-87

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL
ELECTION ON TUESDAY, JUNE 5, 2018 FOR THE ELECTION OF CERTAIN
OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE
OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held on June 5, 2018 for the election of Municipal Officers.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Mammoth Lakes, California, on Tuesday, June 5, 2018 a General Municipal Election for the purpose of electing three Members of the Town Council for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the Town Clerk is authorized, instructed, and directed to coordinate with the County of Mono Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

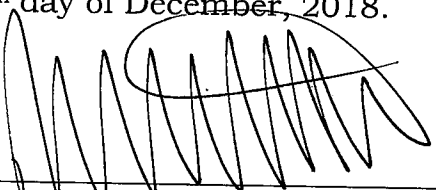
SECTION 4. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code 10242 except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

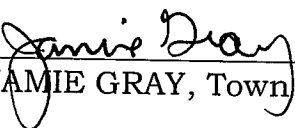
SECTION 7. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 20th day of December, 2018.



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 17-87 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 20th day of December, 2017, by the following vote:

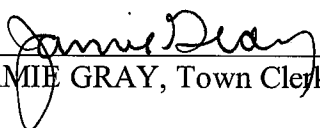
AYES: Councilmembers Fernie, Richardson, Mayor Pro Tem Hoff, and Mayor Wentworth

NOES: None

ABSENT: Councilmember Sauser

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk

RESOLUTION NO. 17-88

A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF
MONO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON
JUNE 5, 2018, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON
THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the Town Council of the Town of Mammoth Lakes called a General Municipal Election to be held on June 5, 2018 for the purpose of the election of three Members of the Town Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the Town the precincts, polling places, and election officers of the two elections be the same, and that the County Election Department of the County of Mono canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Mono is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide Primary Election on Tuesday, June 5, 2018, for the purpose of the election of three Members of the Town Council. The Town Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

SECTION 2. That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

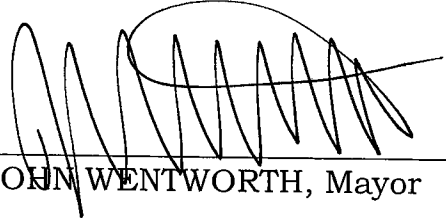
SECTION 3. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the Town of Mammoth Lakes recognizes additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Mono.

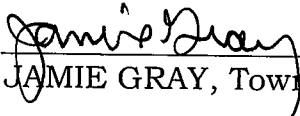
SECTION 6. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 20th day of January, 2018.



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 17-88 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 20th day of December, 2017, by the following vote:

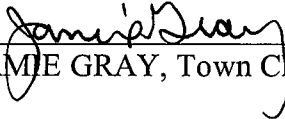
AYES: Councilmembers Fernie, Richardson, Mayor Pro Tem Hoff, and Mayor Wentworth

NOES: None

ABSENT: Councilmember Sauser

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk

RESOLUTION NO. 18-09

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF A CERTAIN MEASURE RELATING TO A CANNABIS BUSINESS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, AS CALLED BY RESOLUTION NO. 17-87

WHEREAS, a General election on Tuesday, June 5, 2018 has been called by Resolution No. 17-87, adopted on December 20, 2017, and

WHEREAS, the Town Council also desires to submit to the voters at the election a question relating to a cannabis business tax;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the Town Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question(s):

To fund general Town core services such as police, recreation, and road maintenance, shall an ordinance be adopted to impose a business license tax of up to 8% for cannabis retail businesses and up to 4% for all other cannabis businesses (cultivation, manufacturing, distribution, testing), to raise an estimated \$99,550-\$261,708 per year, levied until voters change or repeal it.	YES	
	NO	

SECTION 2. That the proposed measure submitted to the voters is set forth in its entirety in Attachment A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. That notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on February 21, 2018.



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

ATTACHMENT A

ORDINANCE NO. 18-01

**AN ORDINANCE OF THE TOWN OF MAMMOTH LAKES, COUNTY OF MONO,
STATE OF CALIFORNIA, ADDING CHAPTER 5.42 (CANNABIS BUSINESS TAX) TO
TITLE 5 OF THE MAMMOTH LAKES MUNICIPAL CODE**

**THE PEOPLE OF THE TOWN OF MAMMOTH LAKES DO ORDAIN AS
FOLLOWS:**

SECTION 1. CODE AMENDMENT. Title 5 of the Mammoth Lakes Municipal Code is hereby amended by adding thereto a new Chapter 5.42, to read as follows:

**CHAPTER 5.42
CANNABIS BUSINESS TAX**

Sections:

- 5.42.010 Title.
- 5.42.020 Authority and Purpose.
- 5.42.030 Intent.
- 5.42.040 Definitions.
- 5.42.050 Tax imposed.
- 5.42.060 Reporting and remittance of tax.
- 5.42.070 Payments and communications – timely remittance.
- 5.42.080 Notice not required by Town.
- 5.42.090 Payment delinquency.
- 5.42.100 Refunds and credits.
- 5.42.110 Personal cultivation not taxed.
- 5.42.120 Administration of the tax.
- 5.42.130 Appeal procedure.
- 5.42.140 Enforcement – action to collect.
- 5.42.150 Apportionment.
- 5.42.160 Constitutionality and legality.
- 5.42.170 Audit and examination of premises and records.
- 5.42.180 Other licenses, permits, taxes or charges.
- 5.42.190 Payment of tax does not authorize unlawful business.
- 5.42.200 Deficiency determinations.
- 5.42.210 Failure to report – nonpayment, fraud.
- 5.42.220 Tax assessment – notice requirements.
- 5.42.230 Tax assessment – hearing, application, and determination.
- 5.42.240 Conviction for violation – taxes not waived.
- 5.42.250 Violation deemed misdemeanor.
- 5.42.260 Severability.
- 5.42.270 Remedies cumulative.
- 5.42.280 Amendment or repeal.

5.42.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

5.42.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon cannabis businesses that engage in business in the Town. The cannabis business tax is levied based upon business gross receipts. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The cannabis business tax is a general tax enacted solely for general governmental purposes of the Town and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the Town's general fund and be available for any legal municipal purpose.

5.42.030 Intent.

The intent of this Ordinance is to levy a tax on all cannabis businesses that operate in the Town, regardless of whether such business was operating legally at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

5.42.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

- A. "Business" shall include all activities engaged in or caused to be engaged in within the Town, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.
- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufactured product, salt, derivative, mixture, tincture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis. For purposes of this Title, "cannabis" does not include "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.

- C. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.
- D. “Cannabis business” means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit, whether for medical or recreational use, and whether or not such business possesses a license or other authorization to operate issued by the State of California.
- E. “Cannabis business tax” means the tax due pursuant to this Chapter for engaging in cannabis business in the Town.
- F. “Commercial cannabis cultivation” means cultivation in the course of conducting a cannabis business.
- G. “Cannabis permit” means a permit issued by the Town to a person to authorize that person to operate or engage in a cannabis business.
- H. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery, but does not include personal medical cannabis cultivation for which the cultivator receives no compensation whatsoever, or cultivation for personal recreational use as authorized by Health & Safety Code Section 11362.1 et seq for which the cultivator receives no compensation whatsoever.
- I. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.
- J. “Engaged in business as a cannabis business” means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the Town or coming into the Town from an outside location to engage in such activities. A person shall be deemed engaged in business within the Town if:
 - 1. Such person or person’s employee maintains a fixed place of business within

the Town for the benefit or partial benefit of such person;

2. Such person or person's employee owns or leases real property within the Town for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the Town for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the Town; or
5. Such person or person's employee performs work or renders services in the Town.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

- K. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the Town.
- L. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:
 1. Cash discounts where allowed and taken on sales;
 2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
 3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
 4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business, except that if the same business is engaged in two or more taxable activities (e.g. cultivation, manufacturing, distribution, and/or retail sales) tax shall be imposed and payable on each such activity regardless of whether sales, trades, or transactions occur between departments or units of the same business;
 6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
 7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;
 8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.
 9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters or other personal tangible property, which the Tax Collector has excluded in writing by issuing an administrative ruling per Section 5.42.140, shall not be subject to the cannabis business tax under this chapter. However, any retail sales not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax under Chapter 5.04 through Chapter 5.08 or any other Chapter or Title as determined by the Tax Collector.
- M. “Nursery” means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- N. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

- O. "Sale" means and includes any sale, exchange, or barter.
- P. "State" means the State of California.
- Q. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq.* or other applicable state law.
- R. "Tax Collector" means the Finance Director of the Town of Mammoth Lakes or his or her designee.
- S. "Testing Laboratory" means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the State Department of Public Health.
- T. "Town" means the Town of Mammoth Lakes, a municipal corporation of the state of California, in its present incorporation form or in any later reorganized, consolidated, enlarged or reincorporated form.

5.42.050 Tax imposed.

- A. Beginning July 1, 2018, or 10 days after certification of the result of the election adopting this ordinance, whichever is later, there is imposed upon each cannabis business a cannabis business tax regardless if the business has been issued a permit to operate lawfully in the Town or is operating unlawfully.
- B. The initial rate of the cannabis business tax shall be as follows:
 - 1. For every cannabis business engaged in commercial cannabis cultivation in the Town: Two percent (2%) of gross receipts.
 - 2. For every cannabis business engaged in the operation of a testing laboratory: One percent (1%) of gross receipts.
 - 3. For every cannabis business engaged in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): Four percent (4%) of gross receipts.
 - 4. For every cannabis business engaged in cannabis distribution: Two percent (2%) of gross receipts.
 - 5. For every cannabis business engaged in cannabis manufacturing, processing, or operating as a microbusiness (non-retail), or any other type of cannabis

business not described in Section (B) (1), (2), (3) or (4): Two percent (2%) of gross receipts.

- C. The Town Council may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the Town Council set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (D) of this Section for the date on which the adjusted rate will commence, nor shall the Town Council set a minimum tax rate for any business described in Section (B) less than 1% of gross receipts.
- D. The Town Council shall review the cannabis business tax on an annual basis as part of the budget adoption process and may, by resolution, increase the tax rates by up to 1% each year, not to exceed a maximum rate of 8% for retail sales and 4% for all other cannabis businesses.

5.42.060 Reporting and remittance of tax.

- A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a monthly basis. The tax due for each month shall be based on the gross receipts for the month.
- B. Each person owing cannabis business tax for a month shall, no later than the last day of the month following the close of the month, file with the Tax Collector a statement of the tax owed for that month and the basis for calculating that tax. The Tax Collector may require that the statement be submitted on a form prescribed by the Tax Collector. The tax for each month shall be due and payable on that same date as the statement for the month is due.
- C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all months up to the month during which cessation occurred.
- D. The Tax Collector may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Collector deems necessary to ensure collection of the tax. The Tax Collector may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Collector exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Collector may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

5.42.070 Payments and communications – timely remittance.

Taxes collected from a cannabis business, which are not remitted to the Tax Collector, or postmarked, on or before the due dates provided in the ordinance codified in this chapter are delinquent. Should the due date occur on a Saturday,

Sunday, or Town holiday, the return may be postmarked on the first regular working day following a Saturday/Sunday or Town holiday.

5.42.080 Notice not required by the Town.

The Town may as a courtesy send a tax notice to a cannabis business for which payment of taxes is delinquent. However, the Tax Collector is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

5.42.090 Payment Delinquency.

- A. Original Delinquency. Any operator who fails to pay any tax or file any return imposed by this chapter within the time required shall pay, in addition to such tax and any interest such tax may accrue, an original delinquency penalty of ten dollars (\$10) or fifteen percent (15%) of the amount of the tax, whichever dollar amount is greater; provided, however, that any operator who has not been late in paying any tax imposed by this chapter or late filing any return within the preceding three (3) calendar years shall, upon application of the operator to the tax collector within fifteen (15) days after the date such tax first became due, pay an original delinquency penalty of ten dollars (\$10) or a total of one percent (1%) per day of the amount of tax due for each day such tax is delinquent, whichever dollar amount is greater, up to fifteen percent (15%). Every penalty imposed, and such interest as accrues under the provisions of this chapter, shall become part of the tax required to be paid. Interest shall accrue on all unpaid taxes until paid.
- B. Continued Delinquency. Any operator who fails to pay any delinquent tax, penalties and interest on or after the next business day of the following return period due date, shall pay an additional delinquency penalty, over and above that provided in paragraph A, of ten dollars (\$10) or fifteen percent (15%) of the amount of the tax, penalties and interest then due, whichever is greater.

5.42.100 Refunds.

- A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 5.42.120.
- B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.
- C. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the Town under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Collector within one (1) year of the date the tax was originally due and payable.

- D. The Tax Collector, his or her designee or any other Town officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Collector to do so.
- E. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the Town, the Town shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

5.42.110 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation that meets the definition of personal cultivation under State law and is consistent with the maximum number of living cannabis plants allowed per single private residence specified in Title 17 of the Town's Municipal Code and Section 11362.2 of the California Health and Safety Code. This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

5.42.120 Administration of the tax.

- A. It shall be the duty of the Tax Collector to collect the taxes, penalties, fees, and perform the duties required by this Chapter.
- B. For purposes of administration and enforcement of this Chapter generally, the Tax Collector may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.
- C. The Tax Collector may take such administrative actions as needed to administer the tax, including but not limited to:
 - 1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
 - 2. Provide information to any taxpayer concerning the provisions of this Chapter;
 - 3. Receive and record all taxes remitted to the Town as provided in this Chapter;
 - 4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;

5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

5.42.130 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the Town Council by filing a notice of appeal with the Town Clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The Town Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the Town Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the Town Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

5.42.140 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the Town. Any person owing money to the Town under the provisions of this Chapter shall be liable in an action brought in the name of the Town for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the Town to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

5.42.150 Apportionment.

If a business subject to the tax is operating both within and outside the Town, it is the intent of the Town to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the Town. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Collector may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

5.42.160 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Collector release him or her from the obligation to pay the impermissible portion of the tax. Pursuant to Article XIII B of the California Constitution, the appropriation limit for the Town is hereby increased to the maximum extent over the maximum

period of time allowed under law by the amount of the revenues generated by the tax imposed by this Chapter.

5.42.170 Audit and examination of premises and records.

- A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the Town in support of his or her tax calculation, the Tax Collector shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Collector shall have the power to inspect any equipment, such as computers or point of sale machines that may contain such records.
- B. It shall be the duty of every person liable for the collection and payment to the Town of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the Town, which records the Tax Collector or his/her designee shall have the right to inspect at all reasonable times.

5.42.180 Other licenses, permits, taxes, fees or charges.

- A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this code or any other ordinance or resolution of the Town, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the Town. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other Chapter of this Code.
- B. The Tax Collector may revoke or refuse to renew the Business Tax Certificate required by Chapter 5.04 of this Code for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the tax collector pursuant to Section 5.42.060.

5.42.190 Payment of tax does not authorize unlawful business.

- A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the Town, shall not entitle any person to carry on any cannabis

business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

- B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

5.42.200 Deficiency determinations.

If the Tax Collector is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.42.240.

5.42.210 Failure to report—nonpayment, fraud.

- A. Under any of the following circumstances, the Tax Collector may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:
 - 1. If the person has not filed a complete statement required under the provisions of this Chapter;
 - 2. If the person has not paid the tax due under the provisions of this Chapter;
 - 3. If the person has not, after demand by the Tax Collector, filed a corrected statement, or furnished to the Tax Collector adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
 - 4. If the Tax Collector determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.
- B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Collector to be due or estimated by the Tax Collector, after

consideration of all information within the Tax Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

5.42.220 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Collector for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

5.42.230 Tax assessment - hearing, application and determination.

Within fifteen (15) days after the date of service, the person may apply in writing to the Tax Collector for a hearing on the assessment. If application for a hearing before the Town is not made within the time herein prescribed, the tax assessed by the Tax Collector shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Tax Collector shall cause the matter to be set for hearing before him or her no later than ninety (90) days after the receipt of the application, unless a later date is agreed to by the Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Tax Collector to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the assessment as made by the Tax Collector should not be confirmed and fixed as the tax due. After such hearing, the Tax Collector shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.42.240 for giving notice of assessment.

5.42.240 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

5.42.250 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

5.42.260 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void,

that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

5.42.270 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Mammoth Lakes Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the Town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

5.42.280 Amendment or repeal.

This Chapter may be repealed or amended by the Town Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the Town of Mammoth Lakes affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the Town Council has acted to reduce the rate of the tax;
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
- C. The collection of the tax imposed by this Chapter even if the Town had, for some period of time, failed to collect the tax.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. CEQA REQUIREMENTS. This Ordinance is exempt from review under the California Environmental Quality Act, because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment and because the Ordinance involves the approval of government revenues to fund existing services. It does not make any commercial activity lawful, nor commit the Town to funding any particular activity.

It is hereby certified that this Ordinance was approved and adopted by the People of the Town of Mammoth Lakes at the Town's June 5, 2018 statewide election.

JOHN WENTWORTH, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 18-09 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 21st day of February, 2018, by the following vote:


AYES: Councilmembers Fernie, Richardson, Sauser, Mayor Pro Tem Hoff,
 and Mayor Wentworth

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

TIME REQUIRED

SUBJECT Bridgeport Colony Development
Corporation Commercial Cannabis
Activity

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Letter from the Bridgeport Colony Development Corporation requesting a letter of authorization from the Board of Supervisors in order to apply for state licensure to engage in commercial cannabis activity.

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
3/8/2018 8:44 AM	County Administrative Office	Yes
3/7/2018 12:30 PM	County Counsel	Yes
3/8/2018 5:21 PM	Finance	Yes



Bridgeport Colony Development Corporation

355 Sage Brush Drive P.O. Box 116
Bridgeport, California 93517
760-932-7083 Fax 760-932-7846

John Glazier, Chairman
Vacant, Vice-Chairman
Thomas Crawford, Secretary/Treasurer
Dana Christensen, Board Member
Janice Mendez, Board Member

Board of Supervisors
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Re: Letter of Authorization for the Bridgeport Colony Development Corporation to Engage in
Commercial Cannabis Activity

Dear Members of the Board,

The Bridgeport Colony Development Corporation (BCDC), at the will of the Bridgeport Indian Colony, intends to engage in commercial cannabis activity and is requesting a letter of authorization to apply for state licensure. We wish to obtain state-issued licenses for cultivation, manufacturing, and distribution from the Bureau of Cannabis Control. Some tribes have argued that the current process for licensure ignores certain aspects of tribal sovereignty, and are therefore not intending to apply for a state license in order to pursue their commercial cannabis activity. That said, the BCDC wishes to fully comply with state law and demonstrate its desire to be a good neighbor to the county.

The BCDC is aware of the concerns the Bridgeport community expressed during public comment at the Regional Planning Advisory Committee meetings regarding commercial cannabis activity such as preserving the look and feel of "Main Street." These are concerns we share as part of the community and, as part of our commitment to being good neighbors, we plan on addressing them by developing the business in a way that maximizes compliance with regulations while minimizing public concern, creating a win-win situation for all involved. For example, there is currently no intention to operate a dispensary and all commercial cannabis activity will take place on the reservation. The BCDC considers everyone, from the local community to the patient, as stakeholders in this project and is embracing the possibility of advancing the community's economic development.

The first step on the path to full licensure is to obtain temporary licenses. One particular requirement to obtain these licenses comes from section § 5001(c)(12) of the BCC Medicinal and Adult-Use Cannabis Regulations.

§ 5001(c)(12) "A copy of a valid license, permit, or other authorization issued by a local jurisdiction, that enables the applicant to conduct commercial cannabis activity at the location requested for the temporary license. For purposes of this section, "other authorization" shall include, at a minimum, a written statement or reference that clearly indicates the local jurisdiction intended to grant permission for the commercial cannabis activity ... at the premises."

This statement describes the need for local authorization from the county to engage in commercial cannabis activity. In a document titled, "Draft Commercial Cannabis Issues, Opportunities, and Constraints - Board of Supervisors, Oct. 3, 2017," the author wrote the following:

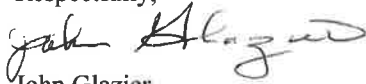
"16. In 2016, the voters of California passed Proposition 64, legalizing the adult use, production, interstate transportation, and commercial activity of cannabis, including cultivation of up to six plants for personal use. The proposition was also passed by each voter precinct in Mono County, although by a smaller margin in Bridgeport and the Tri-Valley, and passed in the county overall. In the aftermath of this vote, Mono County had choices to 1) allow the State to regulate all activities with no local requirements, 2) ban activities in part or whole, or 3) develop

local regulations. The County chose to develop local regulations and has jurisdiction over only privately held lands; state, federal and tribal lands are outside the County's jurisdiction."

This last statement appears to acknowledge that the county does not claim jurisdiction over tribal lands related to commercial cannabis activity; however, the Bureau of Cannabis Control requires tribal license applicants to obtain authorization from their respective county before applying for a temporary license.

Taking all of this into consideration, we're asking that the honorable Board of Supervisors draft, to the Bureau of Cannabis Control, the following letter authorizing the BCDC to engage in commercial cannabis activity.

Respectfully,

A handwritten signature in black ink, appearing to read "John Glazier". The signature is written in a cursive style with a large, sweeping initial "J".

John Glazier
BCDC/Tribal Chairman

Bureau of Cannabis Control
1625 North Market Boulevard, Suite 2-202
Sacramento, CA 95834

Re: Local Authorization for Bridgeport Colony Development Corporation

Dear Sir or Madam,

I write you today regarding authorization for the Bridgeport Colony Development Corporation (BCDC) to engage in commercial cannabis activity. Pursuant to BCC Medicinal and Adult-Use Cannabis Regulations § 5001(c)(12) “A copy of a valid license, permit, or other authorization issued by a local jurisdiction, that enables the applicant to conduct commercial cannabis activity at the location requested for the temporary license” must be submitted with an application for a temporary license. “Other authorization” is further defined to include “a written statement or reference that clearly indicates the local jurisdiction intended to grant permission for the commercial cannabis activity ... at the premises.” As such, at the time of this writing, this letter shall be considered authorization from the Mono County Board of Supervisors for the BCDC to engage in the cultivation, manufacturing and distribution of medical cannabis.

If you have any questions regarding the foregoing you may write to my attention at the address above.

Sincerely,
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

TIME REQUIRED

SUBJECT Application for Alcoholic Beverage
License

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Application for alcoholic beverage license(s) by Balanced Rock Saloon in June Lake.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Application

History

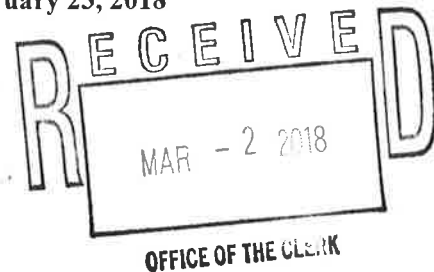
Time	Who	Approval
3/8/2018 8:50 AM	County Administrative Office	Yes
3/7/2018 12:27 PM	County Counsel	Yes
3/8/2018 5:18 PM	Finance	Yes

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 4800 STOCKDALE HWY
 STE 213
 BAKERSFIELD, CA 93309
 (661) 395-2731

File Number: **591315**
 Receipt Number: **2483593**
 Geographical Code: **2600**
 Copies Mailed Date: **February 23, 2018**
 Issued Date:



DISTRICT SERVING LOCATION: **BAKERSFIELD**
 First Owner: **SCHECTMAN, JAMIE LEE**
 Name of Business: **BALANCED ROCK SALOON**
 Location of Business: **2588 HWY 158**
JUNE LAKE, CA 93529

County: **MONO**
 Is Premise inside city limits? **No** Census Tract **0001.01**

Mailing Address: **PO BOX 40**
 (If different from premises address) **JUNE LAKE, CA 93529**

Type of license(s): **47**

Transferor's license/name: **469049 / JUNE LAKE SIERRA INN INC** Dropping Partner: Yes No

<u>License Type</u>	<u>Transaction Type</u>	<u>Fee Type</u>	<u>Master</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
47 - On-Sale General Eating	ANNUAL FEE	P0	Y	1	02/23/18	\$964.00
47 - On-Sale General Eating	PERSON-TO-PERSON TRANSFER	P0	Y	1	02/23/18	\$1,350.00
NA	FEDERAL FINGERPRINTS	NA	N	1	02/23/18	\$24.00
NA	STATE FINGERPRINTS	NA	N	1	02/23/18	\$39.00
Total						\$2,377.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **MONO** Date: **February 23, 2018**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

SCHECTMAN, JAMIE LEE



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

TIME REQUIRED

SUBJECT Agricultural Commissioner and
Sealer of Weights and Measures
Department Update March 2018

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Department Report for the Inyo / Mono Agricultural Commissioner and Sealer of Weights and Measures.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time	Who	Approval
3/8/2018 8:49 AM	County Administrative Office	Yes
3/7/2018 12:30 PM	County Counsel	Yes
3/8/2018 5:19 PM	Finance	Yes



COUNTIES OF INYO AND MONO



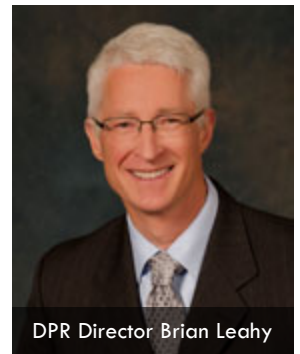
AGRICULTURE • WEIGHTS & MEASURES • OWENS VALLEY MOSQUITO ABATEMENT PROGRAM • MAMMOTH LAKES MOSQUITO ABATEMENT DISTRICT
EASTERN SIERRA WEED MANAGEMENT AREA • INYO COUNTY COMMERCIAL CANNABIS PERMIT OFFICE

DEPARTMENT REPORT

March 2018

Agriculture

The Agriculture Department will be hosting our annual pesticide spray safe events in Coleville and Bishop this month. This year, we will be joined at the Bishop class by California Department of Pesticide Regulation Director [Brian Leahy](#)! The [Coleville](#) class will be held on March 14 at the Antelope Valley Fire Station at 1166 Larson Lane, 8:00 a.m. until noon. Lunch will be provided after the seminar. The [Bishop](#) seminar will be held in the Tallman Pavilion at the Tri-County Fairgrounds, 1234 Fair Street, 8:00 a.m. until 4:15 p.m. Lunch will also be served during the Bishop seminar, and attendance is FREE this year. A very special thanks goes out to the California Department of Pesticide Regulation and the Inyo/Mono Farm Bureau for sponsoring this year's event!



DPR Director Brian Leahy

North American Invasive Species Association ([NAISMA](#)) weed free certification inspection should be available for our area growers in time for first cutting this spring. The special twine that designated NAISMA certification has been ordered and a letter will be sent to area growers shortly advising them of this new opportunity. We will be bringing a resolution authorizing an inspection fee to both Boards of Supervisors shortly. In 2017, only 17 acres of hay was NAISMA certified in the entire state of California. Due to the absence of many of the weed species on the NAISMA list in our area, Inyo and Mono Counties may be poised to produce the vast majority of hay qualifying as NAISMA weed free in 2018.



CALIFORNIA
FARM BUREAU
FEDERATION

Weights and Measures

When the weather turns cold we usually receive some calls from residents disputing heating fuel bills. Not only does our office check the propane and kerosene delivery truck meters, but we also check propane vapor submeters. Submeter applications include any situation where propane flows from a main tank to several different residences, such as in apartment buildings or trailer parks. Whenever we receive a complaint (or a new submeter installation occurs) we are required to check the meter for accuracy, and provide enforcement actions when necessary.

Submeter accuracy is tested by way of a bell prover. This specialized equipment (pictured to the right) includes a "bell", or hollow metal housing, that floats in an oil bath. A pipe that is elevated above the oil level inside the bell allows air to pass in and out of the area within the bell. The bell itself is very precisely built to contain a measured amount of gas, which in this scenario is air. An inspector raises the bell to a certain height that corresponds with a specific volume of air (measured with a gauge attached to the side of the bell), and then allows the bell to sink into the oil, displacing this air which is emitted through a hose and into a vapor meter. If accurate, the meter should read that same volume of air as was displaced from the bell sinking into the oil.



Dave Miller testing vapor submeters

Our bell prover is certified from time to time to ensure its readings match the state standards, which are in turn verified against the national standards, which are checked against international standards. Because of this process, we know that a cubic foot of propane in Bishop or Mammoth Lakes is the same as a cubic foot of propane in any other city in The United States and most countries of the world, although other countries most likely measure propane by the cubic meter. This process is the same for all of our standards we use to test weighing and measuring devices.

Mosquito Abatement

Our program received notification that we have been awarded \$10,000 this year to enhance trapping activities for exotic mosquito species. We have been conducting a low level of exotic mosquito surveillance for several years, targeting Zika carrying Aedes species mosquitoes but have not yet detected these mosquitoes. With several neighboring counties [recording](#) these mosquitoes in the last few years, and the [CDC mosquito range map](#) showing these Zika carrying mosquitoes could survive in our area, we decided it was time to expand our efforts.

One good bit of news from the Pleasant Fire is that it destroyed any floodwater mosquito eggs where it burned. When a similar area burned almost a decade ago, we didn't observe a floodwater mosquito hatch of significance in that area for five years!

We observed low levels of mosquito activity in February consistent with what we see most years as the weather warms a bit. These mosquitoes are adults from the previous year that overwinter in vegetation and in structures. These mosquitoes are the species that can carry malaria, and our typical adulticide treatments are not effective in February due to weather conditions. Luckily for us, malaria hasn't been observed in indigenous mosquito populations in California since 1989.

Final preparations will be made this month for our upcoming mosquito season. Seasonal employees will start in the beginning of April and will work through September. We are happy to welcome our entire 2017 seasonal mosquito crew back for 2018. Our mosquito abatement program benefits greatly when we can bring back seasonal employees with prior experience, and the returning employees come with experience from the busiest mosquito season recorded!

Invasive Plant Management Program

The recent Pleasant Fire burned a very significant portion of the Wildlife Conservation Board funded Middle Owens and Fish Slough Perennial Pepperweed Removal Project. This is unfortunate as past experience has shown that Perennial pepperweed recovers far faster than our native plants, which means that it will displace other vegetation as fire-scarred areas recover. This will put quite a strain on our small staffing, as we already anticipate increased weed recruitment following last year's high water conditions.

Interviews were conducted last month to fill a vacant seasonal employee spot for the 2018 management season. This year, we should have a crew of 3 1/2 employees, with one employee being shared with the mosquito abatement program. Our invasive plant management seasonal staff is set to begin work at the beginning of May.

March 2018 Calendar

March 14
Coleville SpraySafe Event

March 15
Bishop SpraySafe Event

March 15
Southern California Agricultural Commissioner and Sealer's
Association Meeting (Webinar)

March 28
Bishop Sunrise Rotary Inyo Cannabis Presentation



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: Finance, CAO

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Janet Dutcher, Leslie Chapman

SUBJECT FY 2018-2019 Budget Update

AGENDA DESCRIPTION:

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

CAO and Finance will update the Board about the FY 2018-2019 budget development and process.

RECOMMENDED ACTION:

Receive information and provide direction to staff, if desired.

FISCAL IMPACT:

None.

CONTACT NAME: Janet Dutcher

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff report

History

Time	Who	Approval
3/8/2018 5:39 PM	County Administrative Office	Yes
3/8/2018 6:05 PM	County Counsel	Yes
3/8/2018 5:38 PM	Finance	Yes



DEPARTMENT OF FINANCE AUDITOR-CONTROLLER COUNTY OF MONO

Stephanie M. Butters
Assistant Finance Director
Auditor-Controller

Janet Dutcher, CPA, CGFM
Director of Finance

P.O. Box 556
Bridgeport, California 93517
(760) 932-5490
Fax (760) 932-5491

Date: March 13, 2018

To: Honorable Board of Supervisors

From: Janet Dutcher, Finance Director
Leslie Chapman, County Administrative Officer

Subject: FY 2018-2019 Budget Update

Action Requested: Receive information and provide direction to staff if desired.

Discussion:

This is the second of three budget updates with your Board.

Budget development activity over the last three weeks include the following:

- We prepared and released budget guidelines and instructions to department heads and fiscal staff. The guidelines and instructions assist departments in formulating their budget requests to meet certain parameters. For General Fund (GF) Departments this includes preparing their budgets to reduce or maintain net county cost determined using FY 2017-2018 projected actual costs and to remove all one-time spending.
- The documents and information below is posted to an internal website for access by departments to assist in submitting their budget requests to CAO and Finance:
 - Calendar
 - Instructions
 - Narrative template
 - Justification form (for reporting revenue and expenditure increases)
 - Account details workbook (for communicating specific details about certain accounts)
 - Department personnel allocation list
 - Innoprise budget entry instructions
 - Budget import template
 - Payroll benefit calculations
 - Strategic plan – priorities, tactics and measurements (for reporting next year's departmental goals and tactical plans in alignment with our strategic goals and objectives)

- The following fixed costs (internal charges) were determined and in some cases entered into the budget for departments:
 - Liability insurance – increase of \$139,000, or 10.6%
 - Workers’ compensation – increase of \$465,000, or 19.6%
 - Motor pool – increase of \$226,400, or 18.9%
 - Cost plan charges – increase of \$259,000, or 20% (note that the cost plan is not prepared at this time so this is a cautionary estimate)
 - Technology – increase of \$97,500, or 54% (most of the increase is the result of moving costs into the technology ISF, these costs were previously paid for by the GF and distributed to departments via the cost plan)
 - PERS unfunded liability – increase of \$540,650, or 18.6%
 - Copier pool – increase of \$4,100, or 4.6%
 - Rents (SCM, Minaret) – increase of \$11,500, or 1%

Total fixed cost increases are \$1,780,050

- As we were drafting this staff report, we neared completion of the payroll simulation, targeting the end of the day on Friday, March 9 to have the first draft complete and ready for distribution to departments.
- CAO and Finance held a Budget Kick-off meeting with 22 of 25 Department Heads in attendance (88% attendance) and 14 of our fiscal staff. We are looking to schedule a make-up session for those who could not make it.

In the next couple of weeks, CAO and Finance are working to project discretionary revenue in the General Fund. This will assist us in setting a baseline budget that balances estimated discretionary revenues against each budget unit’s net county cost. As a result, each budget unit will be given a target as determined from the baseline budget. The target is such that if met will structurally balance the GF operating budget. We expect this to be a trial and error process with several iterations before we arrive at the optimum baseline and target amounts.

We are looking forward on the calendar at these key dates that are rapidly approaching:

- April 6 – last day for Departments to submit their budget requests to Finance
- Through May 11 – CAO and Finance meet with Departments to review budget requests
- May 18 – CAO proposes the CAO Recommended Budget
- May 21, 22 and 23 – Budget workshop with the Board, Departments, CAO and Finance



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: CAO

TIME REQUIRED 15 mintues

PERSONS APPEARING BEFORE THE BOARD Leslie Chapman

SUBJECT Contract for Interim Public Works Director

AGENDA DESCRIPTION:

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

Proposed contract with Willdan Consulting for the provision of Interim Public Works Director services by Doug Wilson.

RECOMMENDED ACTION:

Approve County entry into proposed contract and authorize Leslie Chapman, CAO, to execute said contract on behalf of the County. Provide any desired direction to staff.

FISCAL IMPACT:

Contract not to exceed \$73,000. Salary savings related to the vacancy of the Director position is estimated at \$73,000 through the end of this Fiscal Year.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760.932.5414 / lchapman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Proposed contract

History

Time	Who	Approval
3/8/2018 9:02 AM	County Administrative Office	Yes
3/8/2018 2:36 AM	County Counsel	Yes

3/8/2018 5:31 PM

Finance

Yes



County of Mono

County Administrative Office

Leslie L. Chapman
County Administrative Officer

Tony Dublino
Assistant County Administrative Officer

Dave Butters
Human Resources Director

Jay Sloane
Risk Manager

Date: March 6, 2018
To: Honorable Board of Supervisors
From: Leslie Chapman, CAO

Subject: Contract with Willdan Consulting to provide Interim Public Works Director Services

Recommended Action:

Approve entry and authorize CAO to enter into contract with Doug Wilson of Willdan Consulting, for the provision of Interim Director of Public Works Services.

Fiscal Impact:

Contract not to exceed \$73,000. Salary savings related to the vacancy of the Director position is estimated at \$73,000 through the end of this Fiscal Year.

Discussion:

The position of Director of Public Works was vacated on September 1, 2017. Since that time, Assistant CAO Tony Dublino has filled in as the Interim Director of Public Works.

The past five months has provided an opportunity to involve Public Works staff in a review of the Department's functions and areas of responsibility, and to have thoughtful discussions about how certain improvements could be made. This exercise has informed ideas on potential ways to increase operational and institutional efficiency, to improve employee morale, and to improve the services to constituents. The implementation of these concepts, however, will be a long-term affair best suited to the next Director of Public Works.

In order to obtain an expert opinion on the viability of those concepts, as well as an expert opinion on the suitability of applicants to the Director of Public Works position, staff is recommending the engagement of a consultant who possesses a career's worth of knowledge in directing Public Works Departments as well as serving as Interim Director of Public Works for similar sized counties.

By engaging this consultant, the County will benefit from the addition of an outsider's opinion on issues facing the Department, as well as the addition of an outsider's opinion on the best candidate to lead this Department into the future.

The intent is to bring on Mr. Wilson to serve part-time as Interim Director of Public Works, to continue the analysis of Department function and organization, and to lead the Department's recruitment of a new Director of Public Works. In bringing on Mr. Wilson, this would relieve Mr. Dublino of the Interim Director of Public Works title and responsibilities.

If you have any questions regarding this item, please contact me at (760) 932-5414.

Respectfully submitted,

Leslie Chapman
CAO

**AGREEMENT BETWEEN COUNTY OF MONO
AND WILLDAN ENGINEERING
FOR THE PROVISION OF INTERIM DIRECTOR OF PUBLIC WORKS SERVICES**

INTRODUCTION

WHEREAS, the County of Mono (hereinafter referred to as "County") may have the need for the Interim Director of Public Works services of Willdan Engineering, of Fresno, CA (hereinafter referred to as "Contractor"), and 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

The Contractor shall furnish to the County, upon its request, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein. Requests by the County to the Contractor to perform under this Agreement will be made by the Director of the County Administrative Officer, or an authorized representative thereof. Requests to the Contractor for work or services to be performed under this Agreement will be based upon the County's need for such services. The County makes no guarantee or warranty, of any nature, that any minimum level or amount of services or work will be requested of the Contractor by the County under this Agreement. By this Agreement the County incurs no obligation or requirement to request from Contractor the performance of any services or work at all, even if the County should have some need for such services or work during the term of this Agreement.

Services and work provided by the Contractor at the 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 March 13, 2018, to August 31, 2018, 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. Except as otherwise set forth in Attachment B, Contractor will not be paid or reimbursed for travel expenses or per diem that Contractor incurs in providing services and work requested by the County under this Agreement.

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 the County to Contractor for services and work performed under this Agreement shall not exceed Seventy Three Thousand Dollars (\$73,000). 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 the County, on a monthly basis, an itemized statement of all services and work described in Attachment A, which were done at the 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 the 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, the County shall make payment to Contractor within 30 days of its receipt of the itemized statement. Should the County determine the services or work have not been completed or performed as requested and/or should Contractor produce an incorrect statement, the 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 the County. It is understood by Contractor that the performance of these services and work will require a varied schedule. It is understood that Attachment A may include specific details regarding work schedule, and such schedule(s) shall be adhered to, unless circumstances outside Contractor's control cause delays and contractor provides timely notice of such circumstances.

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 the 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

The County shall provide such office space, supplies, equipment, reference materials, support services and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. The cost and expenses incurred by Contractor in providing and maintaining additional office space, beyond what is provided by County, is the sole responsibility and obligation of the 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 the 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 remain, the sole and exclusive property of the County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

8. WORKERS' COMPENSATION

Contractor shall provide Statutory Workers' Compensation insurance coverage and Employer's Liability coverage for not less than \$1 million (\$1,000,000.00) per occurrence for all employees engaged in services or operations under this Agreement. Any insurance policy limits in excess of the specified minimum limits and coverage shall be made available to County as an additional insured. The 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.

9. INSURANCE

A. Contractor shall procure and maintain, during the entire term of this Agreement or, if work or services do not begin as of the effective date of this Agreement, commencing at such other time as may be authorized in writing by the County Risk Manager, the following insurance (as noted) 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 Contractor, its agents, representatives, employees, or subcontractors:

- General Liability. A policy of Comprehensive General Liability Insurance which covers all the work and services to be performed by Contractor under this Agreement, including operations, products and completed operations, property damage, bodily injury (including death) and personal and advertising injury. Such policy shall provide limits of not less than \$1,000,000.00 per claim or occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project or the general aggregate limit shall be twice the required occurrence limit.
- Automobile Liability Insurance. A policy of Comprehensive Automobile/Aircraft/Watercraft Liability Insurance for bodily injury (including death) and property damage which provides total limits of not less than \$1,000,000.00 per claim or occurrence applicable to all owned, non-owned and hired vehicles/aircraft/watercraft. If the services provided under this Agreement include the transportation of hazardous materials/wastes, then the Automobile Liability policy shall be endorsed to include Transportation Pollution Liability insurance covering materials/wastes to be transported by Contractor pursuant to this Agreement. Alternatively, such coverage may be provided in Contractor's Pollution Liability policy.
- Professional Errors and Omissions Liability Insurance. A policy of Professional Errors and Omissions Liability Insurance appropriate to Contractor's profession in an amount of not less than \$1,000,000.00 per claim or occurrence/ \$2,000,000.00 general aggregate. If coverage is written on a claims-made form then: (1) the "retro date" must be shown, and must be before the beginning of contract work; (2) insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the contract work; and (3) if coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a "retro

date” prior to the contract effective date, then Contractor must purchase “extended reporting” coverage for a minimum of five years after completion of contract work.

- Pollution Liability Insurance. A policy of Comprehensive Contractors Pollution Liability coverage applicable to the work being performed and covering Contractor’s liability for bodily injury (including death), property damage, and environmental damage resulting from “sudden accidental” or “gradual” pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall provide a limit no less than \$1,000,000.00 per claim or occurrence/ \$2,000,000.00 general aggregate. If the services provided involve lead-based paint or asbestos identification/remediation, the Pollution Liability policy shall not contain lead-based paint or asbestos exclusions.

B. Coverage and Provider Requirements. Insurance policies shall not exclude or except from coverage any of the services and work required to be performed by Contractor under this Agreement. The required polic(ies) of insurance shall be issued by an insurer authorized to sell such insurance by the State of California, and have at least a “Best’s” policyholder’s rating of “A” or “A+”. Prior to commencing any work under this agreement, Contractor shall provide County: (1) a certificate of insurance evidencing the coverage required; (2) except for Professional Errors and Omission liability insurance, an additional insured endorsement for general liability applying to the County of Mono, its agents, officers and employees made on ISO form CG 20 10 11 85, or providing equivalent coverage; and (3) a notice of cancellation or change of coverage endorsement indicating that the policy will not be modified, terminated, or canceled without thirty (30) days written notice to the County.

C. Deductible, Self-Insured Retentions, and Excess Coverage. Any deductibles or self-insured retentions must be declared and approved by Mono County. If possible, the Insurer shall reduce or eliminate such deductibles or self-insured retentions with respect to Mono County, its officials, officers, employees, and volunteers; or the Contractor shall provide evidence satisfactory to Mono County guaranteeing payment of losses and related investigations, claim administration, and defense expenses. Any insurance policy limits in excess of the specified minimum limits and coverage shall be made available to County as an additional insured.

D. Subcontractors. Contractor shall require and verify that all subcontractors maintain insurance (including Workers’ Compensation) meeting all the requirements stated herein and that County is an additional insured on insurance required of subcontractors.

10. 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 the 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, the County, except as expressly provided by law or set forth in Attachment A. No agent, officer, or employee of the 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.

11. DEFENSE AND INDEMNIFICATION

Contractor shall defend, 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 the County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this paragraph 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 the 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 the County, its agents, officers, and employees harmless under the provisions of this paragraph 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.

12. 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 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.

13. 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.

14. 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.

15. 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 the County. Further, Contractor shall not assign any moneys due or to become due under this Agreement without the prior written consent of the County.

16. DEFAULT

If the Contractor abandons the work, or fails to proceed with the work and services requested by the County in a timely manner, or fails in any way as required to conduct the work and services as required by the County, the County may declare the 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.

17. 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 below.

18. 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 the County.

19. 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.

20. POST-AGREEMENT COVENANT

Contractor agrees not to use any confidential, protected, or privileged information that is gained from the 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 the County, or who has been an adverse party in litigation with the County, and concerning such, Contractor by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

21. 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, 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.

22. FUNDING LIMITATION

The ability of the 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.

23. 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.

24. 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 Officer
County of Mono
P.O. Box 696
Bridgeport, CA 93517
760-932-5410

Contractor:
Willdan Engineering

c/o Doug Wilson
1881 Business2014 Tulare Street, Sui 515
Fresno, CA 93721
dwilson@willdan.com

25. 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 THIS ____ DAY OF _____, _____.

COUNTY OF MONO

CONTRACTOR

By: _____

By: _____

Name: Leslie Chapman

Name: Bill Pagett

Dated: _____

Dated: _____

Taxpayer's Identification or Social Security
Number: __95-2295858_____

APPROVED AS TO FORM:

County Counsel

APPROVED BY RISK MANAGEMENT:

Risk Manager

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF MONO
AND WILLDAN ENGINEERING FOR THE PROVISION OF
INTERIM DIRECTOR OF PUBLIC WORKS SERVICES**

TERM:

FROM: March 13, 2018 TO: August 31, 2018

SCOPE OF WORK:

During the term of this Agreement, Mr. Douglas Wilson, PE, a Willdan employee, is hereby designated as the Interim Mono County Director of Public Works and Road Commissioner. Mr. Wilson will provide requested services in accordance with the duties detailed below. Willdan, through Mr. Wilson, will generally provide services in the Bridgeport, CA offices of the County two to three days per week as mutually agreed, with recommended days per week as mutually agreed.

Interim Director of Public Works Duties

Plan, organize, direct and manage the functions and activities of the County Public Works Department
Develop and implement Department goals, objectives, and priorities
Provide administrative direction and oversight for Department staff
Develop and administers the Department budget
Formulate Department procedures and policies
Oversee the planning, design, construction, and maintenance of County roads and transportation facilities
Perform long range Capital Improvement Planning and develop a Capital Improvement Budget
Provide oversight and direction for engineering and surveying functions
Exercise oversight and management of County landfill and solid waste facilities
Oversee the development and operation of the County Airports
Direct and coordinate the work of the County Engineer, County Surveyor and engineering consultants
Develop and administer various grants
Provide expertise and coordinate the functions of a variety of boards and commissions
Manage and direct the maintenance of vehicles and heavy equipment
Develop, submit and present Department reports
Approve department claims
Maintain current knowledge of legislation, practices, and case decisions regarding Public Works operations and development

Maintain contact with the press and community organizations
Perform special assignments for the Board of Supervisors
Interpret policies and regulations for the public
Represent the Public Works Department with regional and local boards, commissions and other government agencies.

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF MONO
AND WILLDAN ENGINEERING
FOR THE PROVISION OF INTERIM DIRECTOR OF PUBLIC WORKS SERVICES**

TERM:

FROM: March 13, 2018 TO: August 31, 2018

SCHEDULE OF FEES:

The County shall pay Contractor for services and work performed under this Agreement in accordance with Contractor's Schedule of Fees, which is set forth below or in Attachment B1 to this Agreement, which is incorporated herein by this reference.

See Attachment B1, incorporated herein by this reference (optional).

ATTACHMENT B1

Contractor will provide Interim Public Works Director services to Mono County on an as needed basis. It is understood that the services will require the Interim Public Works Director to be available in the Mono County offices two (2) to three (3) days per week on a schedule that mutually agreed.

Fees:

Contractor's time will be invoiced monthly at a rate of \$175 per hour.

The invoice will include a per diem amount equal to the charges for lodging for the days Contractor is working from the County's offices. Upon mutual agreement of Contractor and County, the County may provide lodging directly to Contractor, thereby eliminating associated lodging charges



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: Animal Control

TIME REQUIRED 30 Minutes

PERSONS APPEARING BEFORE THE BOARD Angelle Nolan

SUBJECT Animal Control Department Presentation

AGENDA DESCRIPTION:

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

Overview of Mono County Animal Control Department functions and programs.

RECOMMENDED ACTION:

None; informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Angelle Nolan

PHONE/EMAIL: x5582 / anolan@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report

History

Time	Who	Approval
3/8/2018 8:39 AM	County Administrative Office	Yes
3/7/2018 5:47 PM	County Counsel	Yes
3/8/2018 5:15 PM	Finance	Yes



Mono County Animal Control

PO BOX 476

Bridgeport CA 93517

(760) 932-5630

Angelle Nolan

Mono County Animal Control Coordinator

anolan@mono.ca.gov

760-932-5582

Subject

Department Presentation

Recommended Action

None

Discussion

Animal Control Functions and programs. Our goals and how far we have come

Fiscal Impact

None



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: Public Health

TIME REQUIRED 30 minutes

PERSONS APPEARING BEFORE THE BOARD Nancy Mahannah

SUBJECT Proposed Amendments to Chapter 7.92 of the Mono County Code Pertaining to Smoking

AGENDA DESCRIPTION:

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

Presentation by Public Health on smoking control policies, statistics, community feedback and proposed amendments to Mono County Code Chapter 7.92 pertaining to tobacco and cannabis smoking policies and restrictions, including but not limited to: creation of smoke-free public areas: smoke free multi-unit housing for units with smoke-free provisions in their leases, Covenants Codes and Restrictions or Homeowners Association Rules; and prohibition of the sale of flavored tobacco products.

RECOMMENDED ACTION:

Receive presentation. Following discussion on proposed amendments to Mono County Code Chapter 7.92, introduce, read title, and waive further reading of proposed ordinance No. ORD180__ Amending Mono County Code Chapter 7.92 Pertaining to the County's Smoking Policy. Provide any desired direction to staff.

FISCAL IMPACT:

There is no impact to the Mono County General Fund. Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

CONTACT NAME: Nancy Mahannah

PHONE/EMAIL: x4621 / nmahhanah@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Existing MCC Chapter 7.92

[D Adopting Ordinance](#)

[D Attachment A to ordinance](#)

[D Tobacco Policy Education Presentation](#)

[D Letters of Support](#)

History

Time	Who	Approval
3/8/2018 9:50 AM	County Administrative Office	Yes
3/8/2018 2:20 AM	County Counsel	Yes
3/8/2018 5:19 PM	Finance	Yes



MONO COUNTY HEALTH DEPARTMENT

Public Health

P O .B O X 476, B R I D G E P O R T, C A 93517 P H O N E (760) 932-5580 • F A X (760) 932-5284
P O B O X 3329, M A M M O T H L A K E S, C A 93546 P H O N E (760) 924-1830 • F A X (760) 924-1831

DATE: March 13, 2018

TO: Honorable Board of Supervisors

FROM: Nancy Mahannah, Public Health Program Manager

SUBJECT: Tobacco Control Policy Update & Proposed Amendments to Chapter 7.92 of the Mono County Code.

Recommendation

- Receive presentation on tobacco control policies and statistics as well as proposed amendments to Mono County Code (MCC) Chapter 7.92 including suggested changes to tobacco policies related to multi-unit housing, enforcement and prohibitions.
- Following discussion, introduce, read title, and waiver further reading of proposed ordinance No. Ord18 - ____, Amending Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy.
- Provide any desired direction to staff.

Fiscal impact

There is no impact to the Mono County General Fund. Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

Discussion

Cigarette smoking is still the leading cause of preventable death, responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness. Smoking harms nearly every organ of the body and causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.

https://www.cdc.gov/tobacco/data_statistics/fact_sheets/index.htm

The California Tobacco Control Program (CTCP) under the California Department of Public Health (CDPH) has been a leader for over 25 years in keeping tobacco out of the hands of youth, helping tobacco users quit, and ensuring that all Californians can live, work, play, and

learn in tobacco-free environments. Since the program inception in 1989, there has been a decline in the number of adult smokers by more than 50 percent. California's efforts are credited with saving more than 1,000,000 lives and saving over \$134 billion in healthcare costs for the state.

CTCP empowers local health agencies to promote health and quality of life by advocating for social norms that create a tobacco-free environment. This is accomplished through funding community interventions which focus on policy, system, and environmental change in four priority areas:

1. Limit Tobacco Promoting Influences.
2. Reduce Exposure to Secondhand Smoke, Tobacco Smoke Residue, Tobacco Waste, and other Tobacco Products.
3. Reduce the Availability of Tobacco. 4. Promote Tobacco Cessation.

<https://archive.cdph.ca.gov/programs/tobacco/Pages/Welcome.aspx>

Mono County already has an established Tobacco Ordinance (MCC Chapter 7.92, adopted 7/02), which prohibits smoking within 20 feet from County buildings. During the September 5, 2017 presentation to the Board, state and local background research findings and the results of local surveys were presented, which presentation can be found at the below link:

https://www.monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/meeting/16637/09_september_05_2017.pdf (pages 150-255). During the February 13, 2018

presentation to the Board, local background research findings and the results of local surveys were presented, which presentation can be found at the below link:

<https://monohealth.com/public-health/page/tobacco-education-program>.

Since that time, pursuant to Board direction, the Health Department has made suggested changes to the MCC 7.92 proposed ordinance.

Proposed amendments to MCC 7.92 include:

- Creation of smoke free zones 20 feet from business doorways, windows and ventilation systems and in outdoor dining;
- Creation of smoke free multiunit housing for units with smoke-free provisions in their leases or HOA terms, in common areas, on patios, balconies and 20 feet from doorways;
- Inclusion of cannabis, electronic cigarettes & vaping in the definition of smoking; and
- The elimination of flavored and menthol tobacco sales in the county.

Attachments

- MCC Chapter 7.92 (Mono County's current smoking policy)
- Proposed Ordinance with Amendments to MCC 7.92



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. Box 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284

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

- Tobacco Policy PowerPoint Presentation
- Letters of support

Chapter 7.92 - TOBACCO

Sections:

7.92.010 - Definitions.

- A. "County" shall mean the county of Mono.
- B. "County building" shall mean any county-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the county road shops and all community and senior centers.
- C. "Smoke or smoking" means the carrying or holding of a lighted pipe, cigar or cigarette of any kind or the lighting, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

(Ord. 02-06 § 1 (part), 2002.)

7.92.020 - Prohibitions—County buildings.

- A. Smoking shall be prohibited within twenty feet from main entrances, open windows, ventilation intake systems and covered entryways of any county building.
- B. Signs shall be posted in all county buildings which shall have wording similar to the following: "NO SMOKING WITHIN 20 FEET OF MAIN ENTRANCES, EXITS, OPEN WINDOWS, VENTILATION INTAKE SYSTEMS AND COVERED ENTRYWAYS."

(Ord. 02-06 § 1 (part), 2002.)

7.92.030 - Violation and enforcement.

- A. Any person who violates any provision of this article, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties) of twenty dollars for the first violation, thirty dollars for the second violation, and forty dollars for any subsequent violation.
- B. A schedule of court-imposed mandatory penalties applicable to the above fine amounts is available from the clerk of the Mono County superior court.

(Ord. 02-06 § 1 (part), 2002.)



ORDINANCE NO. ORD18-___

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING CHAPTER 7.92 OF THE MONO COUNTY CODE
PERTAINING TO THE COUNTY'S SMOKING POLICY**

WHEREAS, Chapter 7.92 of the Mono County Code contains regulations and prohibitions pertaining to second-hand smoke; and

WHEREAS, the National Institute on Drug Abuse has concluded that nicotine in tobacco products is a powerfully addictive drug, which has been identified as the most widespread example of drug dependence in the U.S.; and

WHEREAS, substantial scientific evidence exists that shows a causal relationship between smoking and/or exposure to second-hand smoke and serious health conditions; and

WHEREAS, secondhand aerosol emitted from electronic smoking devices and secondhand smoke from cannabis products have been identified by the Office of Environmental Health Hazard Assessment's (OEHHA) Reproductive and Cancer Hazard Assessment Branch as health hazards; and

WHEREAS, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke and the Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposure; and

WHEREAS, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking within rental units is not prohibited by California law; and

WHEREAS, the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes, largely because these flavored products were marketed to youth and young adults; and

WHEREAS, it is in the public interest to ban the sale of such flavored tobacco products in the unincorporated areas of Mono County; and

WHEREAS, the Mono County Board of Supervisors now wishes to update Chapter 7.92 of the Mono County Code to reflect these and other findings.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS as follows:

SECTION ONE: Chapter 7.92 of the Mono County Code is hereby amended in its entirety to

1 read as set forth in Attachment "A", attached hereto and incorporated herein by this reference.

2 **SECTION TWO:** This ordinance shall become effective 30 days from the date of its adoption
3 and final passage, which appears immediately below. The Clerk of the Board of Supervisors
4 shall post this ordinance and also publish the ordinance in the manner prescribed by Government
5 Code section 25124 no later than 15 days after the date of its adoption and final passage. If the
6 Clerk fails to so publish this ordinance within said 15-day period, then the ordinance shall not take
7 effect until 30 days after the date of publication.

8 **PASSED, APPROVED and ADOPTED this _____ day of _____, 2018, by**
9 **the following vote, to wit:**

- 10 **AYES:**
- 11 **NOES:**
- 12 **ABSTAIN:**
- 13 **ABSENT:**

14 _____
15 Bob Gardner, Chair
16 Mono County Board of Supervisors

17 **ATTEST:**
18 _____
19 Clerk of the Board

20 **APPROVED AS TO FORM:**
21 _____
22 County Counsel

23
24
25
26
27
28

SMOKING POLICIES AND RESTRICTIONS

Sections:

- 7.92.010** **Definitions.**
- 7.92.020** **Prohibitions – locations where smoking is prohibited.**
- 7.92.030** **Reasonable smoking distance required – 20 feet.**
- 7.92.040** **Multi-Unit Housing.**
- 7.92.050** **Signage.**
- 7.92.060** **Duty of person, employer, business or nonprofit entity.**
- 7.92.070** **Sale of flavored tobacco products prohibited.**
- 7.92.080** **Penalties and enforcement.**

7.92.10 - Definitions.

- A. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from Cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
- B. “County” shall mean the County of Mono.
- C. “County Building” shall mean any County-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the County road shops and all community and senior centers.
- D. “Business” means any sole proprietorship, partnership, joint venture, corporation, association, or any other entity formed for profit-making purposes or that has an Employee, as defined in this section.
- E. “Characterizing Flavor” means a distinguishable taste or aroma, other than the taste or aroma of Tobacco or Cannabis, imparted by Tobacco or Cannabis, either prior to or during use of the Tobacco Product or Cannabis or any byproduct produced by the Tobacco Product or Cannabis, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, nut or spice; provided, however, that a Tobacco Product or Cannabis shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information.

ATTACHMENT A

- F. "Dining Area" means any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.
- G. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, Tobacco, Cannabis, or any other substances, including any component, part or accessory of such a device, whether or not sold separately.
- H. "Employee" means any Person who is employed; retained as an independent contractor by any Employer, as defined in this section; or any Person who volunteers his or her services for an Employer, association, nonprofit, or volunteer entity.
- I. "Employer" means any Person, partnership, corporation, association, nonprofit or other entity which employs or retains the service of one or more Persons, or supervises volunteers.
- J. "Enclosed Area" means:
 - 1. an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
 - a. any type of overhead cover whether or not that cover includes vents or other openings and at least three walls or other vertical constraints to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - b. four walls or other vertical constraints to airflow including, but not limited to, vegetation that exceeds six feet in height, whether or not those boundaries include vents or other openings.
- K. "Flavored Tobacco Product" means any Tobacco Product that imparts a Characterizing Flavor.
- L. "Flavored Cannabis Product" means Cannabis that imparts a Characterizing Flavor when smoked.
- M. "Labeling" means written, printed, or graphic matter upon any Tobacco Product or any of its Packaging, or accompanying such Tobacco Product.
- N. "Manufacturer" means any Person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a Tobacco Product; or imports a finished Tobacco Product for sale or distribution into the United States.
- O. "Multi-Unit Residence" means any residential structure with two (2) or more Units and has at least one or more shared walls, floors, or ceilings. Additionally, a residential structure that has two (2) or more Units and has a shared ventilation system is considered a Multi-Unit Residence.

A Multi-Unit Residence **does not** include the following:

ATTACHMENT A

1. a single-family residence with a detached in-law or secondary dwelling unit;
 2. a single, contiguous residence in which rent is shared by the residents; and
 3. A hotel or motel that meets the requirements of California Civil Code section 1940, subdivision (b) (2).
- P. "Multi-Unit Residence Common Area" means any indoor or outdoor common area of a Multi-Unit Residence accessible to and usable by more than one residence, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play areas, swimming pools and recreation areas.
- Q. "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a Nonprofit Entity within the meaning of this section.
- R. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold or offered for sale to a consumer.
- S. "Place of Employment" means any area under the legal or de facto control of an Employer, Business or Nonprofit Entity that an Employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for Business purposes, taxis, Employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, and private residences that are used as childcare or health care facilities subject to licensing requirements.
- T. "Person" means any natural Person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- U. "Playground" means any park or Recreational Area designated in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on County property.
- V. "Public Place" means any place, public or private, open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, Playgrounds, taxis and buses.
- W. "Reasonable Distance" means a distance of at least twenty (20) feet to ensure that occupants of a building and those entering or existing the building are not exposed to secondhand smoke created by smokers outside of the building.
- X. "Recreational Area" means any area, public or private, open to the public for recreational purposes regardless of any fee requirement, including, for example, parks,

ATTACHMENT A

gardens, sporting facilities, stadiums, and Playgrounds, but excluding those areas where the County lacks jurisdictional authority to regulate.

- Y. "Service Area" means any area designed to be or regularly used by one or more Persons to receive or wait to receive a service, enter a Public Place, or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.
- Z. "Smoke" or "Smoking" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated Tobacco Product or Cannabis intended for inhalation, whether natural or synthetic, in any manner or in any form including but not limited to a cigar, cigarette, cigarillo, vaporizer, joint, pipe, hookah or Electronic Smoking Device. "Smoke" includes the use of an Electronic Smoking Device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.
- AA. "Smoking Product" means any substance or product containing nicotine, Tobacco or Cannabis that is meant to be used in conjunction with an e-cigarette or any other type of smoking or vaporizing contraption including but not limited to joints, cigarettes, cigars, bongs or pipes. "Smoking Product" also means, Indian cigarettes called "bidis", and cartridges and liquid solutions for e-cigarettes, which may be utilized for smoking, chewing, inhaling or other manner of ingestion.
- BB. "Tobacco Paraphernalia" means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.
- CC. "Tobacco" or "Tobacco Product" means:
1. Any product containing, made, or derived from tobacco leaf or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff.
 2. Any electronic device that delivers nicotine or other similar substances to the Person inhaling from the device, including, but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
 3. Notwithstanding any provision of subsections (a) and (b) to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- DD. "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to

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exchange for any form of consideration, Tobacco, Tobacco Products or Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products or Tobacco Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

EE. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or unenclosed area, such as for example, a private balcony, porch, deck or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a motel or hotel; a dormitory room.

7.92.020 – Prohibitions – locations where smoking is prohibited.

- A. Except as otherwise provided in this Chapter, Smoking is prohibited in the following enclosed and unenclosed locations in the County:
1. All areas where smoking is prohibited by state or federal law, including, but not limited to, indoor workplaces, bars and restaurants (California Labor Code Section 6404.5); state, County, and city buildings (California Government Code Sections 7596 through 7598); tot lots and Playgrounds (California Health and Safety Code Section 104495); and pursuant to (California Health and Safety Code Section 11362.3).
 2. County vehicles.
 3. Public parks.
 4. Recreational Areas.
 5. Service Areas.
 6. Dining Areas.
 7. Public Places, when being used for a public event, including a sporting event, farmer's market, parade, craft fair, or any event which may be open to or attended by the general public, provided that Smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.
 8. Multi-Unit Residences in accordance with section 7.92.040.
- B. Nothing in this Chapter prohibits any Person or Employer with legal control over any property from prohibiting Smoking on any part of such property.

7.92.030 – Reasonable smoking distance required – 20 Feet.

Smoking shall occur at a Reasonable Distance of at least twenty (20) feet outside any Enclosed Area and from entrances, operable windows, and ventilation systems of Enclosed Areas where Smoking is prohibited, including in or around Multi-Unit Housing or portions thereof where smoking is prohibited as provided in section 7.92.040 of this Chapter, to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems or any other means to ensure that those indoors and those entering or leaving the building are not involuntarily exposed to secondhand smoke or Electronic Smoking Device or vapor.

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7.92.040 – Multi-Unit Housing.

- A. If adopted rules of the Homeowners' Association; Codes, Covenants & Restrictions (CC&Rs), or any individual lease for a Multi-Unit Residence contain legally enforceable provisions prohibiting Smoking in all or in any portion of the Multi-Unit Residence ("Enforceable Restrictions"), then the following provisions shall apply, as applicable, to those areas within the Multi-Unit Residence where Smoking is so prohibited:
1. No Person with legal control over a Multi-Unit Residence Common Area or other area in which Smoking is prohibited shall knowingly permit Smoking in any nonsmoking area that is under the Person's control or knowingly permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the area. Such Person with legal control over a common or other area in which Smoking is prohibited shall maintain such area free of Tobacco litter and waste.
 2. Additional Smoking-related prohibitions for Multi-Unit Residences:
 - a. No Person shall Smoke in any nonsmoking area.
 - b. No Person shall intimidate or harass any Person who seeks compliance with an Enforceable Restriction or with this Chapter. Moreover, no Person shall intentionally or recklessly expose another Person to secondhand smoke in response to that Person's effort to achieve compliance with an Enforceable Restriction or this Chapter. Violation of this subsection shall constitute a misdemeanor.
 - c. Causing, permitting, aiding, or abetting a violation of any provision of an Enforceable Restriction, or this Chapter, shall also constitute a violation of this Chapter.
 3. Notwithstanding subsection (1) a Person with legal control over a Multi-Unit Residence Common Area, or Authorized Representative of such Person may designate a portion of said area as a Smoking area provided that at all times the designated Smoking area complies with subsection (4) below.
 4. A designated Smoking area:
 - a. Shall be an unenclosed and clearly delineated area, as described in this subsection;
 - b. Shall be located at least 20 feet in any direction from any operable doorway, window, opening or other vent into an Enclosed Area that is located at the Multi-Unit Residence;
 - c. Shall comply with section 7.92.030 and shall not include, and shall be at least 20 feet in any direction from, the following areas at a Multi-Unit Residence or portion thereof, where smoking is prohibited:

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- i. Playground or similar area where primarily children play; and
 - ii. Areas with improvements that facilitate physical activity including Playgrounds and swimming pools;
5. Signage at Multi-Unit Residences, or those portions of Multi-Unit Residences where smoking is prohibited, shall comply with section 7.92.050.
6. Required terms in a lease and a purchase and sale agreement for Units covered by this section:
 - a. Every lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence entered into after the date this Chapter takes effect, and which has been designated as nonsmoking pursuant to subdivision A of this section, shall include the following:
 - i. A provision stating in substance that it is a material breach of the lease/rental agreement for the tenant, or any other Person subject to the control of the tenant or present by invitation or permission of the tenant, to: (i) Smoke in any existing Unit or in any common area of the property other than a designated Smoking area; and (ii) violate any law, rule or regulation prohibiting Smoking anywhere on the property;
 - ii. A clear description of all areas on the property where Smoking is allowed or prohibited and a clear statement indicating that Smoking is prohibited at least 20-feet from any Enclosed Area, window or ventilation.
 - iii. A clause expressly conveying third-party beneficiary status to all tenants and lawful occupants of the Multi-Unit Residence as to the Smoking provisions of the agreement.
 - b. Every agreement for the purchase and sale of any Multi-Unit Residence or any new or existing Unit in a Multi-Unit Residence entered into after the date this Chapter takes effect, and which has been designated as nonsmoking pursuant to subdivision A of this section, shall include the following:
 - i. A provision stating in substance that it is a material breach of the agreement for any resident of the Multi-Unit Residence or Unit, or any other Person subject to the control of a resident or present by invitation or permission of a resident, to: (i) Smoke in an existing Unit or in any common area of the property other than a designated Smoking area unless the property has any existing Units; and (ii) violate any law, rule or regulation prohibiting Smoking anywhere on the property;
 - ii. A clear description of all areas on the property where Smoking is allowed or prohibited and a clear statement indicating that

ATTACHMENT A

Smoking is prohibited at least 20-feet from any Enclosed Area, window or ventilation.

- iii. A provision expressly conveying third-party beneficiary status to all property owners and lawful occupants of the Multi-Unit Residence as to the Smoking provisions of the agreement.
- c. This Chapter shall not create liability in a landlord, property manager, property owner, or homeowners' association for a breach of any Smoking provision in a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence, or in an agreement for the purchase and sale agreement of a Multi-Unit Residence or any Unit therein.
- d. Failure to enforce any Smoking provision required by this Chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

7.92.050 – Posting of signs.

Posting of signs shall be the responsibility of the owner, operator, manager or other Person having control of the place where Smoking is prohibited by this Chapter in cooperation with the Mono County Public Health Department. Except in facilities owned or leased by County, state, or federal governmental entities, "No Smoking" signs with letters of not less than one-half inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly posted where Smoking is prohibited in accordance with this Chapter. Where applicable, all signs shall clearly state that Smoking is prohibited within 20 feet of any Enclosed Area as defined in subsection I of section 7.92.010 and within 20 feet of entrances, operable windows and ventilation systems. The requirement to post signs pursuant to this section shall not apply to the inside of Units of Multi-Unit Residences. Any owner, manager, operator, Employer or Employee or other Person having control of a place where Smoking is prohibited by this Chapter shall not be deemed to be in violation of this Chapter if signs have been posted in a manner consistent with the requirements of this section. For purposes of this Chapter, the Mono County Public Health Department shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the County.

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

Notwithstanding any other provision of this Chapter, any owner, landlord, Employer, Business, Nonprofit Entity, or any other Person who controls any property, establishment, or Place of Employment regulated by this chapter may declare any part of such area in which Smoking would otherwise be permitted to be a nonsmoking area.

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7.92.070 - Sale of flavored tobacco products prohibited.

- A. Except as provided in subsection D, it shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer's agents or Employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any Flavored Tobacco Product.
- B. There shall be a rebuttable presumption that a Tobacco Retailer in possession of Flavored Tobacco Products, including but not limited to individual Flavored Tobacco Products, packages of Flavored Tobacco Products, or any combination thereof, possesses such Flavored Tobacco Products with the intent to sell or offer them for sale.
- C. There shall be a rebuttable presumption that a Tobacco Product is a Flavored Tobacco Product if a Tobacco Retailer, Manufacturer, or any Employee or agent of a Tobacco Retailer or Manufacturer has:
 - 1. Made a public statement or claim that the Tobacco Product imparts a Characterizing Flavor;
 - 2. Used text and/or images on the Tobacco Product's Labeling or Packaging to explicitly or implicitly indicate that the Tobacco Product imparts a Characterizing Flavor; or
 - 3. Taken action directed to consumers that would be reasonably expected to cause consumers to believe the Tobacco Product imparts a Characterizing Flavor.
- D. Any Tobacco Retailer whose inventory includes Flavored Tobacco Products at the time this Chapter becomes effective may continue to sell the Flavored Tobacco Product(s) until the supply is exhausted but shall not thereafter order new supplies.

7.92.080 – Penalties and enforcement.

- A. Unless the applicable section of this Chapter provides that violation is a misdemeanor, any Person or Business violating any provision of this Chapter, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties) of \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for any subsequent violation. For purposes of this Chapter, each day of noncompliance shall be considered a separate violation.
- B. The provisions of this Chapter may be enforced through civil and/or criminal proceedings including, but not limited to, action for nuisance abatement pursuant to Mono County Code Chapter 7.20, administrative citation pursuant to Mono County Code Chapter 1.12, following the procedures set forth in subsection D, and/or injunctive relief. In any enforcement action, the County may seek reimbursement for the costs of investigation, inspection or monitoring leading to the establishment of the violation, and for the reasonable costs of preparing and bringing the enforcement action. The remedies provided by this section 7.92.080 are nonexclusive, cumulative and in addition to any other remedy the County may have at law or in equity.

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- C. The Mono County Public Health Director or his/her designee (“Director”) is authorized to enforce, on behalf of the County, the provisions of this Chapter, and to refer such enforcement to the Mono County Code Compliance Division as provided in subsection D below. Any Person may request that the Director investigate a violation of this Chapter by filing a written complaint with the Public Health Department.
- D. The following procedures may be followed by the Director upon receipt of a written complaint and shall be followed prior to referring enforcement to Mono County Code Compliance:
1. The Director shall contact the owner, operator or manager of the establishment, Multi-Unit Residence or facility (the “establishment”) or Person that is the subject of the complaint to investigate the nature and extent of the violation and may conduct such additional investigation as may be necessary, to determine whether the violation occurred.
 2. If the Director concludes that a violation occurred, he or she shall provide to the owner, operator or manager of the establishment or Person committing the violation a copy of the provisions of this Chapter and such advisory assistance to avoid future violations as may be necessary to achieve compliance.
 3. Upon receipt of a second written complaint involving the same Person or establishment, the Director shall attempt to meet with the owner, operator or manager or Person alleged to have violated this Chapter to further investigate the matter and shall conduct such additional investigation as may be necessary. If it is determined that a subsequent violation has occurred, the Director shall mail, certified mail, postage prepaid, return receipt requested, a written directive to the owner, operator, manager or other Person, explaining in detail the steps required in order to achieve future compliance and advising that the County may initiate enforcement proceedings pursuant to Chapters 1.12 or 7.20, or pursue such other enforcement as is authorized by law, in the event of a subsequent violation.
 4. Upon receipt of a third written complaint regarding the same Person or establishment, the Director may refer the matter to Mono County Code Compliance for further investigation and enforcement pursuant to Chapters 1.12 and/or 7.20, provided that the Code Compliance Division confirms that it has sufficient resources available to process the complaint.
 5. Any violation determined by the Code Compliance Division to have occurred following issuance of a Notice of Violation in accordance with Chapter 1.12, shall constitute cause for issuance of an Administrative Citation under that Chapter, except that the amount of the penalty imposed for each violation shall be as set forth in subsection 7.92.080.A. and the hearing officer for any administrative appeal shall be a member of the Board of Supervisors or its designee.
- E. The Director, and Code Compliance Specialist if applicable, shall maintain clear and thorough records and logs of all investigations and communications made in relation to every written complaint filed with the Public Health Department pursuant to this section.

**“If you can’t breathe,
nothing else matters.”**

American Lung Association

Nancy Mahannah, PHN
Health Program Manager
Mono County Public Health Department
October 18, 2017

Definition of Public Health

Public Health is what we, as a society, do collectively to assure the conditions in which people can be healthy.

10 Greatest Public Health Achievements in the U.S. in the 20th Century

- Immunization
- Motor Vehicle Safety
- Workplace Safety
- Control of Infectious Disease
- Decline in deaths from heart disease & stroke
- Healthier food & water
- Healthier moms & babies
- Family Planning
- Fluoridation of water
- **Tobacco as a Health Hazard**

Public Health Policy Rationale

Smoke free policies effectively do the following:

- **Reduce tobacco use**
- **Reduce exposure to secondhand smoke**
- **Increase the number of tobacco users who quit**
- **Reduce initiation of tobacco use among young people**
- **Reduce tobacco-related illnesses and death**

THE COST OF SMOKING

Tobacco affects all organ systems:

- **40% of all CANCER**
- **85% of all LUNG CANCER**
- **80% of all COPD**
- **30% of all HEART & VASCULAR DISEASE**
- **40,000 or 16% of DEATHS IN CALIFORNIA/YR**

U.S. Surgeon General. Factsheet: The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. *2014.*

THE COST OF SMOKING

California – \$9.79 billion/YR
Plus MediCal – \$3.5 billion/YR

“Why should taxpayers shoulder the price of letting Big Tobacco make huge profits at the health and economic expense of our communities?”

Campaign for Tobacco Free Kids, 2017

Jose Ramos (2017) American Cancer Society Cancer Action Network

The Spectrum of Prevention

Influencing Policy & Legislation

Changing Organizational Practices

Fostering Coalitions & Networks

Educating Providers

Promoting Community Education

Strengthening Individual Knowledge & Skills

California Tobacco Control Is Successful

\$86 billion saved
in personal
health care
expenditures
1989 – 2004,
=50 fold return
on investment.

Men	1996	2011	% Decline
White	21.5%	14.3%	33.5
African American	21.6%	18.9%	12.5
Hispanic	19.0%	15.5%	18.4
Asian/PI	19.0%	13.1%	31.1

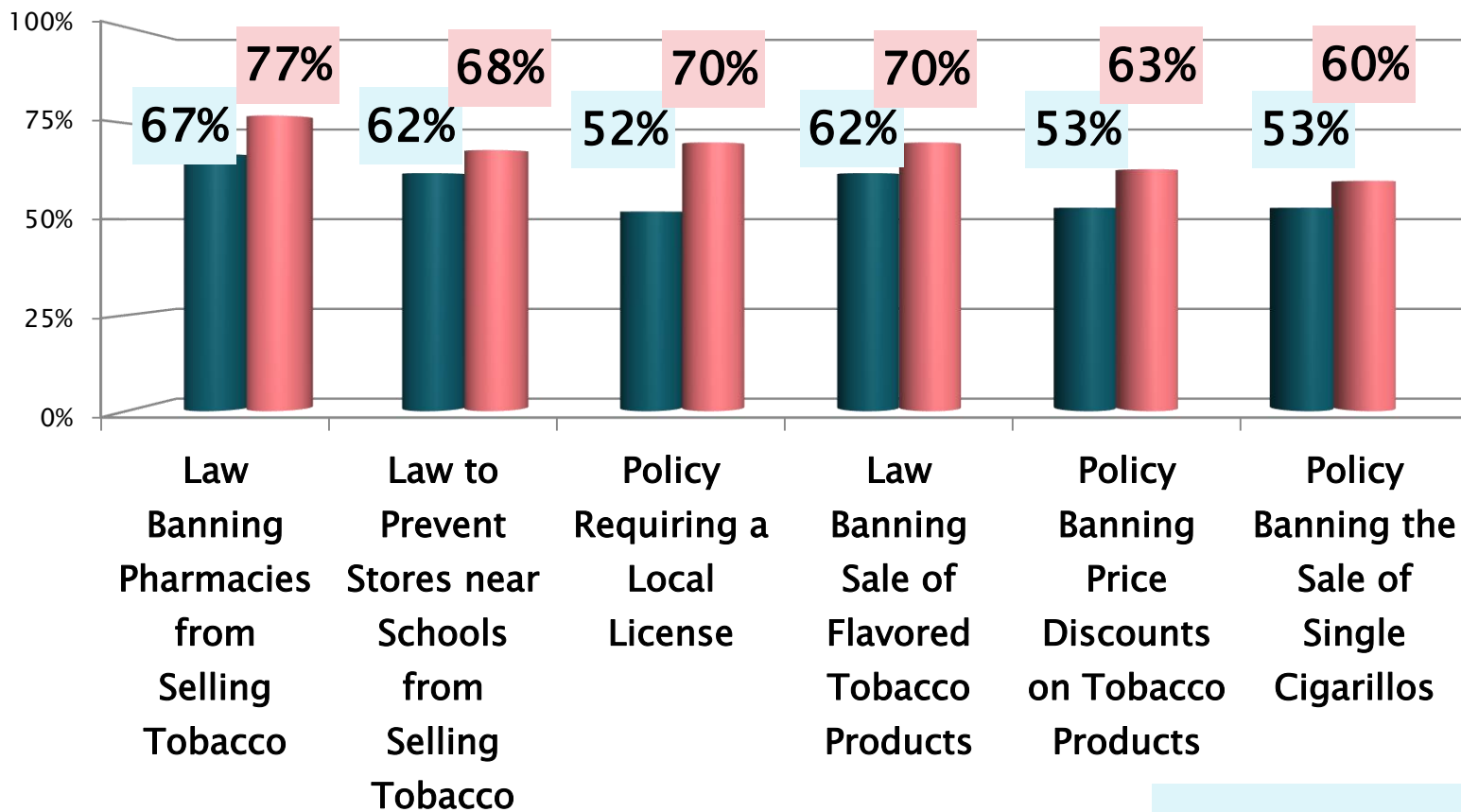
Women	1996	2011	% Decline
White	16.6%	11.2%	32.5
African American	23.7%	15.2%	35.9
Hispanic	10.6%	5.7%	46.2
Asian/PI	8.3%	4.5%	45.8

Lightwood JM, Dinno A, Glantz SA.
Effect of the California tobacco
control program on personal health
care expenditures. PLoS Med
2008;5:e178.

Public opinion survey – September 2016

Unincorporated County N=184; Mammoth Lakes N=175

Level of support for tobacco control laws:



■ Unincorporated Areas

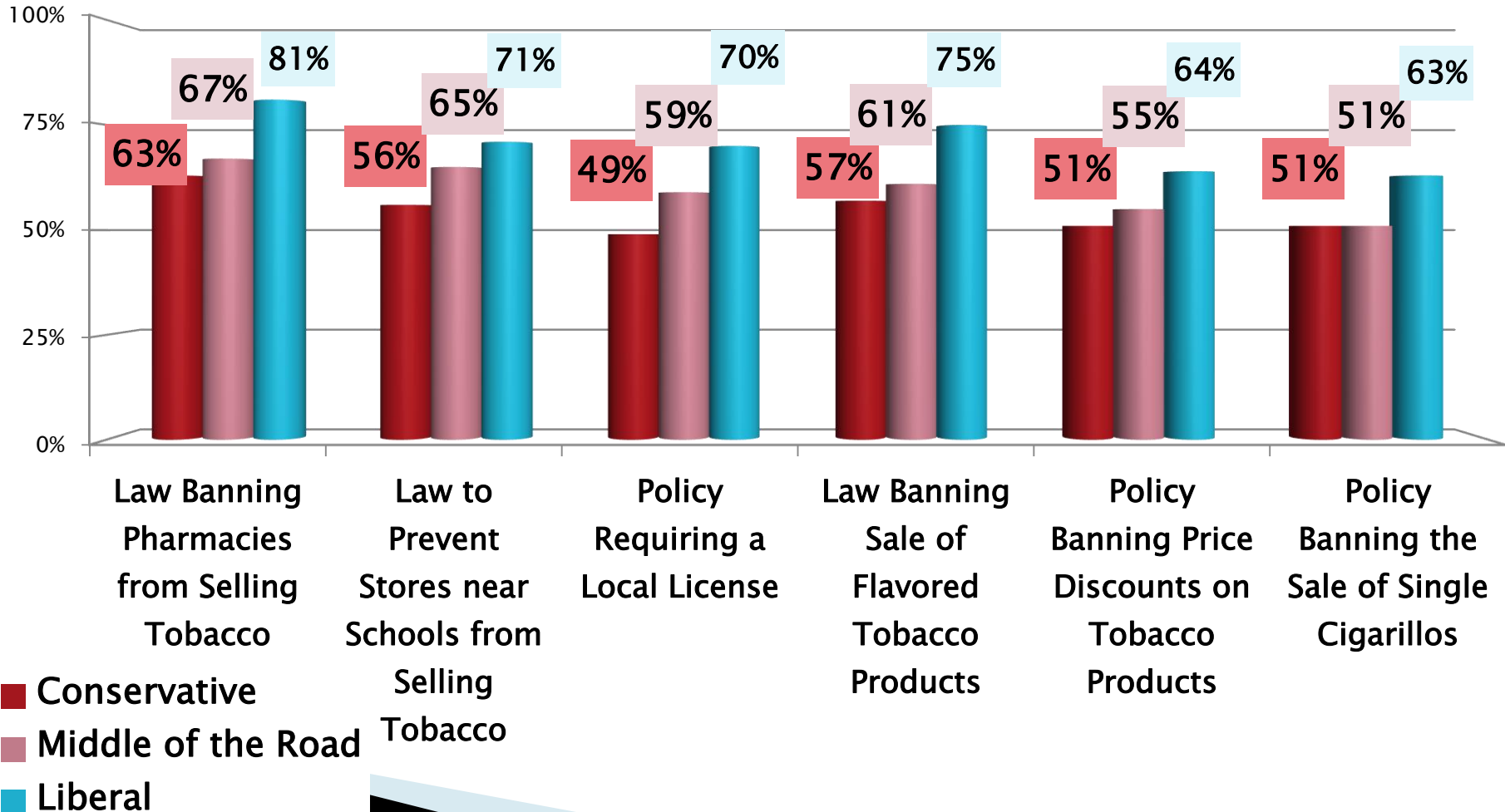
■ Mammoth Lakes

Public Opinion Survey – September 2016

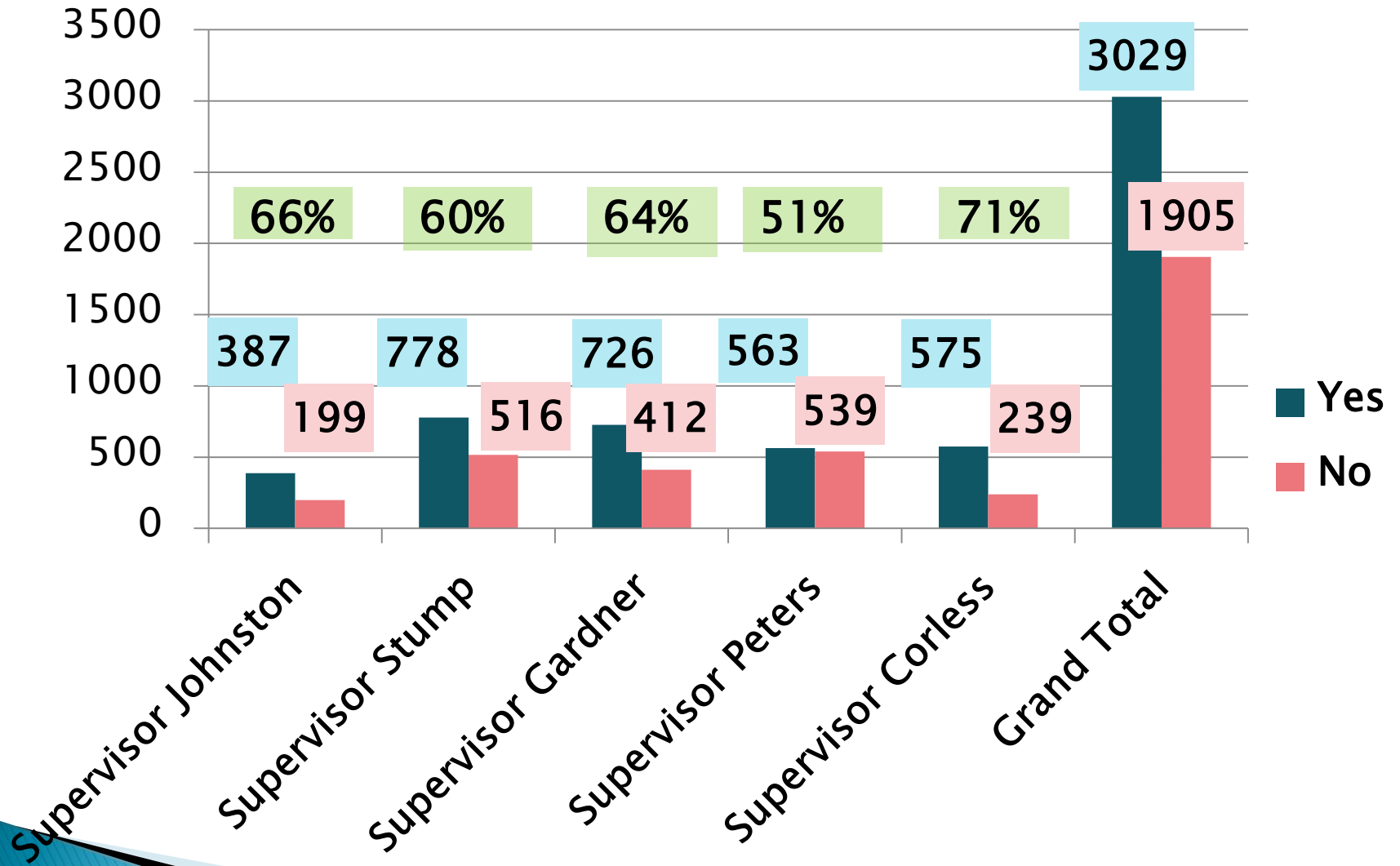
Unincorporated County N=184;

Mammoth Lakes N=175

How would you best describe yourself using the following terms:



Support for Tobacco Tax 2016



Proposed Ordinance Components

- ▶ **Smoke-free outdoor places**
- ▶ **Smoke free multiunit housing for units with smoke-free provisions in their leases or HOA terms, in common areas, on patios, balconies and 20 feet from doorways;**
- ▶ **Prevent sales of flavored tobacco**

Proposed: Smoke-Free Outdoor Places

- All areas where smoking is prohibited by state or federal law, e.g. indoor workplaces, county buildings, tot lots, & playgrounds.
- County vehicles.
- Outdoor dining areas.
- 20 feet minimum from business doorways.
- Public parks & recreational areas.
- Service areas, lines & waiting areas.
- Public places, events for the general public.

Research Says

- ▶ The California Air Resources Board (2009) secondhand smoke is a toxic air contaminant, in the same category as diesel exhaust.
- ▶ The 2006 Surgeon General's report *The Health Consequences of Involuntary Exposure to Tobacco Smoke* concludes: there is no risk free level of exposure.

WHY make Smoke-Free Outdoor Places

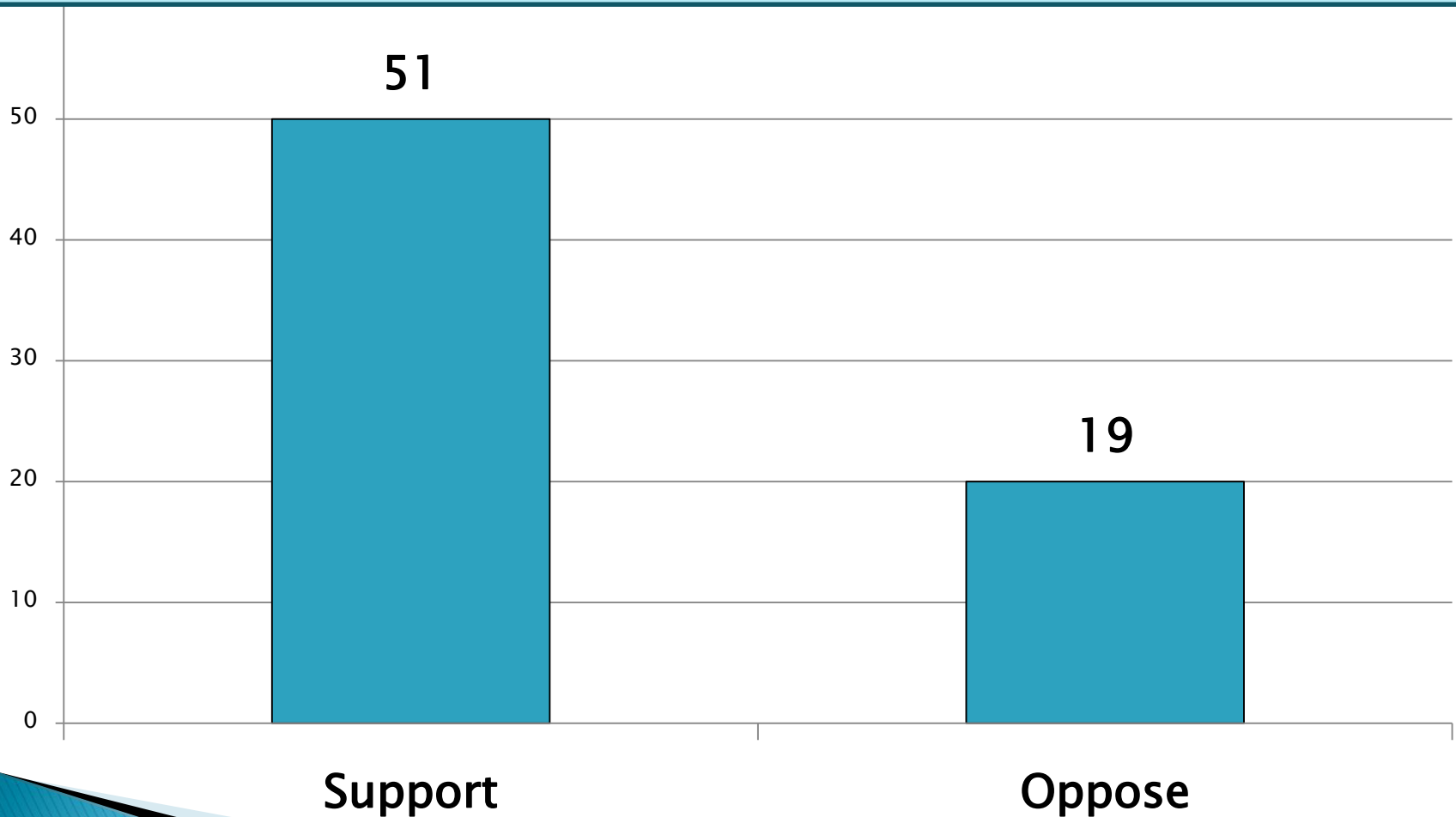
- ▶ **Drifting smoke triggers asthma attacks, allergies, raises risk of heart attack with preexisting heart disease**
- ▶ **SHS exacerbates chronic health conditions**
- ▶ **Right to not be involuntarily exposed to SHS**
- ▶ **SHS exposure is irritating and a nuisance**
- ▶ **More people expect protection from SHS**
- ▶ **Fewer and fewer people smoke**

WHY make Smoke-Free Outdoor Places

- ▶ **Non-smokers pass thru smoke to enter business**
- ▶ **Majority of smokers & non-smokers do not want SHS while they are eating, AND**
- ▶ **Smoke-Free policies change tobacco use behavior**
 - **Proven to decrease current smoking prevalence**
 - **Decrease the amount of cigarettes used by those who continue to smoke**
 - **Change social norms around tobacco use**

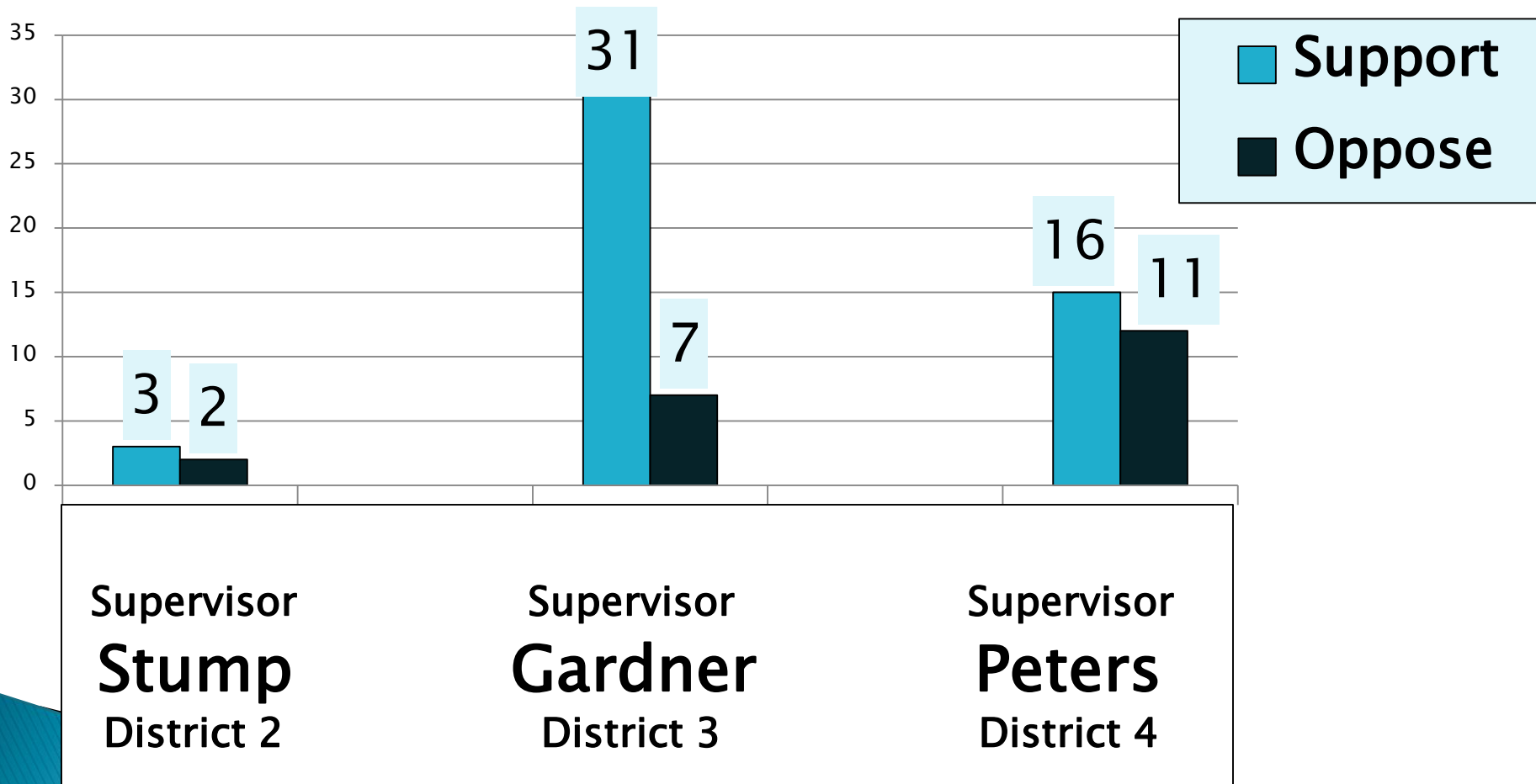
Unincorporated Mono Businesses Support for Smoke-Free Zone Ordinance September 2015

N=70



Unincorporated Mono Businesses Support for Smoke-Free Zone Ordinance Fall 2015

N=70



Proposed: Smoke-Free Multi-Unit Housing

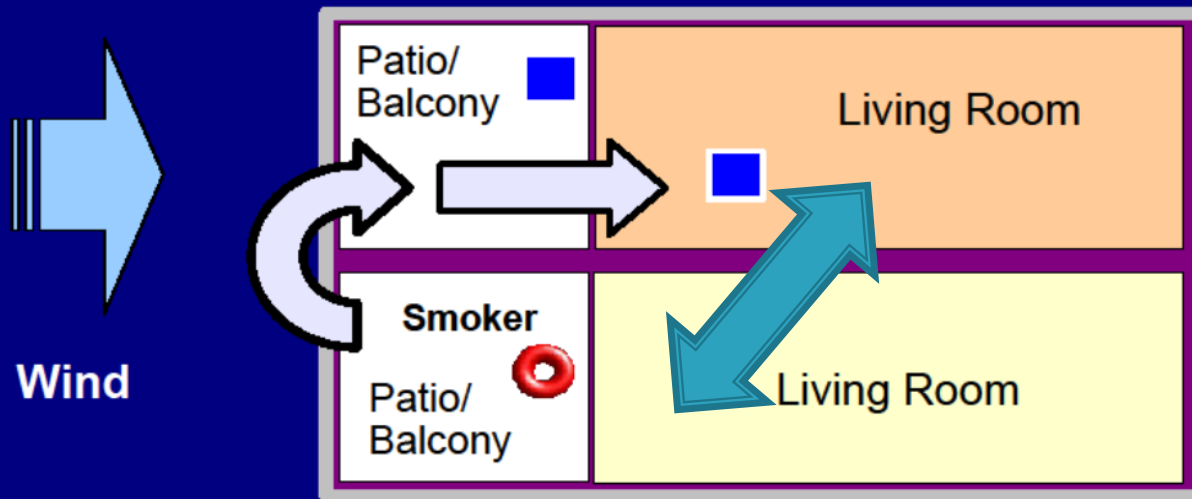
Smoking by visitors and residents is prohibited within all units, the patios or balconies, within 20 feet of buildings and within all common areas indoors and outdoors if approved by HOA or Property Manager and stated in lease. Nuisance complaints addressed.



**Where does
the private
property begin
and end?**

If you can smell when your neighbor is cooking dinner, you have air exchange

Patio-to-Patio Transfer of Tobacco Smoke



INDOOR-OUTDOOR AIR LEAKAGE OF APARTMENTS AND COMMERCIAL BUILDINGS

California Energy Commission 2006

- ▶ Leakage from individual apartments to and from the outdoors.**
- ▶ Leakage from one apartment to another from the standpoint of occupant health and safety.**
- ▶ Interaction between the whole building and one suite can affect another.**
- ▶ Opening a window can change air flows into or out of every apartment on the floor or even through out the building.**

Second Hand Smoke & Marijuana

CA Environmental Protection Agency

- ▶ MJ smoke is on Prop 65 list of carcinogens
- ▶ Contains at least 33 carcinogens linked to lung, head, neck, bladder, brain and testes cancer

UCSF Division of Cardiovascular Research (2015)

- ▶ Tobacco and MJ second hand smoke likely have similar public health effects

Second Hand Smoke & Marijuana

American Society of Heating, Refrigerating & Air Conditioning recommends:

Multiunit housing be free from environmental tobacco smoke, marijuana smoke, and electronic smoking devices' aerosol

HUD housing is 100% smoke free as of July '18

THIRD HAND TOBACCO SMOKE ???



The sticky residue from nicotine and tar left behind in carpets, furnishings, drapes, dust and on skin and clothes long after the smoker has crushed out the cigarette.



Smoke-free Units Make Economic Sense

Smoking damages property

\$\$\$\$\$

- ⦿ Leading cause of residential fire deaths in US
- ⦿ Causes cigarette burn damage to carpets, counters, etc.
- ⦿ Leaves smoke residue on walls and curtains

Smoking vs. Non-Smoking Unit Turnover Cost Calculator

[https://www.tecc.org/tecc/assets/MUH-Calculator-Updated/MUH%20Calculator%20Updated%20V7%20\(1\).htm](https://www.tecc.org/tecc/assets/MUH-Calculator-Updated/MUH%20Calculator%20Updated%20V7%20(1).htm)



Smoke Free Multi-Unit Housing Points

- ▶ Smoking is not a protected status under the law.
- ▶ Litigation favors smoke free multiunit housing residents.

51 CA cities and counties
have 100% smoke free multiunit housing
ordinances which include both public
and private housing.

Proposed: Prevent Sales of Flavored Tobacco



Flavored and Menthol Tobacco Help the Poison Go Down Easier

- ▶ **Peppermint oil masks the harshness of smoking**
- ▶ **Cooling sensation; activates taste buds, cold receptors, increases “bite” of smoking**
- ▶ **Anesthetic effects; mimics bronchial dilatation; easier to inhale increasing intake of smoke and nicotine**
- ▶ **Increases salivary flow and drug absorption through the mouth**

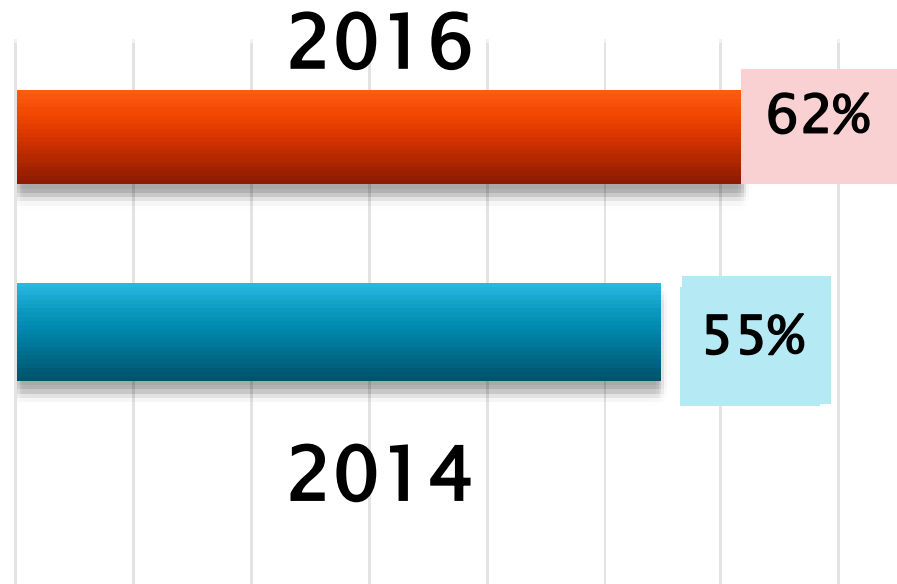
CHEAPER, SMALLER PACKAGE SIZE



**Public Opinion Survey - Unincorporated
County 2016 n=184 2014 n= 104**

**Level of support for tobacco control
laws:**

Law Banning Sale
of Flavored
Tobacco Products



Mono County CA Healthy Kids Survey – Fall 2017

- ▶ More kids are using electronic vaping devices than are smoking traditional cigarettes.
- ▶ Cigarette AND chew use in the last 30 days is about 0% to 6% among 9th – 11th graders.
- ▶ Marijuana use in the last 30 days among MUSD 9th and 11th graders is 27% to 30%. Daily use is 4% to 12%. ESUSD 11th and 12th graders range from 4% to 13%.
- ▶ Perceived harm from frequent smoking is Cigarette 75% to 91%, Marijuana 65% to 86%

Unincorporated Mono County Tobacco Retailer Survey August 2017 n = 13

**How important to your business
are sales of flavored tobacco
products, including menthol
cigarettes?**

Very important	0
Pretty important	3
Not very important	5
Insignificant	6

**How important to your business
are sales of just the menthol
tobacco products?**

Very important	0
Pretty important	2
Not very important	8
Insignificant	4

Unincorporated Mono County Tobacco Retailer Survey August 2017n = 13

Do you think it would be a burden on your business if ALL stores in unincorporated Mono, including yours, stopped selling ALL flavored tobacco products?

Definitely a large burden	1
Somewhat of a burden	0
No Difference	10
Don't sell flavored products	2

Do you think it would be a burden on your business if ALL stores in (jurisdiction), including yours, stopped selling all menthol tobacco products?

Definitely a large burden	2
Somewhat of a burden	2
No Difference	9

***LOCAL IS WHERE
THE ACTION
BEGINS***





1/11/2018

Dear Mono Country Board of Supervisors,

As Pediatricians, we are writing this letter in strong support of the ordinance to ban flavored tobacco and to create smoke-free multi-unit housing.

Tobacco use and smoke exposure are some of the most significant health threats to children, adolescents, and adults. The developing brains of children are especially susceptible to developing tobacco and nicotine dependence. In fact, studies show that most nicotine dependence begins before 18 years of age. Tobacco not only harms the individual using these products, but also harms those exposed to secondhand and thirdhand tobacco smoke. Tobacco control policies are essential to decrease tobacco's ill effects on not only children's health, but all of our health.

It is our belief that all children should have access to safe housing, free from the detrimental effects of smoke exposure. Smoke exposure increases the risk of sudden infant death syndrome, ear infections, respiratory infections, more frequent and severe asthma exacerbations, more severe bronchiolitis, pneumonia, behavior problems, neurocognitive defects and cancer. It is unacceptable and unethical to consciously put our community's children at risk when it can be easily prevented.

Of particular concern are flavored tobacco products. These products serve no other purpose than to target young, vulnerable children. One study showed that at least two-thirds of youth tobacco users use tobacco products 'because they come in flavors I like.' All of these products contain nicotine, which make these products addictive and hard to quit. This benefits the tobacco companies greatly as these children and adolescents become customers for life. As a community, our job is to protect our youth and allowing these products to be sold makes us complicit in their addictions and declining health.

As Pediatricians, the proposed policies to prohibit smoking in and around multi-unit housing and to ban flavored tobacco products serve to protect our future generations from addiction and health problems. Research has shown such policies to be effective in improving health outcomes. We implore you to support these ordinances, which are an investment in our children's health and future.

Sincerely,

Drs Kristin Collins, Kris Wilson, and Louisa Salisbury
Sierra Park Pediatrics
Mammoth Lakes, CA

January 16, 2018

Dear Honorable Mono County Board of Supervisors,

I have a large four-unit apartment building in June Lake CA. All of the leases include a non-smoking clause prohibiting smoking in the unit or within 20 feet of any operable door or window. Tenants complain they can't open windows without smoke drifting into their units while other tenants stand outside on the balconies smoking.

June Lake can get windy and their "butt" cans tip in the wind scattering cigarettes all over the property. I have issued numerous notice to stop this behavior but they continue to violate hiding their lighted cigs and bringing them into the house. I believe tenants have rights protecting them from secondhand smoke.

The federal Fair Housing Act (FHA) implies landlords are to provide a safe and habitable environment to protect tenants. This means handling all unwanted nuisances such as noise, poor ventilation, heating and secondhand smoke exposure that substantially affects the tenant's enjoyment of the premises. Our last, and hopefully last, offender's lease was not renewed and has vacated the property as of Jan 4, 2018.

I know that tenants can bring legal action against owners, managers, and other tenants regarding secondhand smoke exposure under common law. I hope that policy will be implemented to further restrict this behavior with possible financial penalties on those who violate.

Sincerely,

Beverly A. Holcombe
38860 Bella Vista
Temecula, CA 92592
951-288-0114



MAMMOTH UNIFIED SCHOOL DISTRICT

Superintendent
Lois Klein

Board of Education
Jack Farrell
Deanna Campbell
Shana Stapp
John Stavlo
Yvon Guzman Rangel

January 19, 2018

Dear Mono County Board of Supervisors:

As representative of the Mammoth Unified School District and Board of Education, I am writing in support of two new Mono County ordinances under consideration that would ban the sale of flavored tobacco and would create smoke free multiunit housing. We strongly support these policies and their focus on protecting our students.

As an organization dedicated to the education and well being of children, we recognize that the 2009 Federal Law, the Family Smoking Prevention and Tobacco Control Act, which prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors did not apply to other tobacco products. Continuing the long tradition of designing products that appeal explicitly to new users, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products, especially electronic cigarettes (ecigarettes) and cigars. Flavored tobacco products are just as addictive as regular tobacco products. All tobacco products contain nicotine, the primary addictive chemical that makes it so hard to quit.

Mammoth Unified School District has seen a dramatic increase in the use of flavored tobacco products. These products are undermining both local and the national efforts to reduce youth tobacco use and putting a new generation of kids at risk of nicotine addiction and the serious health harms that result from tobacco use.

As a school district dedicated to the well being of all students and their families, we believe the adoption of ordinances restricting the sale of flavored tobacco will protect children from the efforts of the tobacco industry attempting to hook them to a deadly addiction and that providing smoke free multiunit housing will provide a healthy environment for families and students to thrive.

We look forward to working with you to provide healthy futures for our community.

Sincerely,

Lois Klein

Mono County Child Care Council



www.monocccc.org

P. O. Box 8571

Mammoth Lakes, CA 93546

January 18, 2018

Dear Board of Supervisors;

The Mono County Child Care Council supports the proposed policy that prohibits smoking in multiunit housing and limits the sale of flavored tobacco and vaping products. While state law prohibits smoking in childcare facilities, children may be exposed to second hand tobacco and marijuana smoke and other vapor products when being cared for in family child care homes.

In support of their opinion, the Mono County Child Care Council notes the following:

- Secondhand smoke harms children and adults, and the only way to fully protect nonsmokers is to eliminate smoking in all homes, worksites, and public places.
- Separating smokers from nonsmokers, opening windows, or using air filters does not prevent people from breathing secondhand smoke.
- Most exposure to secondhand smoke occurs in homes and workplaces.
- Children's secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection leading to absence from childcare and school.
- Secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight, and increased risk of Sudden Infant Death Syndrome (SIDS) in infants with mothers who smoke.
- There is leakage of air from individual apartments to and from the outdoors and leakage from one apartment to another from the standpoint of occupant health and safety.
- Children in apartments had higher mean cotinine levels than children in detached houses indicating they were metabolizing nicotine from cigarettes smoke and smoking bans in multiunit housing may reduce children's exposure to tobacco smoke.
- Secondhand marijuana smoke may have similar cardiovascular effects as tobacco smoke.
- Liquid nicotine is extremely toxic; as little as half a teaspoon can be fatal if ingested by an average sized toddler. In 2014, there were more than 3,000 calls to U.S. poison control centers for liquid nicotine exposure, and one toddler died.

Your consideration of this evidence which supports our opinion as childcare advocates is greatly appreciated. Thank you.

A handwritten signature in blue ink that reads "Dyanna Hernandez". The signature is written in a cursive, flowing style.

Dyanna Hernandez
Mono County Child Care Council Chair

References available upon request.

January 24, 2018

To: Mono County Board of Supervisors

RE: Mono County Smoking Ordinance

The Board of Supervisors will be meeting in February to discuss and vote on whether to approve a smoking ordinance for multi family residences of Mono County. I have lived in a multi family condominium for many years and have experienced first hand the affects on my health and life style by smokers. Although we have CC&R's in place that prohibits smoking in close proximity to the units, the money, resources and legal processes to enforce violators of these CC&R's is almost impossible for a complex of our size . I believe an ordinance prohibiting smoking of cigarettes and marijuana would strengthen our CC&R's making them easier to enforce.

In my view this is an easy choice to make. It is a fact that second hand smoke causes cancer and a number of illnesses for both adults and children. That certainly seems like a compelling reason to protect our citizens from potential health issues and an unhealthy environment. The majority of people in our community favor an ordinance while others will yell about their personal property rights. Should ones personal property rights to smoke negate the rights of others to have a healthy, smoke free environment? That seems easy to me! And, what about the people that live in apartments and other multi units that don't have the advantage of C&C& R's to protect them? What about their rights to a healthy environment? Seems easy to me!

The citizens of our county count on you to make the choices that keep us safe and healthy. I look forward to a "yes" vote to approve the ordinance that protects our environment and health and safety of our citizens.

Thank you for you consideration.
Sharon Carkeet
Crowley Lake



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: Assessor's

TIME REQUIRED 30 Minutes

PERSONS APPEARING BEFORE THE BOARD Barry Beck

SUBJECT Assessor's Department Presentation

AGENDA DESCRIPTION:

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

The Assessor's Office will provide an update on the progress toward the departmental goals stated on the 2017-2018 Budget Narrative.

RECOMMENDED ACTION:

None; informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Barry Beck

PHONE/EMAIL: x5522 / bbeck@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time	Who	Approval
3/8/2018 8:41 AM	County Administrative Office	Yes
3/7/2018 5:48 PM	County Counsel	Yes
3/8/2018 5:17 PM	Finance	Yes



**OFFICE OF THE ASSESSOR
COUNTY OF MONO**

P.O. BOX 456, BRIDGEPORT, CALIFORNIA 93517

**BARRY BECK, ASSESSOR
(760) 932-5510 FAX (760) 932-5511**

March 13, 2018

To: Honorable Board of Supervisors

From: Barry Beck, Mono County Assessor

Re: Assessor's Office Informational Presentation

Recommended Action:

None; informational only.

Fiscal Impact:

None.

Discussion:

The Assessor's Office will provide an update on the progress toward the departmental goals stated on the 2017-2018 Budget Narrative.

Sincerely,

Barry Beck

Barry Beck
Mono County Assessor





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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: CDD

TIME REQUIRED 2 hours (1 hour presentation, 1 hour discussion) **PERSONS APPEARING BEFORE THE BOARD** Wendy Sugimura

SUBJECT WORKSHOP – General Plan and June Lake Area Plan Updates on Short-Term Rental Policies

AGENDA DESCRIPTION:

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

Presentation on the process and community workshop results for short-term rentals in June Lake, which have resulted in suggested amendments to the General Plan and Mono County Code.

RECOMMENDED ACTION:

Receive workshop presentation and provide any desired direction to staff regarding a General Plan Amendment package to be brought to the Board in April.

FISCAL IMPACT:

Increased staff time for enforcement and permitting could result in increased costs; increased compliance and new rentals could result in additional transient occupancy tax revenue for the County.

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
<input type="checkbox"/> staff report
<input type="checkbox"/> Attachment 2
<input type="checkbox"/> Attachment 3
<input type="checkbox"/> Attachment 4
<input type="checkbox"/> Powerpoint presentation

History

Time	Who	Approval
3/8/2018 9:45 AM	County Administrative Office	Yes
3/7/2018 9:22 PM	County Counsel	Yes
3/8/2018 5:30 PM	Finance	Yes

Mono County Community Development Department

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

Planning Division

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

March 13, 2018

To: The Honorable Mono County Board of Supervisors

From: Wendy Sugimura, Interim Director

Re: WORKSHOP – General Plan and June Lake Area Plan Updates on Short-Term Rental Policies

RECOMMENDATION

Receive workshop presentation and provide any desired direction to staff regarding a General Plan Amendment package to be brought to the Board in April.

FISCAL IMPACT

Increased staff time for enforcement and permitting could result in increased costs; increased compliance and new rentals could result in additional transient occupancy tax revenue for the County.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed changes to General Plan Chapter 25, and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply.

At about the same time, Supervisor Johnston presented an alternative proposal on short-term rentals specific to June Lake. His process included identifying and mapping individual neighborhoods that may be appropriate for these rentals, among other requirements, such as a vote of the area property owners. Supervisor Johnston's proposal was presented to the CAC and incorporated into the process.

DISCUSSION

In December 2016, the June Lake CAC established a subcommittee to help design the area plan update process. The subcommittee established a purpose, need, principles, work plan, and calendar of workshop dates, incorporated Supervisor Johnston's proposal, and assisted with outreach.

The subcommittee agreed on a key principle of engagement, which is that community members should feel like their input was heard and considered, with the recognition that not every individual will "get what they want." Participants were specifically asked for feedback about what makes them feel "heard and considered" even if they don't "get what they want."

Over 50 hours of community meetings were held to discuss short-term rentals and seek viable policy solutions. These meetings represent an impressive commitment of time and energy by community members and the CAC, who worked very hard to be objective and provide a recommendation to the Planning Commission. In addition, the process has required well over 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411-pages long (Attachment 1) and available at https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf.

The purpose of providing this documentation is transparency. Individuals can verify that their comments (verbatim from the workshop) were included and considered, how/if those comments were incorporated into policy, and then if any changes were made to result in the final package before the Planning Commission and then the Board.

The purpose of this workshop with the Board of Supervisors is to 1) review the entire process (Attachment 1) to provide a full understanding of the considerations and work completed to date, 2) review recommendations from the June Lake CAC (Attachment 2), 3) receive a preview of Planning Commission considerations (Attachment 3), and 4) review a new Mono County Code Chapter for a Short-Term Rental Activity Permit specific to the owner. However, to preserve the Planning Commission's independent decision-making space, the Board is requested to limit discussion on the Commission's potential recommendation. The Planning Commission is expected to complete their recommendation at their March 22 meeting and forward it to the Board for consideration in April.

JUNE LAKE CAC RECOMMENDATION

Following the four days of community workshops held in May 2017, the June Lake CAC discussed short-term rentals in residential areas on June 7, 14, and 28; and September 6; and made a preliminary recommendation on October 4. The CAC finalized its recommendation on December 6 (see Attachment 2), and then had an opportunity to review the changes directed by the Planning Commission at their February 7, 2018, meeting.

The following summarizes significant changes in the CAC's recommendation:

- Short-term rentals are permitted or prohibited by individual neighborhood, and may include specific conditions (e.g., seasonality) or numerical limits.
- Short-term rental approvals are specific to the owner and do not run with the land. Thus, the existing Type II rental approved through a General Plan Amendment as currently specified in Chapter 25 would be prohibited. However, a non-owner occupied short-term rental that is specific to the owner and expires upon sale of the property could be permitted in specified neighborhoods. To avoid confusion with the Type II permit currently under moratorium, staff has designated this new rental as "Type III."
- A significant set of policies based on the idea that supplemental sharing of excess assets by individual homeowners has limited support, and a full business or investment model in residential areas is not supported.
- Additional regulations to be applied to short-term rental owners.
- Additional enforcement actions and programming.

In theory, the General Plan edits recommended by the CAC could be specific to only June Lake.

PLANNING COMMISSION PREVIEW

The Planning Commission reviewed the June Lake workshop input and process at their October 2017 meeting, and then considered the CAC's recommendation at their November and December meetings. The following summarizes the Commission's work to date:

- Apply the CAC's recommendations countywide, except for the policies and regulations specific to individual June Lake neighborhoods.
- In the Clark Tract, allow both Type I and Type III rentals year-round and without a cap.
- Additional wordsmithing and adjustments to the policy language and regulations.

PERMIT PROCESS

As a matter of law, land use permits such as conditional use permits run with the land. In order for an approval to be owner-specific and non-transferrable, and allow the public an opportunity to comment on a rental under new ownership, a discretionary two-step permitting process is proposed.

For a short-term rental on a residential property under Chapter 25, the owner would be required to obtain 1) a conditional use permit for land-use compatibility which is approved by the Planning Commission, and 2) an activity permit regulating operational specifics which is approved by a different body (presumably the Board of Supervisors) that is specific to the owner and non-transferrable. The conditional use permit is set forth in and regulated by the General Plan, and the activity permit will be set forth in and regulated by Mono County Code, and both would be subject to a formal public hearing for approval. Both permits will be required to operate a short-term rental in a residential land use designation, effectively limiting the approval to a specific owner.

If the property sells, the activity permit under County code does not transfer, and a new owner would need to apply for a new activity permit and be subject to a new public hearing for approval.

This permitting system would only apply to residential land use designations specified in Chapter 25 (SFR, ER, RR, MFR-L or RMH). Other land use designations that allow for transient rental uses or bed-and-breakfast establishments would follow the currently existing permitting process, which is an approval through their land use designation (which is usually a Director Review or Use Permit) and then a ministerial Vacation Home Rental permit under Chapter 26. Some modifications are proposed for Chapter 26 to clarify it applies specifically to non-residential land use designations, reflect recommendations resulting from the June Lake process, and for consistency throughout the county.

ATTACHMENTS

1. Compilation of short-term rental policy update proceedings; also available at https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf
2. June Lake CAC recommendations from the December 6, 2017, meeting
3. Working General Plan Amendment draft under consideration by the Planning Commission
4. New proposed Mono County Code Chapter 5.65, Short-Term Rental Activity Permit

June Lake Citizens Advisory Committee Recommendation on Short-Term Rentals (Oct. 4, 2017, updated Dec. 6, 2017)

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
--------------	---------------	-----------------------	--------	---------	----------

(CAC Member Rob Morgan absent)

No	No	Williams			
		Patti	No	No	Concerns: Single egress, private roads & liability, workforce housing
		Jora	Abstain	Abstain	
		Ann	Yes, summer only	No	Ann was somewhat uncertain but could accept Type I in summer
		David	No*	No	* No on Type I until single egress is resolved then could support Type I on larger lots
		Julie	Abstain	Abstain	
		Jeff	No	No	Concerns: Roads, single access point, liability

No	No	Petersen			
		Patti	No	No	Concerns: Roads, workforce (WF) housing, Crowley STR are reducing WF housing
		Jora	No	No	Lots of long-term renters in Petersen who could be displaced, single egress, lots of neighborhood opposition
		Ann	No	No	Concerns: Private roads, uniform small lot size
		David	No*	No	* No on Type I until single egress is resolved then could support Type I with cap on numbers, Concerns: Single egress and small lots
		Julie	No	No	Type I is different, but votes "no" due to single egress
		Jeff	No	No	Concerns: Small lot sizes, single access point, roads, liability

Yes	Yes	Leonard			
		Patti	Yes	Yes	Consensus that Type I & II are appropriate due to condition of roads and maintenance under a ZOB, and homeowner acceptance. Type I and II must run with the owner, not with the land.
		Jora	Yes	Yes	
		Ann	Yes	Yes	
		David	Yes	Yes	
		Julie	Yes	Yes	
		Jeff	Yes	Yes	

No Comment	No Comment	Highlands			
CAC defers to Tract Map Modification and Specific Plan Amendment process for Highlands.					
Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
No Comment	No Comment	Dream Mountain			
No recommendation. This area may have CC&Rs may prohibit STRs, but this information has been unverifiable. No owners attended workshops or meetings.					

Tie	No	South 158			
		Patti	No	No	Patti feels that Type I rentals also impact workforce housing
		Jora	Yes*	No	Jora is concerned that Type II rentals would impact existing multiple long-term rentals (WF housing) in this area, *Jora recommended a probationary period for Type I rentals
		Ann	No	No	Avalanche prone area, steep roads, private road liability
		David	Yes*	No*	*David had concerns about lumping all of the parcels in this area together. He could accept Type II for the larger lots. He felt workforce housing issues are primarily an issue for Type II rental. He was not so concerned about the terrain in this area as he felt that should be a consideration in the permitting process. He liked the idea of a trial period of 3-4 years for Type I rentals.
		Julie	Yes	No	Julie would like more information about the larger lots to see if they might be compatible with Type II
		Jeff	No	No	Not in favor of any trial periods for STR

Yes, summer with a 3% cap	No	Clark			
		Patti	No	No	Concerns: Roads, road liability, safety, workforce housing
		Jora	Yes*	No	*Type I in summer only, decrease maximum people to 4, limit vehicles to 2 or less, consider further mitigations listed by Wendy at September meeting, Note: Jora was against both STR types for Los Angeles St due to workforce housing there
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitiaions
		David	Yes*	No	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow), but NOT in winter months
		Julie	Yes*	No	*Type I in summer with 3% cap
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel, Concerns: roads, liability, limited access

Type I Tally	Type II Tally	Nbrhood / Member Vote	Type I	Type II	Comments
Yes, year-round	No	Nevada/Silver Meadow			
		Patti	Yes	No	
		Jora	Yes	Yes	Jora wants the Planning Commission to consider the additional rental mitigations listed by Wendy at the September meeting
		Ann	Yes*	No	*Type I in summer only, with density and capacity (numbers) limitations
		David	Yes*	No*	*Type I up to 3% of parcels as counted in entire tract (including Nevada and Silver Meadow). OK in winter also. Would consider Type II for Nevada area if Type II could be changed to lapse with change of ownership
		Julie	Yes	Yes	Julie agrees with capacity limits as calculated tract-wide from Nevada over to Los Angeles St.
		Jeff	No	No	STR people do not go to hotels/motels so his opinion is not based upon ownership of a motel

Mono County Community Development Department

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Short-Term Rentals General Plan Amendment June Lake Citizens Advisory Committee (CAC) Recommendation

SECTION I. EDITS TO EXISTING GENERAL PLAN CHAPTER 25 (countywide):

DEVELOPMENT STANDARDS

CHAPTER 25 – SHORT-TERM RENTAL

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25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to a discretionary permit for short-term rentals-Use Permit, if consistent with applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.¹⁴ Fees for appeal of Type I Use Permit decisions shall be waived. The ~~use~~ permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. ~~Fees for appeal of Type I Use Permit decisions shall be waived.~~

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit,, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with

applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental (except in June Lake, see below) shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

Per the June Lake Area Plan, Type II short-term rental approvals in June Lake are specific to the owner and does not run with the land.

25.040 Notice requirements.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius ~~measured-drawn~~ from the nearest limits of the project parcel that is subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 120 days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

25.050 Uses permitted.

The following uses shall be permitted with a short-term rental approval, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

A. All uses permitted in the underlying land use designation.

B. Where the principal use of the subject parcel(s) is single-family residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved short-term rental established by this chapter, for a period of less than

thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed short-term rentals during the avalanche season, November 1 through April 15.

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

25.040 Notice requirements.

- A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

Delete footnote 14: ~~The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.~~

SECTION II. JUNE LAKE AREA PLAN: PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS

Community Development: Land Use

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016, and is also affecting June Lake. The market is dynamic and seasonal, and rentals have become mainstream. No "silver bullet" exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. Effort is being made to avoid the trap of "yes" vs. "no," which results in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.
17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.
18. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 200 hours of staff time since December, 2016. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input is funneled into the development of policies and regulations.
19. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.
20. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.
21. Very few legal mechanisms exist that require accountability by online rental platforms, and some of these platforms are lobbying for regulations at the state level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.
22. Differentiating between neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.
23. Local governments like Mono County are challenged to provide cost effective enforcement, whether rentals are legal or illegal, due to 1) rental properties spread across many hosting platforms; 2) listings being highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data not easily accessible through the hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting

platforms that prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful, and should be coordinated across County departments.

24. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.

Community Development: Housing

25. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already limited housing stock available for workforce housing.

Community Development: Tourism

61. Short-term rentals (rentals less than 30 days) in single-family residential areas meets a tourism market need and has the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy.

SECTION III. PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS

Delete old Policy 13.A.3. ~~Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single family homes.~~

Add the following new policies:

Objective 13.M. To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Policy 13.M.1. Short-term rentals are subject to Chapter 25 and 26 of the General Plan Land Use Element, with the following specifications based on the context of individual neighborhoods (see map), which vary in character.

Action 13.M.1.a. Prohibit Type I and Type II rentals in the Williams Tract and Petersen Tract.

Action 13.M.1.b. Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

Action 13.M.1.c. No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.d. In the Clark Tract, Type I rentals may be permitted, subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies, year-round on Nevada Street/Silver Meadow and summer only in the rest of the tract, with a maximum cap of 8 parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs). New Type II rentals are prohibited.

Action 13.M.1.e. In the South 158 neighborhood, new Type II rentals are prohibited. The CAC was evenly split on Type I rentals, and therefore Type I's may be permitted subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.f. Type I and Type II rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake area plan policies. Type II rental approvals are specific to the owner (not the property) in the Leonard Avenue neighborhood.

Policy 13.M.2. Type I and Type II short-term rental approvals are issued to the property owner and do not run with the land. Sale or transfer of the property, or the property no longer meets the definition of a Type I rental per 25.020, renders the approval to rent null and void.

Policy 13.M.3. Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

Action 13.M.3.a. Only the property owner may apply for a short-term rental permit, and the owner is the party directly responsible for the management of the unit.

Action 13.M.3.b. Short-term rental permits shall be limited to one per person or entity and one per parcel.

Policy 13.M.4. Type I (owner-occupied) short-term rentals, as defined in Chapter 25, in single family residential land use designations may be considered only under limited and highly regulated conditions in some areas, subject to Chapters 25 and 26.

Action 13.M.4.a. To address concerns raised by the community regarding potential neighborhood impacts, the following requirements and regulations shall be added to Chapter 26 for short-term rentals in June Lake:

- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted to be compliant.
- Owner must be able to respond within a reasonable timeframe, preferably within an hour.
- Quiet hours from 10 pm to 7 am, and no outdoor amplified sound.
- Outdoor parties are prohibited, including but not limited to special events, outdoor events, lawn parties, weddings, and similar activities.
- Owner shall acquire home insurance coverage that specifically covers short-term renting, and shall maintain appropriate liability coverage that covers injury and damage to hosts, guests, and others.
- Owner shall notify lender of change in use to short-term rental, and provide verification to County upon request.
- The number of allowed vehicles shall not exceed the number of on-site parking spaces.
- In order to rent a detached and separate unit, the property owner must occupy the other unit on the property consistent with the definition of a Type I rental in 25.020.
- Landline phone service is required, and owner must disclose the limited service by cell phone carriers.
- A "hideaway" key or other access is required in the event a guest is locked out.
- For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified.
- ~~Post management contact information online.~~ *Comment: Staff recommends deleting.*

- Interior informational sign shall also include an evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.

Action 13.M.4.b. In the Clark Tract, in order to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

Action 13.M.4.c. Explore options to offset loss of workforce housing via housing studies and General Plan policy development, which may include requiring a unit be available for long-term rentals for 4-6 months of the year, mitigation fees, or other options.

Policy 13.M.5. Short-term rentals may be prohibited in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action 13.M.5.a. Short-term rentals may be prohibited where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

Action 13.M.5.b. Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract.

Action 13.M.5.c. Opposition by a Homeowner's Association (HOA) Board on a short-term rental application shall be considered and may constitute reasonable neighborhood opposition. The HOA Board should send a Board-approved comment letter on the project to the County prior to the public hearing.

Action 13.M.5.d. Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with County transient occupancy tax requirements.

Policy 13.M.6. To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

Action 13.M.6.a. The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

Action 13.M.6.b. Support an even playing field, e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

Policy 13.M.7. Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

Action 13.M.7.a. Implement an education campaign regarding short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

Action 13.M.7.b. Provide for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery.

~~**Action 13.M.7.c.** Consider a "three strikes" mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. Comment: Staff recommends deleting.~~

Action 13.M.7.d. Provide an anonymous reporting hotline for illegal rental activity.

Action 13.M.7.e. The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues.

Action 13.M.7.f. The County shall, within legal constraints, coordinate information between departments such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

Action 13.M.7.g. Require permit numbers to be posted in the title of any short-term rental advertisement, including online and any other promotional materials.

Action 13.M.7.h. Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation.

Action 13.M.7.i. To support accountability, an annual permit renewal, certifications, fees, and any other requested information shall be required for short-term rental permits as follows:

- An annual self-certification under penalty of perjury of compliance with all requirements in the June Lake Area Plan and Chapter 26.
- Review of any complaints, violations, or other problems.
- Owner must confirm/update management contact information, to be kept on file by the Community Development Department.
- Payment of fees, as established by the Board of Supervisors, for staff time.
- Failure to submit annual report by deadline would result in a delinquency letter and additional fee.
- After 45 days from the delinquency letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.

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Proposed Amendments to the Mono County General Plan Land Use Element: Short-Term Rentals

SECTION I: NEW PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS AMENDMENTS

Countywide

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016. The market is dynamic and seasonal, and rentals have become mainstream. No “silver bullet” exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. (Also see June Lake Issues, Opportunities and Constraints for more details based on an extensive public engagement effort.)
17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.
18. Very few legal mechanisms exist that require accountability by online rental platforms, and some of these platforms are lobbying for regulations at the state level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.
19. Differentiating between residential neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.
20. Local governments like Mono County are challenged to provide cost effective enforcement, whether rentals are legal or illegal, due to 1) rental properties spread across many hosting platforms; 2) listings being highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data not easily accessible through the hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting platforms that prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful and should be coordinated across County departments.
21. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.

22. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already limited housing stock available for workforce housing.
23. Short-term rentals in single-family residential areas meets a tourism market need and has the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy. According to census data, Mono County has the second highest vacation home ownership percentage of counties in the state.

June Lake – Community Development: Land Use

16. In recognition of the complexity, controversy, and sometimes personal nature of the impacts of short-term rentals in residential neighborhoods, effort is being made to avoid the trap of “yes” vs. “no” in policy and regulatory solutions, which often result in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.
17. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 300 hours of staff time since December, 2016. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for the development of policies and regulations.
18. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.
19. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.

SECTION II: NEW PROPOSED COUNTYWIDE LAND USE ELEMENT POLICY AMENDMENTS:

Objective 1.L. Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.

Policy 1.L1. Approvals of Type I and Type III short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.

Action 1.L.1.a. The following permits are required to operate Type I and III short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.

Policy 1.L.2. Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

Action 1.L.2.a. Only the property owner may apply for a short-term rental permit, and the owner is the party directly responsible for the management of the unit.

Action 1.L.2.b. Short-term rental permits shall be limited to one per person or entity and one per parcel.

Policy 1.L.3. In addition to reasonable opposition by the neighborhood, short-term rental applications may be denied in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action 1.L.3.a. Short-term rental applications may be denied where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

Action 1.L.3.c. Opposition by a Homeowner's Association (HOA) Board on a short-term rental application shall be considered and may constitute reasonable neighborhood opposition. The HOA Board should send a Board-approved comment letter on the project to the County prior to the public hearing or testify at the hearing.

Action 1.L.3.d. Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with County transient occupancy tax requirements.

Policy 1.L.4. To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

Action 1.L.4.a. Support an even playing field, e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

Policy 1.L.5. Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

Action 1.L.5.a. Implement an education campaign regarding short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

Action 1.L.5.b. Consider providing for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery.

Action 1.L.5.c. Provide an anonymous reporting hotline for illegal rental activity and complaints.

Action 1.L.5.d. The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues.

Action 1.L.5.e. The County shall, within legal constraints, coordinate information between departments such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

SECTION III. NEW PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS

Delete existing Policy 13.A.3. ~~Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single family homes.~~

Objective 13.M. To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Policy 13.M.1. Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

Action 13.M.1.a. Type II short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). Type III short-term rentals, which are non-owner occupied and the approval is specific to the owner and non-transferrable, may be permitted in specific locations (see below).

Action 13.M.1.a. Prohibit Type I and Type III rentals in the Williams Tract and Petersen Tract.

Action 13.M.1.b. Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

Action 13.M.1.c. No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the countywide discretionary permit(s) for short-term rentals.

Action 13.M.1.d. In the Clark Tract, Type I and Type III rentals may be permitted year-round on Nevada Street/Silver Meadow subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies. In the rest of the Clark Tract, only Type I rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake area plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to 8 parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and Type III rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

Action 13.M.1.e. In the South 158 neighborhood, Type III rentals are prohibited. The CAC was evenly split on Type I rentals, and therefore Type I's may be permitted subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.f. Type I and Type III rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.g. The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

SECTION IV. REVISIONS TO LAND USE DESIGNATIONS

Revisions to some Land Use Designations are necessary for internal consistency with the existing Chapter 25.

For Single Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), Multi-Family Residential Low (MFR-L), and Rural Mobile Home (RMH) land use designations, add the following under "Uses Permitted Subject to Use Permit:"

- [Short-term rentals \(less than 30 consecutive days\) in compliance with Chapter 25 of the Land Development Regulations \(set forth in Section VI of this Land Use Element\) and with the Activity Permit and other operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies \(e.g., see June Lake Area Plan, see Objective 13.M.\).](#)

SECTION V. REVISED PROPOSED LANGUAGE FOR CHAPTER 2 - DEFINITIONS

02.1035 Short-term rentals.

["Short-term rental" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy on a short-term basis for purposes of sleeping, lodging or similar reasons. "Short-term" means occupancy by persons other than the owner, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. For the purposes of the Mono County General Plan, "short-term rentals" references such uses in residential land use designations \(governed by Chapter 25 and Mono County Code Chapter 5.65\), in contrast to "transient rentals."](#)

02.1210 Transient rental.

"Transient rental" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging or similar reasons. A "transient" is any person who

exercises occupancy, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days. [For the purposes of the Mono County General Plan, “transient rental” references such uses in non-residential land use designations \(governed by those designations and Chapter 26\), in contrast to “short-term rentals\).](#)

SECTION VI. REVISIONS TO EXISTING GENERAL PLAN CHAPTER 25 & 26 (countywide):

DEVELOPMENT STANDARDS

CHAPTER 25 – SHORT-TERM RENTALS

Sections:

- 25.010 Intent.**
- 25.020 Establishment of Type I Short-term Rental: Owner-Occupied.**
- 25.030 Establishment of Type II Short-term Rental: Not Owner-Occupied.**
- 25.040 Notice requirements.**
- 25.050 Uses permitted.**
- 25.060 Uses permitted subject to director review**
- 25.070 Uses permitted subject to use permit**
- 25.080 Additional requirements**

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this Chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence [on the same parcel or one physically contiguous adjacent parcel](#). This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). [To rent a detached and separate unit, the property owner must occupy the other unit](#). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to [a Use Permit \(see Chapter 32\) and a Short-Term Rental \(STR\) Activity Permit under Mono County Code Chapter 5.65](#). ~~The use STR Activity Permit for this rental (MCC 5.65) shall run with the owner and not the land, and shall terminate upon a change of ownership. The short-term rental must be~~ [consistent with this Chapter and applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.](#)¹⁴ ~~Fees for appeal of Type I Use Permit decisions shall be waived.~~

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this ~~C~~chapter, initiation and application for a Type II short-term rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

25.035 Establishment of Type III Short-Term Rental: Not Owner-Occupied in June Lake Only

Type III short-term rentals apply only in June Lake. Type III rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65. The STR Activity Permit (MCC 5.65) for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. The short-term rental must be consistent with this ~~e~~Chapter and applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access unless restricted as a seasonal rental.

25.040 Notice requirements.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius ~~measured drawn~~ from the nearest limits of the project parcel that is the subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given ~~to those properties~~ at least 120 days in advance of the hearing by mail, electronic mail, or other noticing means provided pursuant to by the California Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have requested noticing.

25.050 Uses permitted.

The following uses shall be permitted with a short-term rental approval, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

A. All uses permitted in the underlying land use designation.

B. Where the principal use of the subject parcel(s) is single-family residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family ~~or multi-family~~ residence ~~located within an~~ approved ~~pursuant to short term rental established by~~ this ~~e~~Chapter, for a period of less than thirty (30) days, must first obtain a [Short-Term Rental Activity Permit pursuant to Mono County Code Chapter 5.65 vacation home rental permit](#) and comply with all applicable requirements of that permit ~~prior to operating, as set forth in Chapter 26, Transient Rental Standards and Enforcement.~~

Parcels located within conditional development zones (avalanche) shall not be allowed short-term rentals during the avalanche season, November 1 through April 15.

[Any form of advertising for an unpermitted short-term rental unit is prohibited.](#)

Delete footnote 14: ~~The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short term rentals. Until the Area Plan revision is complete, no short term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.~~

DEVELOPMENT STANDARDS

CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT

Sections:

26.010	Purpose and Findings.
26.020	Vacation Home Rental Permit.
26.030	Application and Issuance of a Vacation Rental Permit.
26.040	Standards and Requirements.
26.050	Rental Agreement and Owner Responsibility.
26.060	Compliance with Transient Occupancy Tax Requirements.
26.070	Enforcement.
26.080	Existing and Otherwise Permitted Rentals.
26.090	Unauthorized Rentals Prohibited.

26.010 Purpose and Findings.

- A. The purpose of this eChapter is to implement procedures, restrictions, and regulations [related to land uses for transient rentals](#); ~~and to~~ provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) [and non-residential land use designations where the use is listed](#); ~~designated pursuant to Chapter 25 of the Mono County General Plan~~ and ~~to~~ provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the eCounty designated [as TRODs or for non-residential use designations](#) will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the eCounty, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within [non-residential communities designations](#) should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

26.020 Vacation Home Rental Permit.

Any person who rents a residential structure that is not a condominium (hereinafter "rental unit" or "property") within an area of the eCounty designated as a transient overlay district [or in a non-residential land use designation where the use is listed on a transient basis](#) shall comply with the provisions of this eChapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district [or in a non-residential land use designation](#) without a valid vacation home rental permit is a violation of this eChapter.

26.030 Application and Issuance of a Vacation Home Rental Permit.

- A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.

- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:
 - 1. The rental unit must be located within an area of the eCounty designated as a transient overlay district or a non-residential land use designation where the use is listed;
 - 2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this Cchapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
 - 3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed, and shall be in good standing with the County. A person or organization in good standing is regarded as having complied with all their explicit obligations, while not being subject to any form of sanction, suspension or disciplinary censure. Alternatively, the property owner may serve as the property manager;
 - 4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
 - 5. A Mono County business license must be obtained by the owner and must remain active during all times that the property is used as a transient rental;
 - 6. Any required fees must be paid in full; ~~and~~
 - 7. A Mono County Transient Occupancy Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met; and-
 - 7.8. The Vacation Home Rental permit number shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.

26.040 Standards and Requirements.

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:

1. The address of the rental unit must be clearly visible;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
 - a. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
6. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
7. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.

8. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
9. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
10. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
11. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;
12. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
13. There shall be at least one screened window per bedroom to allow for proper ventilation;
14. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;
15. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
16. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
17. Exits shall be kept free from storage items, debris or any impediments at all times;
18. No tree limbs are allowed within 10 feet of any chimney or flue openings;
19. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
20. If any applicable law, rule, or regulation enacted after the enactment of this Chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front

entrance of the unit and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:

- a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit; and
 - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
- a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
 - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
 - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
 - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
 - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.
 - e.f. [An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.](#)

C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.

D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, [and the number of vehicles shall not exceed the number of parking spaces](#). Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.

E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.

F. Snow Removal. Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

[G. Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply.](#)

26.050 Rental Agreement and Owner Responsibility.

A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this [eChapter](#) and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

B. Owner Responsibility.

1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this [Chapter](#).
2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.
3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this [Chapter](#). The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this [Chapter](#).
4. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to County upon [reasonable-timely](#) request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this [Chapter](#), the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

26.060 Compliance with Transient Occupancy Tax Requirements.

Each owner shall be responsible for obtaining a transient occupancy [tax registration](#) certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

26.070 Enforcement.

A. A violation of any provision of this [Chapter](#), and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable

land use requirements in any other land use designation of the County shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this Chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this Chapter may additionally result in a finding that such management or company or property manager is not in good standing.

B. An inspection and/or audit of each unit subject to this Chapter, and any contract or agreement entered into in furtherance of, or to implement, this Chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this Chapter.

C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.

D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.

1. The County shall provide the property owner with a written-notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.
2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
 - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
 - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer may immediately render a decision, continue the proceeding or take the matter under submission and later render a decision~~shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.~~

5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.

E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance [written](#) notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:

1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;
2. The hearing shall be in accordance with the procedures set forth in section D above; and
3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.

F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this [C](#)chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this [C](#)chapter.

A.90 Unauthorized Rentals Prohibited.

[A.](#) The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is

prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

- B. [Any form of advertising for an unpermitted short-term rental unit is prohibited.](#)

DRAFT

Attachment 4: NEW PROPOSED MONO COUNTY CODE CHAPTER 5.65 (countywide):

**Chapter 5.65
SHORT-TERM RENTAL ACTIVITY IN RESIDENTIAL LAND USE DESIGNATIONS**

Sections:

- 5.65.010 – Purpose and Findings**
- 5.65.020 – Applicability**
- 5.65.030 – Definitions**
- 5.65.040 – Permits Required**
- 5.65.050 – Short-Term Rental (STR) Activity Permit Required**
- 5.65.060 – Limitations on Number of Permits**
- 5.65.070 – Short-Term Rental (STR) Activity Permit Nontransferable**
- 5.65.080 – Application and Procedure of a Short-Term Rental (STR) Activity Permit**
- 5.65.090 – Short-Term Rental (STR) Standards and Requirements**
- 5.65.100 – Rental Agreement and Owner Responsibility**
- 5.65.110 – Short-Term Rental (STR) Activity Permit Renewal Process and Grounds for Denial**
- 5.65.120 – Fees**
- 5.65.130 – Suspension or revocation of a Short-Term Rental (STR) Activity Permit**
- 5.65.140 – Enforcement**
- 5.65.150 – Existing and Otherwise Permitted Rentals**
- 5.65.160 – Prohibitions**
- 5.65.170 – Severability**

5.65.010 Purpose and Findings.

The purpose of this Chapter is to implement procedures, restrictions, and regulations; provide for the payment of transient occupancy tax and applicable fees for the short-term rental of properties within residential land use designations (SFR, ER, RR, MFR-L or RMH) pursuant to Chapter 25 of the Mono County General Plan Land Use Element; and to provide enhanced enforcement tools to address unauthorized short-term rentals countywide.

5.65.020 Applicability

Any person who rents a residential structure that is not a condominium (hereinafter “rental unit” or “property”) within an area of the unincorporated County with a residential land use designation (SFR, ER, RR, MFR-L or RMH) on a short-term basis shall comply with the provisions of this Chapter, the Mono County General Plan (e.g., Chapter 25), and any applicable area plans or specific plans. Short-term rental of a private residence within a residential land use designation without a valid Short-Term Rental Activity Permit is a violation of this Chapter.

5.65.030 Definitions

The definitions in the Mono County General Plan, primarily contained in Chapter 2, shall apply to this Mono County Code Chapter.

5.65.040 Permits Required

Short-term rental activities shall not be allowed in the unincorporated areas of Mono County without first securing all permits, licenses or other entitlements required by County regulation.

- A. A Use Permit shall be required for all short-term rental activities in residential land use designations. The application for a Use Permit, and for amendments thereto and extensions thereof, shall be processed in accordance with Chapter 25 of the Mono County General Plan Land Use Element. The Planning Commission is the governing body authorized to consider and approve a Use Permit for short-term rental activities and to consider extensions of and amendments to such Use Permits. Appeals from the decision of the Planning Commission are set forth in Chapter 47 of the Mono County General Plan Land Use Element.
- B. A Short-Term Rental (STR) Activity Permit pursuant to this Chapter shall be required for all short-term rental activities in residential land use designations (SFR, ER, RR, MFR-L or RMH). Non-residential designations are regulated by their land use designation and the General Plan Land Use Element (e.g., Chapter 26).
- C. All short-term rental property owners located in the unincorporated areas of the County must obtain a valid business license pursuant to Mono County Code (MCC) Chapter 5.04.
- D. Each owner shall be responsible for obtaining a transient occupancy tax certificate and for complying with MCC Chapter 3.28. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.
- E. The owner shall conduct short-term rental activity in compliance with all required County permits, licenses, and regulations. The owner shall be responsible for the payment of all required inspection fees, permit fees, and taxes.

5.65.050 Short-Term Rental (STR) Activity Permit Required

- A. Any person who intends to engage in a short-term rental in a residential land use designation shall obtain a Short-Term Rental (STR) Activity Permit, which is subject to a noticed public hearing before the Board of Supervisors (see Section 5.65.080).
- B. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in a short-term rental activity in the unincorporated portion of Mono County, unless the County has issued such person a permit under this Chapter and the permit is in effect. Notwithstanding the above, the permits issued under this Chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws.
- C. The applicant must receive all necessary land use entitlements as required by Chapter 25 of the Mono County General Plan before the County will issue an STR Activity Permit under this Chapter.
- D. Only the property owner is eligible to apply for an STR Activity Permit, and the owner is the party directly responsible for the management of the unit.
- E. STR Activity Permits shall be limited to one per parcel and one per person regardless of whether the ownership interest is in part or whole. In other words, an STR Activity Permit shall not be approved if an individual with an ownership interest in the property, whether in part or whole, has an existing active STR Activity Permit on another property.

- F. STR Activity Permits are prohibited as follows in June Lake: all Type II rentals, all rental types in the Williams Tract and Petersen Tract, and Type III rentals in South Highway 158. (See General Plan Maps in the Land Use Element for definitions of the neighborhood areas.)

5.65.060 Limitations on Number of Permits

The number of STR Activity Permits may be limited to protect neighborhood character and reduce adverse impacts. In no case shall the number of issued STR Activity Permits exceed the number of rentals authorized by General Plan policies and regulations. The Community Development Department shall develop an equitable process to distribute STR Activity Permits within the established caps or limits.

- A. In the upper Clark Tract of June Lake (excluding Nevada Street/Silver Meadow), the number of permit approvals shall not exceed 8 parcels total (3% of existing parcels), including existing Transient Rental Overlay Districts (TRODs).

5.65.070 Short-Term Rental (STR) Activity Permit Nontransferable

An STR Activity Permit is issued to the owner of the property where the rental shall be conducted and is not transferrable or otherwise assignable to another party, including a new owner. Sale or transfer of the property renders an existing STR Activity Permit null and void.

5.65.080 Application and Procedure for a Short-Term Rental (STR) Activity Permit

- A. Applicant. An applicant for an STR Activity Permit shall be the owner of title to the subject property.
- B. Application. An application for an STR Activity Permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before an STR Activity Permit will be issued:
 - 1. The rental unit must be located on a property with the appropriate land use approvals.
 - 2. The full name and contact information for all property owners or, if the applicant is an entity, having an ownership or financial interest in the entity;
 - 3. The rental unit must comply with the standards and requirements as set forth in this section and section 5.65.090, and any other requirement provided by this Chapter or the Mono County General Plan. An inspection to verify compliance with such requirements shall be the responsibility of the owner. The owner shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
 - 4. A management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property. For Type I rentals, the property owner may serve as the property manager, or may hire a duly-licensed property manager. For Type III rentals, a separate duly-licensed management company or property manager shall be required. A property manager or company that is duly licensed shall maintain a California real estate license and certified property manager credentials. The owner shall immediately notify the Community Development Department of any changes to management contact information;

5. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
6. A Mono County business license must be obtained by the owner and must remain active during all times that the property is used as a short-term rental;
7. Any required fees must be paid in full; and
8. A Mono County Transient Occupancy Tax Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the STR Activity Permit is issued and all conditions of approval have been met.

C. Noticing:

1. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.
2. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius measured from the nearest limits of the project parcel that is subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Community Development Department more than 10 days in advance of the hearing. Such notice shall be given at least 10 days in advance of the hearing by mail, electronic mail, or other noticing means provided by Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have requested noticing.

D. Approval: The STR Activity Permit is evaluated and approved at public hearing (noticed pursuant to section 5.65.080.C.) by the Board of Supervisors.

1. In the case of a new use permit application under Chapter 25, the public hearing by the Board of Supervisors to consider approval of the associated STR Activity Permit, if the use permit is approved by the Planning Commission, shall be included in the use permit noticing and shall satisfy the noticing requirements in this section.
2. If the property changes ownership, the new owner may apply for a new STR Activity Permit under the existing use permit approval. The new STR Activity Permit shall be evaluated and considered at a public hearing (noticed pursuant to section 5.65.080.C.) by the Board of Supervisors.

E. The STR Activity Permit number shall be posted in the title of every short-term rental advertisement, whether online or in other promotional or advertising materials.

5.65.090 Short-Term Rental (STR) Standards and Requirements

Throughout the term of STR Activity Permit, each permittee shall comply with this Chapter and all other applicable County ordinances and regulations, including but not limited to, the following:

A. Health and Safety Standards.

1. The address of the rental unit must be clearly visible;
2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;
6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit;
9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;

10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
12. Landline telephone service is required. A telephone shall be connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. The rental agreement shall disclose limitations to cell phone coverage and service providers;
13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
14. There shall be at least one screened window per bedroom to allow for proper ventilation;
15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;
16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
18. Exits shall be kept free from storage items, debris or any impediments at all times;
19. No tree limbs are allowed within 10 feet of any chimney or flue openings;
20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
21. If any applicable law, rule, or regulation enacted after the enactment of this Chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:

- a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit; and
 - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
- a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
 - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
 - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
 - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
 - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department;
 - f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.
- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event shall the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
- A. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.

- B. **Trash and Solid Waste Removal.** A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
- C. **Snow Removal.** Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.
- D. **Other Requirements.** In addition to the foregoing sections, the following requirements shall be met:
- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted, if necessary, to comply.
 - Owner or property manager must be able to respond within a reasonable timeframe, preferably within an hour.
 - Quiet hours from 10 pm to 7 am, and outdoor amplified sound is prohibited at all times.
 - If applicable, the owner shall notify lender of change in use to short-term rental and provide verification to County upon request.
 - A “hideaway” key or other access shall be available at all times in the event a guest is locked out. All guests shall be made aware of any such key or alternative access.

5.65.100 Rental Agreement and Owner Responsibility

- A. **Rental Agreement.** The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this Chapter and the STR Activity Permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The owner, managing agency and/or property manager shall keep a list of the names and contact information of the adult guests staying in the unit.
1. In the Clark Tract, to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

B. Owner Responsibility

1. The owner, managing agency, and/or property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this Chapter.
2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the STR Activity Permit and business license.
3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this Chapter. The owner shall identify the management company or agent, including all contact and license information in the application for an STR Activity Permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this Chapter.
4. The owner shall maintain property insurance coverage specific to short-term rentals that covers, but is not limited to, fire and liability, including injury and damage to hosts, guests, and others, in an appropriate amount and shall provide proof of such insurance to County upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, managing agency and/or property manager, or other agent of the owner is informed about any violation of this Chapter, the owner, managing agency and/or property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

5.65.110 Short-Term Rental Activity Permit Renewal Process and Grounds for Denial.

Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.

5.65.120 Fees.

The filing of an application for an STR Activity Permit, for renewal of an STR Activity Permit, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. Permit applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter.

5.65.130 Suspension or revocation of a Short-Term Rental (STR) Activity Permit

Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.

5.65.140 Enforcement

Placeholder: Language is under development to ensure consistency between General Plan Chapter 26, Mono County Code Section 1.12, and the new cannabis permit Mono County Code Chapter 5.60.

5.65.150 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a non-residential land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) shall be exempt from the provisions of this Chapter.

5.65.160 Prohibitions.

- A. The short-term or transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have not been granted, is prohibited. Any violation of this section shall be subject to the provisions of Section 5.65.140, including the fines set forth therein.

- B. Any form of advertising for an unpermitted short-term rental unit is prohibited.

5.65.170 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections are held invalid.

June Lake Area Plan Update: Short-Term Rentals

Board of Supervisors Workshop
March 13, 2018



Board Workshop Topics

- 1. Review entire public process to modify short-term rental policies**
2. Review June Lake CAC recommendations
3. Preview Planning Commission General Plan Amendment recommendations
- 4. Review new Mono County Code Chapter for a Short-Term Rental Activity Permit specific to a property owner**

Short-Term Rental Public Process

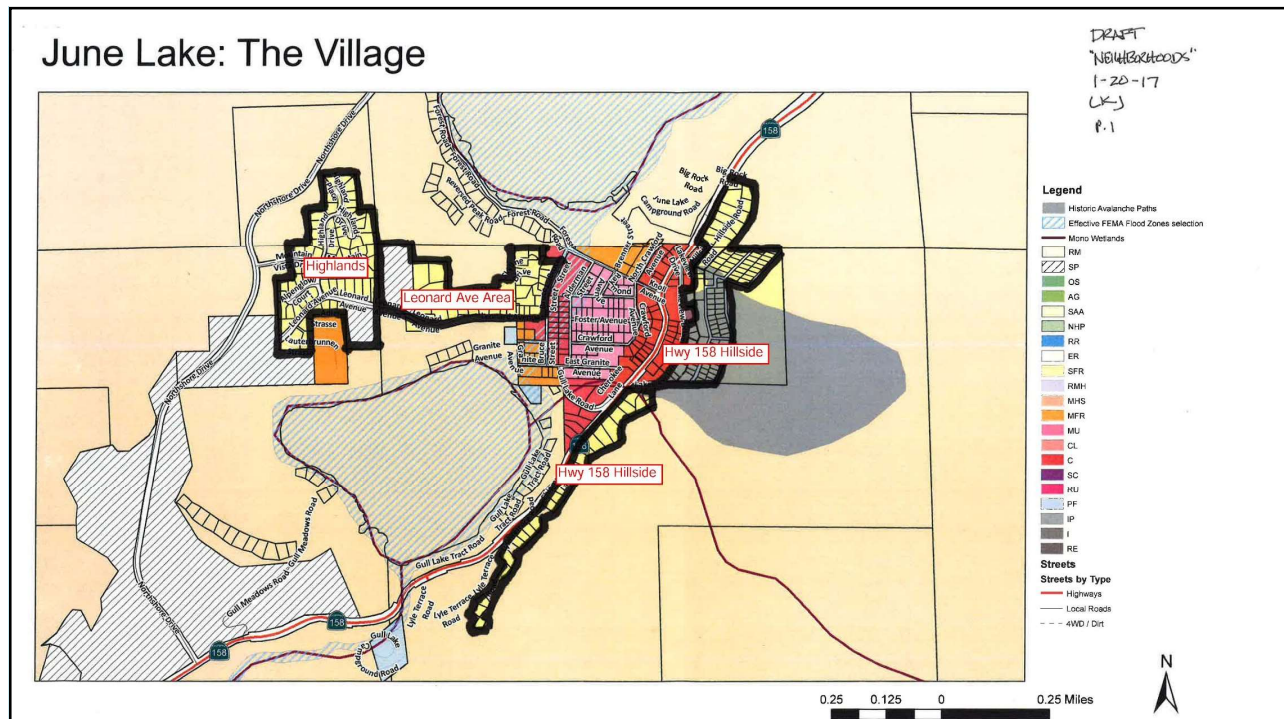
- **Background / process established by June Lake residents/CAC subcommittee**
- June Lake Workshops
- Analysis and policy formulation using workshop information
- June Lake Citizens Advisory Committee Recommendation

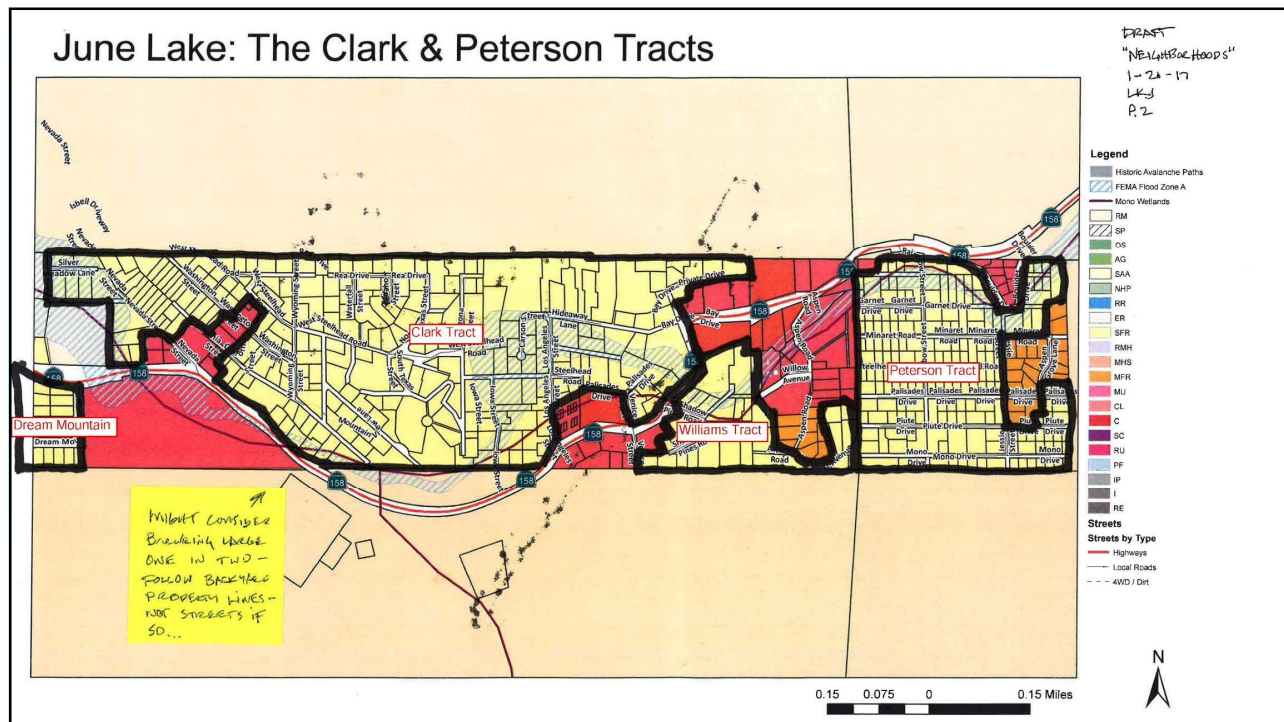
Residents Established the Process

- **Purpose:** *Conduct a community conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.*
- **Need:**
 - Short-term rentals are a common issue in resort areas and is not going away.
 - Decisions are needed to handle the issue and ensure protection of area and neighborhood character.
- **Principles:**
 - Opportunity for input
 - Consensus/common ground in the best interest of the community
 - Public engagement
 - Finality and certainty

Residents Established the Process

- Neighborhood maps: Board direction & subcommittee consensus on the premise that neighborhood character varies
- Outreach campaign and workshop calendar
 - Mailer to PO boxes and property tax addresses
 - Posters, word-of-mouth, email blasts
 - Spanish translation
 - Scheduled five days for 10 neighborhood workshops + 7 open sessions
- Data collection: surveys vs. vote, technical information





Short-Term Rental Public Process

- Background / process established by June Lake residents/CAC subcommittee
- **June Lake Workshops**
- Analysis and policy formulation using workshop information
- June Lake Citizens Advisory Committee Recommendation

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding



June Lake:
Business and Property Owners' Focus Meeting

Community STR Workshop Topics

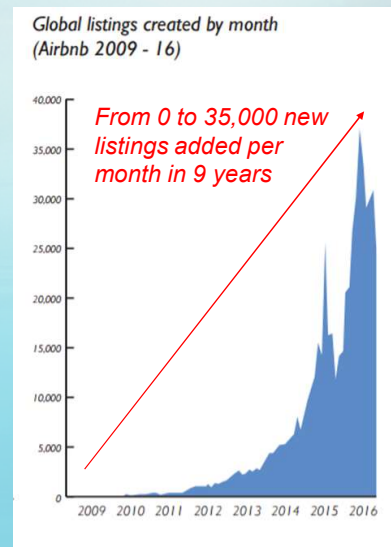
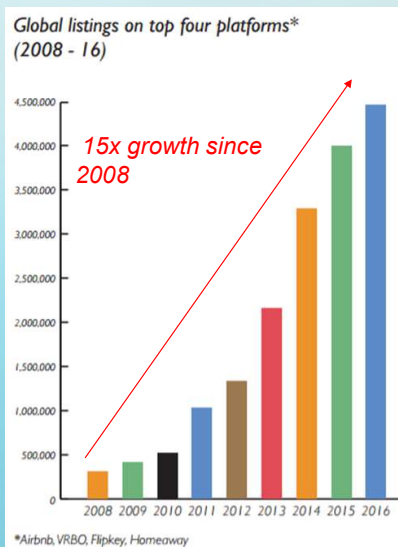
1. Knowledge base
2. Review June Lake neighborhood maps
3. Neighborhood values
4. Concerns, fears & negatives
5. Opportunities, benefits & positives
6. Potential solutions
7. Next steps



Background

- Global Change & Industry Realities
- Reviewed Chapter 25 & 26
- June Lake can craft its own policies and regulations
- Process is specific to June Lake
- Constraints:
 - Legal and enforceable
 - Consistent with the Mono County General Plan

THE SHORT TERM RENTAL INDUSTRY IS EXPLODING

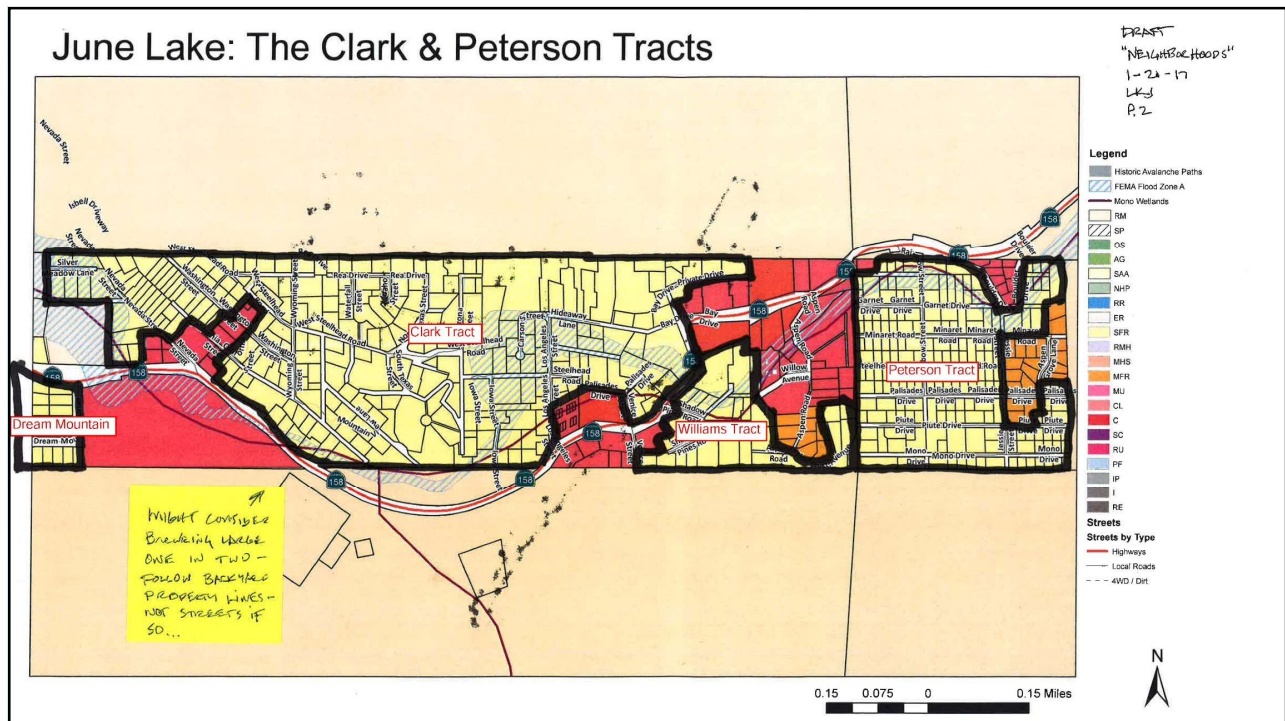


Past Mono County Policies

- ~2008-2015: Transient Rental Overlay Districts (TRODs)
 - Focus: Increase tourism opportunities and provide additional economic support to homeowners
 - Process: Overlay district approved by General Plan Amendment

- 2015-2017: Type I & Type II Short-Term Rentals
 - Type I rentals are owner-occupied and approved by Use Permit
 - Type II rentals are non-owner occupied and approved by General Plan Amendment
 - Moratorium county-wide on Type II rentals until 2019
 - June Lake Area Plan policies to be updated before applications can be processed

- 2017: June Lake Area Plan Policy Update



Maps: Clark Tract Technical Analysis

- Private roads: maintenance, snow removal, general impacts, pavement condition issues
- Roads substandard and, in some cases, not located in recognized right of way
- Note: Hideaway Lane (eastern end) does not connect to Bay Drive; residences on Bay Drive are isolated from the rest of the tract
- Steep topography, rock outcroppings in western half; topography in eastern half gentler
- Drainage, floodplain issues in eastern half
- Emergency access in western half: single access point, limited ingress/egress, difficult to access eastern side where there are more ingress/egress points
- Upper / top of hill areas: only two access points from east and west
- Multiple access points in eastern half (Los Angeles, Iowa, and Venice streets) – no access via Iowa street in winter (road not plowed) and spring flooding

Neighborhood Values & Character

- What is most important to you about your neighborhood?
- What are the best qualities about your neighborhood?



Leonard Avenue: Neighborhood Character

- Access
- Peaceful
- Friendly
- Unique
- Alpine Village atmosphere
- Well-planned area
- Topography

Petersen Tract: Neighborhood Character

- Nature/environment
- Quiet
- Sense of neighborhood
- Safe
- Limited roads/access
- Access to activities
- Other

Short-Term Rentals: Negatives

- What are the problems with short-term rentals?
- What are your concerns?
- How do short-term rentals threaten the character of your neighborhood?



Petersen Tract: STR Negatives

- Reduces workforce housing
- Increased traffic and parking issues
- Increased noise
- Reduced safety
- Inadequate enforcement/management
- Disrespectful/disruptive behavior
- Trash
- Other

Clark Tract: STR Negatives

- Disrupts sense of neighborhood
- Disrespectful/disruptive behavior
- Management/regulatory issues
- Inadequate enforcement/
Neighbors policing each other
- Change in property values and
low density/residential character
- Increased noise
- Increased trash
- Increased lights
- Parking issues
- Road issues: traffic, winter
conditions, maintenance
- Decreased safety
- Impacts to wildlife
- Negative impacts to local business
- Reduced workforce housing
- Equity: No \$\$ for costs
- Too dense
- Other

Short-Term Rentals: Positives

- What are the benefits of short-term rentals?
- What are the opportunities short-term rentals provide?
- How can they help enhance or contribute to a neighborhood?



Leonard Avenue: STR Positives

- Property integrity
- Safety
- Prohibits (reduces) vandalism
- Limits animal damage
- Increase taxes/fees
- Economic benefits/increases competitiveness
- No known opposition
- Low property density

Clark Tract: STR Positives

- | | |
|---|--|
| • Economic benefits for June Lake (and entire county) | • Benefits property owner/provides for property improvements |
| • Meets a market need | • Short term is less impactful/ location matters |
| • Increases County revenue/taxes for services | • Provides flexibility & personal choice |
| • Opportunity for wildlife education | • None |
| • Regulatory control/increased accountability | |
| • Social Opportunities | |

Short-Term Rentals: June Lake

Consider the potential impacts – positive and negative – of short-term rentals on June Lake as a whole:

- What are the potential community-wide problems or issues?
- What are the potential community-wide opportunities or benefits?

Clark Tract: Impacts on June Lake Overall

- Potential to incentivize construction
- Infrastructure/service impacts
- Economic benefits
- Negative economic impacts
- Property value impacts: positive & negative
- Change in residential character
- Appropriate in some locations, not in others
- Reduction of workforce housing

Potential Solutions

- Prohibit Type I short-term rentals
- Prohibit Type II short-term rentals
- Seasonal restrictions
- Density limit
- Rental day limit (# of days/year)
- Codify liability (renter vs. homeowner)
- Insurance requirements
- Lender notification



Short-Term Rental Public Process

- Background / process established by June Lake residents/CAC subcommittee
- June Lake Workshops
- **Analysis and policy formulation using workshop information**
- June Lake Citizens Advisory Committee Recommendation

Data & Information: Making Sense of It

- Start with raw data
- Combine meetings (except for straw poll)
- Group like things together into a category and name it

Note: Data excerpts in slides that follow are intended as examples only. To review the actual data and work, please see the project record posted at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prdngs_as_of_02.15.18.pdf

May 22: Clark Tract5/22 Clark Tract: Technical Considerations

Bear break in due to food smells or feeding of the animals
 No services (e.g. restaurants, stores) near Clark Tract
 Freezing of pipes (water leakage) can go out of homes causing flooding
 Changes of character of neighborhood
 Quiet, privacy
 Repairing of roads and potholes
 Homeowners are in direct location of commerce
 Competition with motels
 Parking issues
 Float versus hill zones
 Road maintenance

5/22 Clark Tract: Neighborhood Character

Quiet, peaceful
 Knowing our neighbors
 Know neighbor's lot boundaries
 Know how to interact with this environment
 Road etiquette and experience
 Solitude
 Views
 Quiet
 Family / Quiet residence
 It's mine
 The view
 Privacy
 Wildlife
 Condition of roads slows traffic
 Clean environment

5/22 Clark Tract: STR Negatives

STR in Clark Tract detracts income from town, businesses, motels, cabins, restaurants that exist
 Overturns our home area into a business area
 Not knowing how to keep away bears

Lights at night that disturb star gazers

Parking Issues

Parking
 In some cases parking availability
 Parking issues
 Parking
 Uncontrolled parking
 Parking
 Parking
 Parking
 Parking
 Parking

Increased Traffic/Problems Due to Winter Road Conditions

Traffic
 Increase in traffic noise and general disruption
 Winter driving problems
 Additional wear on worn-out roads
 Road wear and tear at neighborhood expense
 Unsafe snow driving – don't understand specific roads
 Lack of understanding of environment
 Increased traffic (including road wear)
 Road conditions
 Legal liabilities having renters using unfamiliar private roads
 Street maintenance
 More people more traffic
 Homeowners liable because roads are private and will be used during rentals
 Degrade roads faster
 Unfamiliar drivers blocking road
 Driving on narrow steep roads
 Winter traffic
 Additional damage to roads
 Additional traffic
 No money to fix roads
 Inability to navigate roads safely- especially in winter

Data & Information: Making Sense of It

- Review: look for patterns, what is supported and not supported, start to ask questions about what the information means
- Explore: how are various solutions or outcomes supported or not supported by this information?

Solutions: Detailed Discussion

- Local Government Revenue Sources
- Taxes
- Zone of Benefits/Assessment Districts
- Regulatory Fees, Fines, Penalties
- Enforcement
- Sticky Dot Exercise Results

- Decision-Making Tool:
 - Send the issue to a vote of the people

- For Discussion: By Neighborhood**
- Ban/Prohibition
 - Prohibit STR Type I
 - Prohibit STR Type II

- Allow as Proposed
 - Allow Type I & Type II for Leonard Avenue
 - Enforce Existing Rules

- Potential New Regulations
 - Seasonal Restrictions
 - Density Limit
 - Rental Day Limit
 - Limit Type I with Occupancy Limits (1-2 people)
 - Allow Type II with New Regulations
 - Allow Type I with New Regulations

- Roads as Criteria
 - No Rentals on Private Roads
 - No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing
 - Restrict STR to Areas Accessed by County Roads

- Mapping/Scale
 - Partition Clark with Different STR Regulations (Nevada St)
 - Partition Clark with Different STR Regulations (Los Angeles St)
 - Partition Clark with Different STR Regulations (W Washington - where there is existing rental and commercial)
 - Ensure Some Neighborhoods Remain Residential without any STR
 - Maintain Clark as a Contiguous Neighborhood
 - Split off Mt View Ln as Allowable for STR

Solutions	Clark S/12	Clark S/20	Clark S/22	Clark S/25	Clark (Open)	Clark Emails	Petersen S/20	Petersen (Open)	Petersen Emails
Private-Side Issues/Disclosures									
Codify Liability (renters vs homeowners)	0	1	0	0			1		
Insurance Requirements	4	4	1	0			1		
Lender Notification	0	0	0	0			0		
Develop HOA's to Enforce CCRs	4	0	0	0			0		
Ban/Prohibition									
Prohibit STR Type I	5	2	4	3	3		3	1	
Prohibit STR Type II	8	7	4	4	3		6	1	
Only allow where ALL want STRs						1			
Allow as Proposed									
Allow Type I & Type II for Leonard Avenue									
Enforce Existing Rules			1	0					
Potential New Regulations									
Seasonal Restrictions	2	5	0	3	1		0		
Density Limit	6	5	2	3	1		3	1	
Rental Day Limit	4	0	0	3			2	1	
Posted Enforcement # on Site and Online	5	7	0	3			1		
Limit # of Vehicles Allowed	1	4	4	5			3	2	
Require Damage from New Construction to be Repaired			0	3			1		
Short time response to issues (require local phone # with 1 hr response time)									
Allow for Direct Neighbor Veto of STR Permit		6		2					
Expand Direct Notice Calculation Based off of Farthest Edge of Contiguous Parcel of Same Owner		1							
Require Education by Owners of Rentals on Specific Conditions (trash, roads, boundaries)		7							
Allow Type II with New Regulations				0	1			1	
Limit Type I with Occupancy Limits (1-2 people)								1	
Allow Type I with New Regulations				0	1			1	
Noise Regs					1				
Ensure cell phone service									
Roads as Criteria									
Include Road Conditions as Part of Permit Process	6	1		3			5		
No Rentals on Private Roads				0					
No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing			1	3					
Restrict STR to Areas Accessed by County Roads		2							

Solutions: Key Issues

- Liability on private roads
- Workforce housing impacts (Housing Needs Assessment):
 - 1 in 20 resident homeowners intend to convert to rentals in the next 5 years
 - Most live in Mammoth (82%), then June Lake (13%) and Bridgeport (5%)
 - Of those intending to convert, 32% are interested in short-term rentals
- To ban or not to ban?

Solutions	Clark 5/13	Clark 5/20	Clark 5/22	Clark 5/25	Clark (Open)	Petersen 5/20
Prohibit STR Type I	5	2	4	3	3	3
Prohibit STR Type II	8	7	4	4	3	6
Total Workshop Participants	38	15	10	15	7	10

Policy Development

- **Neighborhood character:** Things to protect, the WHY of the policy
- **Negatives:** Things to prevent, avoid, mitigate, control, minimize
- **Positives:** Things to take advantage of, reap benefits of
- **Solutions:** How do we get there?
 - Can we protect character, minimize negatives, take advantage of positives?
 - These solutions provide policy direction.

The process is MESSY!

It is not quantitative or black and white.

It requires the weighing of options, input, and trade-offs in pursuit of the best possible outcome.

<p>Page 282</p>	<p>7. Policy: Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.</p> <p>a. Action: Only the property owner may apply for a short-term rental permit, and the owner is the responsible party.</p> <p>b. Action: Short-term rentals shall be limited to one per person or entity and one per parcel.</p>	<p>8. Modify, add, or eliminate policy or actions.</p>	
	<p>9. Policy: Type I (owner-occupied) short-term rentals, as defined in Chapter 25, in single family residential land use designations may be considered only under limited and highly regulated conditions in some areas, subject to Chapters 25 and 26.</p> <p>a. Action: To address concerns raised by the community regarding potential neighborhood impacts, the following requirements and regulations shall be added to Chapter 26 for short-term rentals in June Lake:</p> <ul style="list-style-type: none"> • Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which may require existing fixtures to be replaced or retrofitted. • Owner or manager must respond on-site when warranted within 30 minutes. • Quiet hours from 10 pm to 7 am, and no outdoor amplified sound. • Outdoor parties, which may include special events, outdoor events, lawn parties, weddings, and similar activities, are prohibited. • Owner shall acquire home insurance coverage that specifically covers short-term renting, and shall maintain appropriate liability coverage that covers injury and damage to hosts, guests, and others. • Owner shall notify lender of change in use to short-term rental, and provide verification to County upon request. • Maximum occupancy of 10 persons, which may be further limited by septic system or other requirements, and shall be posted over the primary exit door. • The number of allowed vehicles shall not exceed the number of on-site parking spaces. • In order to rent a detached and separate unit, the property owner must occupy the other unit on the property. • Landline phone service is required, and owner must disclose the limited service by cell phone carriers. • A "hideaway" key or other access is required in the event a guest is locked out. 	<p>Potential regulations pending legal counsel advice:</p> <ul style="list-style-type: none"> • Owner and renters shall hold harmless area residents where private roads are used to access the property. • Can the County require payment into a private fund for community services, such as road repair? <p>10. Add, modify, or eliminate policies or actions.</p>	

Short-Term Rental Public Process

- Background / process established by June Lake residents/CAC subcommittee
- June Lake Workshops
- Analysis and policy formulation using workshop information
- **June Lake Citizens Advisory Committee Recommendation**

Clark Tract Survey by CAC Member

**Note: The term Type III is used here to reduce confusion of terms, although Type II was used in the survey.*

Area	Type	NO	NO %	YES	YES %	Undecided	Undecided %	Total
All	I	37	43.5%	44	51.8%	4	4.7%	85
All	III	53	62.4%	29	34.1%	3	3.5%	85
NV-SM*	I	3	27.3%	8	72.7%	0	-	11
NV-SM*	III	5	45.5%	6	54.5%	0	-	11
Upper-LA**	I	34	46.0%	36	48.6%	4	5.4%	74
Upper-LA**	III	48	64.9%	23	31.1%	3	4.0%	74

CAC Recommendation

Neighborhood	Type I	Type III*	Comments
Williams	No	No	
Petersen	No	No	
Leonard	Yes	Yes	Recommended after enforcement cases resolved
Highlands	No comment	No comment	Leave to tract map & specific plan modification process
Dream Mountain	No comment	No comment	Default to County standards
South 158	Tie	No	Type I defaults to County standards; Concerns: avalanche considerations, workforce housing displacement
Clark (upper)	Yes, summer only, 3% cap	No	
Clark (Nevada St)	Yes, year round	No	3% cap applies to whole Clark Tract

**Note: The term Type III is used here to reduce confusion of terms, although Type II was used in the original recommendation.*

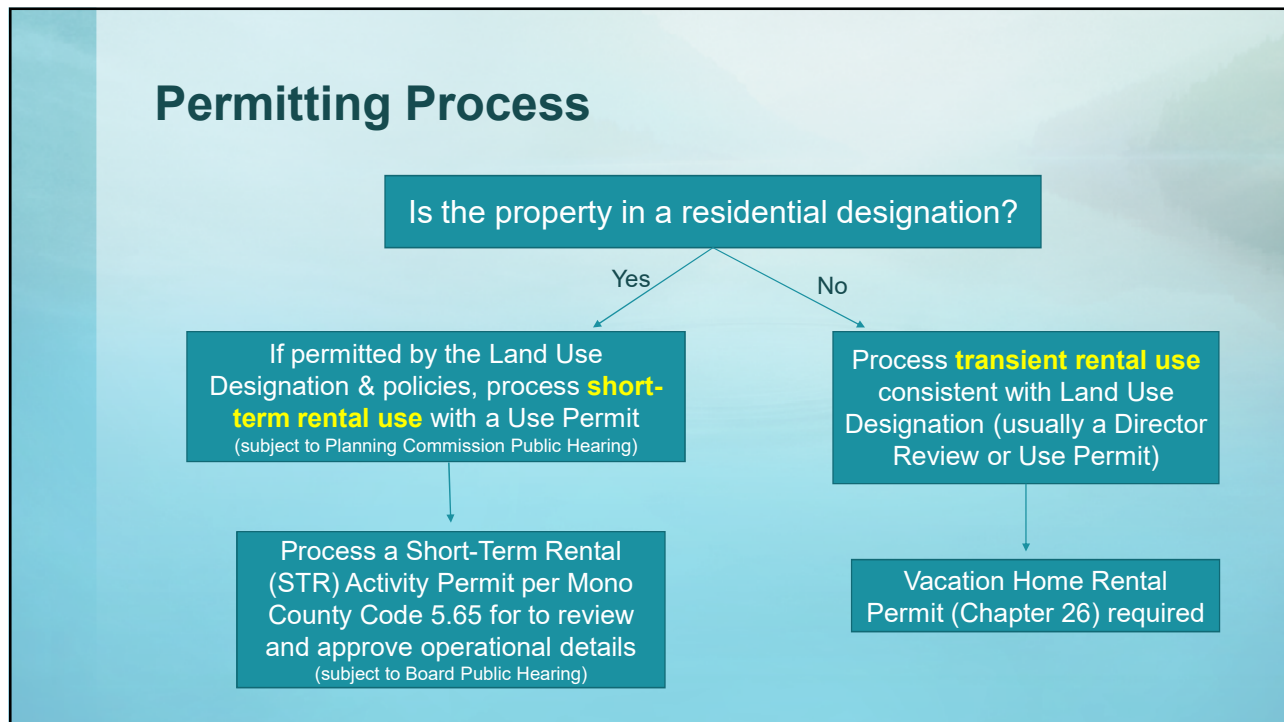
Board Workshop Topics

1. Review entire public process to modify short-term rental policies
2. Review June Lake CAC recommendations
3. **Preview Planning Commission General Plan Amendment recommendations**
4. Review new Mono County Code Chapter for a Short-Term Rental Activity Permit specific to a property owner

Planning Commission Direction

- Apply policy & regulation recommendations countywide (except when specific to June Lake).
- In Clark Tract, allow both Type I and II rentals year-round without a cap.
- Additional wordsmithing & language adjustments.

Permitting Process



Preview of General Plan Amendments

1. New proposed Issues, Opportunities and Constraints
2. New Proposed Countywide Land Use Element Policies
3. New Proposed June Lake Area Plan Policies
4. Revisions to Residential Land Use Designations
5. Revisions to Chapter 2 – Definitions, Chapter 25 – Short-Term Rentals, and Chapter 26 – Transient Rental Standards & Enforcement

Board Workshop Topics

1. Review entire public process to modify short-term rental policies
2. Review June Lake CAC recommendations
3. Preview Planning Commission General Plan Amendment recommendations
4. **Review new Mono County Code Chapter for a Short-Term Rental Activity Permit specific to a property owner**

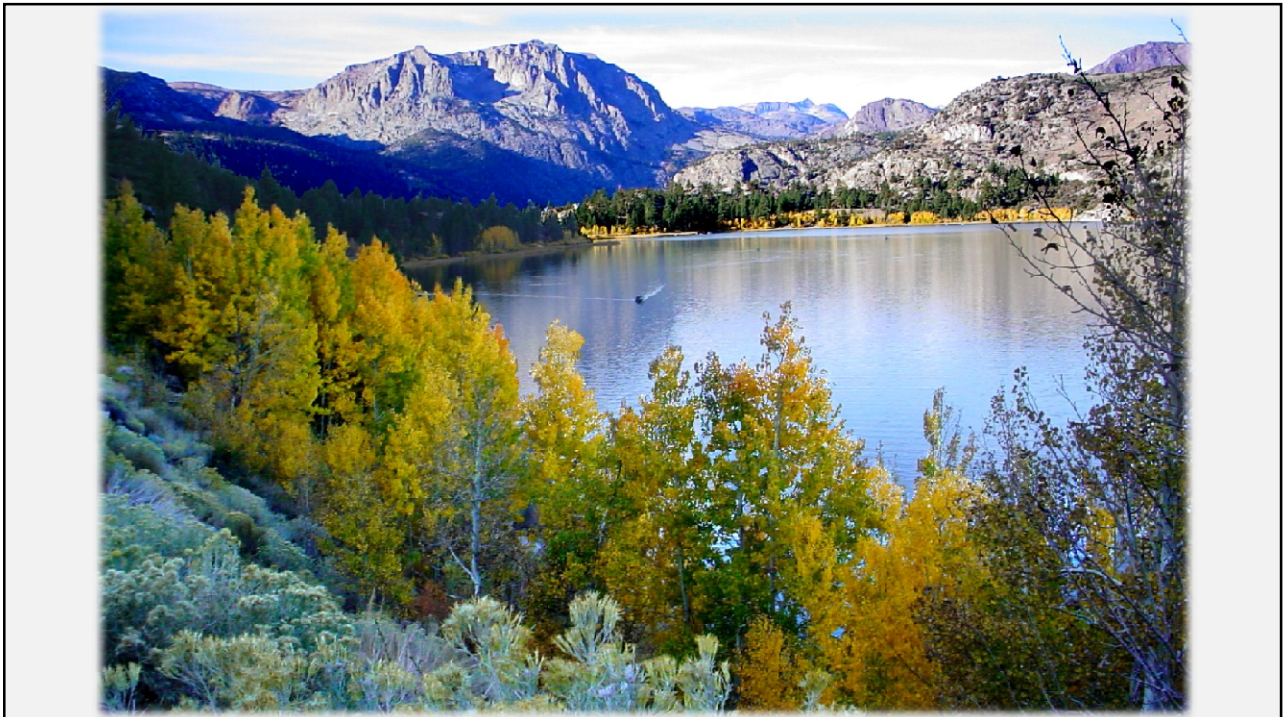
Mono County Code Chapter 5.65

- Requirements are the same as Chapter 26 plus/except...
- STR Activity Permit approved by Board of Supervisors at a noticed public hearing
- Limit of one permit per person, and implements permit cap
- Property manager required for Type III rentals, must hold real estate license and have property manager certification
- Annual renewal requirement (and fee)

Mono County Code Chapter 5.65

Additional regulations include:

- Landline phone service requirement
- Compliance with Dark Sky Ordinance
- Response time (preferably one hour)
- Quiet hours from 10 pm to 7 am
- Owner to notify lender of STR use
- Hideaway key on premises
- Road condition disclosure for Clark Tract, and road assistance phone number





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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

TIME REQUIRED

SUBJECT Closed Session--Human Resources

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

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

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time

Who

Approval



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

TIME REQUIRED

SUBJECT Closed Session - Employee
Evaluation, County Counsel

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County 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
2/15/2018 5:40 AM	County Administrative Office	Yes
3/7/2018 12:27 PM	County Counsel	Yes
2/22/2018 12:58 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: First 5

TIME REQUIRED 30 Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Mono County First 5 2016-17
Evaluation Report

AGENDA DESCRIPTION:

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

Evaluation of services provided to families and children prenatal to five years old in Mono County for Fiscal Year 2016-17.

RECOMMENDED ACTION:

Receive the report of activities and evaluation results from First 5 Mono County and provide comments about services to families prenatal to five.

FISCAL IMPACT:

None.

CONTACT NAME: Molly DesBaillets

PHONE/EMAIL: 760-924-7626 / mdesbaillets@monocoe.org

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Reprt
Presentation

History

Time	Who	Approval
2/28/2018 1:09 PM	County Administrative Office	Yes
3/7/2018 12:28 PM	County Counsel	Yes

3/8/2018 5:15 PM

Finance

Yes



Bob Gardner
Commission Chair
Mono County Board of
Supervisors

Jeanne Sassin
Commission Secretary
Teacher
Lee Vining Elementary School

Vacant
Mono County Health Officer

Stacey Adler, PhD
Mono County Superintendent of
Schools

Bertha Jimenez
Case Manager III
Mono County Behavioral Health

Kristin Wilson, MD
Pediatrician
Mammoth Hospital

Date: March 13, 2018

To: Honorable Board of Supervisors

From: Molly DesBaillets, Executive Director First 5 Mono County

Subject: FY 2016-17 Evaluation Report

Subject

Evaluation of services provided to families and children prenatal to five years old in Mono County for Fiscal Year 2016-17

Recommendation

Receive the report of activities and evaluation results from First 5 Mono County and provide comments about services to families prenatal to five.

Fiscal Impact

None

Discussion

The California Children and Families Act (also known as Proposition 10 or "First 5") was enacted in 1998, increasing taxes on tobacco products to provide funding for services to promote early childhood development from prenatal to age 5. Mono County currently receives approximately \$418,000 a year from these funds, through annual allocations, augmentations for small population counties, and child care quality matching funds. First 5 Mono also receives funding from Mono County Social Services and Behavioral Health in the amount of \$70,000 a year for high-needs home visiting and Peapod Playgroups. Additionally, First 5 Mono partners with Mono County for current the CDBG child-care funding and the CDBG application for future child-care funding.

The Mono County Children and Families Commission, First 5 Mono, was created in 1999 by the Mono County Board of Supervisors to:

- Evaluate the current and projected needs of young children and their families.
- Develop a strategic plan describing how to address community needs.
- Determine how to expend local First 5 resources.
- Evaluate the effectiveness of funded programs and activities.

Molly DesBaillets, MA
Executive Director

Providing leadership in sustaining a network of support for all children, ages 0 through 5 years, and their families. Partnering with the community to improve outcomes in children's health, safety and learning.



FY 2016-17

Evaluation Report

Our goal is to enhance the network of support services for families with children ages 0 to 5 years.

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Introduction

The California Children and Families Act (also known as Proposition 10 or “First 5”) was enacted in 1998, increasing taxes on tobacco products to provide funding for services to promote early childhood development from prenatal to age 5. Mono County currently receives approximately \$390,000 from annual allocations, the Small Population County Funding Augmentation, and child care quality funds. To access these funds, First 5 Mono adopts a strategic plan demonstrating the use of Proposition 10 funds to promote a comprehensive and integrated system of early childhood development services.

The Mono County Children and Families Commission, First 5 Mono, was created in 1999 by the Mono County Board of Supervisors to:

- Evaluate the current and projected needs of young children and their families.
- Develop a strategic plan describing how to address community needs.
- Determine how to expend local First 5 resources.
- Evaluate the effectiveness of funded programs and activities.

To fulfill the intent of the creation of First 5 Mono, meet state and local requirements, and evaluate the funded programs for the purposes of continuous quality improvement; First 5 Mono annually produces an evaluation report. This report has evolved over the last 5 years to include indicator data and more details about the investment areas in the First 5 Mono Strategic Plan. With new Small Population County Funding Agreement requirements, this year’s report includes logic models, research questions, findings, and conclusions that were not included in previous years. The new inclusions are intended to help First 5 Mono clarify how report data is used to drive funding decisions and continuous quality improvement. Since the report is in a presentation format, the research questions, findings, conclusions and evaluation for each investment area is included in the introduction in a narrative format.

Home Visiting

(slides 8 & 9)

As the majority of the program-specific evaluation results indicate achievement of the desired outcomes, the commission will continue to fund the Home Visiting program. As part of the continuous quality improvement of the Home Visiting program, new protocols were developed to better collect and evaluate school readiness data. To determine if children whose parents participate in Home Visiting have higher rates of school readiness than the kindergartners as a whole, a kindergarten parent survey was developed. Also, the administration of kindergarten assessment timeline was shifted to assess as close to 100% of the incoming kindergarten class as possible.

Research questions:

Do parents participating in Home Visiting have improved parental knowledge, understanding, and engagement in promoting their children's development?

- Data Source: Home Visiting exit survey (slide 19-22) Finding: Yes Conclusion: The program is achieving this outcome

Does Home Visiting improve screening and intervention for developmental delays, disabilities, and other special needs?

- Data Source: screening data (slide 15) Finding: Yes Conclusion: The program is achieving this outcome

Does Home Visiting improve school readiness?

- Data Source: kindergarten assessments (slide 32) Finding: inconclusive
- Conclusion: While school readiness rates have improved over the last 3 years, the change in the percent of children assessed makes conclusions about these gains impossible. A new procedure to assess incoming kindergartners at kindergarten entry was adopted and moving forward will target achievement of 100% screening rates and thus gain more insight into school readiness trends over time. To help determine if children who were enrolled in Home Visiting have higher rates of school readiness than the whole kindergarten population, a kindergarten parent survey that developed and used with the incoming class kindergarten class of 2017. Results will be reported in the FY 2017-18 Evaluation Report.

Does Home Visiting improve parental knowledge, understanding, and engagement in their children's physical and mental health?

- Data Source: exit survey (slide 19-22) Findings: Yes Conclusion: The program is achieving this outcome

Does Home Visiting improve access to healthcare services for children 0-5?

- Data Source: referrals (slide 14) Findings: Yes Conclusion: The program is achieving this outcome

Do children whose mothers participate in Home Visiting have increased breastfeeding rates?

- Data Source: visit records (slide 16-17) Finding: Yes Conclusion: The program is achieving this outcome

School Readiness

(slides 27 & 28)

As the majority of the program-specific evaluation results indicate achievement of the desired outcomes, the commission will continue to fund the same School Readiness activities. As part of the continuous quality improvement of the School Readiness activities, changes were made to the format of the Mammoth Elementary Kindergarten Round Up . The 2015 Round Up in

Mammoth experimented with a new format with two presentations, one in English and one in Spanish. The format was challenging due to the size of the presentation rooms and flow of parents dropping off children with childcare providers. To improve the event, First 5 worked with Elementary School staff to reformulate the format to match what is done in the other schools in the county—children and families participating together in presentations in each classroom with a Kindergarten teacher. Due to the success of the new format reported by staff and parents, we will continue to offer Round Up in Mammoth Lakes using this format and anticipate that it will lead to increases in participation over time.

Research questions:

Is the percent of children “ready for school” upon entering Kindergarten increasing?

- Data Source: Brigance kindergarten readiness assessments (slide 32)
- Finding: Readiness increased to 50% from 38% last year
- Conclusion: Although the percent of kindergarten ready students increased this year, we are cautious to draw the conclusion that this reflects an overall improvement due to the significant difference in the percent of students assessed, 99% this year compared to 66% the previous year. We are instead thinking of the 50% readiness as a baseline which will serve to gauge progress in the future.

Is the percent of children who have ever attended a preschool, Pre-K, or Head Start program by the time of Kindergarten entry increasing?

- Data Source: Summer Bridge Parent Survey (slide 35)
- Finding: Yes, attendance increased to 29% from 21% last year.
- Conclusion: about 30% of incoming kindergartners who attended the Summer Bridge program also attended a preschool program. In subsequent years, data will be drawn from Kindergarten parent surveys to capture a better picture of the kindergarten class as a whole as opposed to the subset that attends Summer Bridge.

Is the percent of children receiving Kindergarten transition support increasing or remaining high?

- Data Source: participation in transition to school activities (slide 30-31)
- Finding: No, down to 69% from 79% last year
- Conclusion: Primarily due to a decrease in participation in Kindergarten Round Up at the largest school in the county, Mammoth Elementary, transition to kindergarten participation decreased from last year. The decrease in attendance was likely due to a new format for the event that did not function as well as hoped. We think that challenges in the 2015 event were shared by word of mouth and may have led to less participation in 2016. We implemented changes in 2017 to improve the format of Round Up in Mammoth and have received preliminary feedback regarding the success of the changes. We hope the success will lead to increased participation in the years to come.

There is also low participation in the Summer Bridge programs in Lee Vining and Mammoth. First 5 Staff will meet with staff at those sites to support implementation of changes to enroll more students. If participation remains low, the Commission will analyze the data to make decisions about ongoing funding during the 2018-19 Strategic Planning process.

Is the percent of entering Kindergarteners assessed for school readiness prior to entry increasing or remaining high?

- Data Source: kindergarten readiness assessments (slide 32)
- Findings: 99% of all kindergartners were assessed compared to 66% the previous year.
- Conclusion: The new protocol to assess kindergartners at kindergarten entry had a positive impact on the percentage of students assessed. The research question needs to be refined in the strategic plan to reflect the change from “prior to entry” to read “at entry”.

Child Care Quality

(slides 43 & 44)

As the child care quality initiative is making significant strides in rating sites, screening children for developmental delays, and impacting the number of available slots in the county, the Commission will continue to invest in this initiative.

As part of the continuous quality improvement of the child care quality investment, we continue to seek to develop coaching capacity so that site directors and family child care operators are able to have support around the areas of the rating matrix that are most pertinent to their site.

Research questions:

Is the percent of children 6 months to 5 years old screened for developmental delays increasing?

- Data Source: completed ASQs (slide 46)
- Finding: yes, 41% of children in participating sites were screened for a developmental delay, up from 0 the previous year.
- Conclusion: Due to implementation of the new IMPACT program which requires sites to provide ASQs to the families of children they serve, there was a 41% increase in children screened for developmental delays at participating sites from last year.
- Is the percent of children served in home childcare settings and childcare centers that exhibit moderate to high quality as measured by a quality index increasing?

Is the percent of licensed child care providers in Mono County advancing on the Child Development Permit Matrix high or increasing?

- Data Source: the number of child development permits issued to providers

- Finding: unknown
- Conclusion: Although we sought to access this data through the Child Development Department at the local community college, we were not able to access the data prior to publication of this report.

Is the percent of licensed center and family child care spaces per 100 children high or increasing?

- Data Source: Child Care Portfolio (slide 51)
- Findings: in 2015 17% of children 0-12 with parents in the workforce have a licensed childcare slot available, a decline from 20% in 2012.
- Conclusion: The number of slots available to children in Mono County has decreased dramatically from 56% in 2008. To help change the trend, First 5 partnered with Mono County, Eastern Sierra Unified School District, and the Mono County Office of Education to open two new preschools—one in Bridgeport and one in Benton. First 5 continues to actively participate in the Mono County Child Care Council and with Mammoth Hospital and the Mono County Office of Education to support initiatives to increase the number of child care spaces in Mono County.

Oral Health

(slides 53 & 54)

The oral health needs of young children in Mono County continue to be high with few children accessing regular preventative care and annual screenings. The commission will continue to invest in this initiative to improve oral health for children 0-5.

As part of the continuous quality improvement of the oral health investment, we will target our oral health education to educate parents to access annual dental checkups and preventative care. Additionally we will continue to provide topical fluoride varnish as no community in the county has fluoridated water.

Is the percent of children who regularly access preventive dental care high or increasing?

- Data Source: Sierra Park Dental Data, 2014-16 (slide 78)
- Finding: 20% of patients 0-5 had more than one visit to the dentist in the year, down from 24% the previous year.
- Conclusion: Using the data of how many children went to the dentist more than one time on the year; we get a picture of how many are able to have work done in addition to annual cleaning and check-ups. Using this as a metric, we know 20% of children needed additional preventative care, but do not know how many of the children who needed additional care this includes. Thanks to new collaboration with the fiscal department at Mammoth Hospital, this year's data is stronger than it was in the past.

With continued support from Mammoth Hospital, we will be better able to track access to oral health care over time.

Is there a low percent of children at Kindergarten entry with untreated dental problems?

- Data Source: Kindergarten Round Up Oral Health Checks (slide 78)
- Finding: 18% of the oral health checks completed at kindergarten round up indicated the child had untreated caries (cavities), up from 5% last year
- Conclusion: While the percent of untreated caries at kindergarten entry increased, it is hard to draw conclusions based on the low reporting rate of 35%. First 5 is working with the Mono County Office of Education to ensure school district compliance with their reporting requirements for these forms to support more complete data.

Is the percent of children ages 1 or older who receive annual dental screenings high or increasing?

- Data Source: Sierra Park Dental Data, 2014-16 (slide 78)
- Finding: Finding: 17% of patients had an annual exam and cleaning, 49% had an exam and cleaning in 2 of three years and 34% had one exam and cleaning in 3 years.
- Conclusion: Only 17% Children 0-5 visit the dentist annually, but more than half (56%) are seen at least annually. First 5 will continue to work through our oral health education efforts to support higher percentages of children having at least one visit to the dentist a year.

Family Behavioral Health

(slide 59)

Families have more information about parenting and child development as a result of the Family Behavioral health investment. The Commission will continue to invest in this initiative. As part of the continuous quality improvement of the Peapod program, outreach efforts to ensure as many families as possible participate will continue. We are also working to ensure that information about parenting and child-development is included in groups as a part of each 10 week session cycle.

Research question:

Is the percent of children in households where parents and other family members are receiving child-development and parenting education high or increasing?

- Data Source: number of children participating in playgroups (slide 61)
- Finding: 29% of children
- Conclusion: Due to participation in Peapod, children lived in households receiving child-development and parenting education.

Child Safety

(slide 70)

Families have more information about child safety as a result of the Safe Kids investment. The commission will continue to invest in this initiative.

As part of the continuous quality improvement of the Safe Kids Mono Partners work, outreach efforts to ensure as many families as possible participate in Health & Safety Fairs will continue. The Safe Kids coordinator is working to leverage resources to encourage partners to invest in safety materials and apply for grants to provide to families in our county.

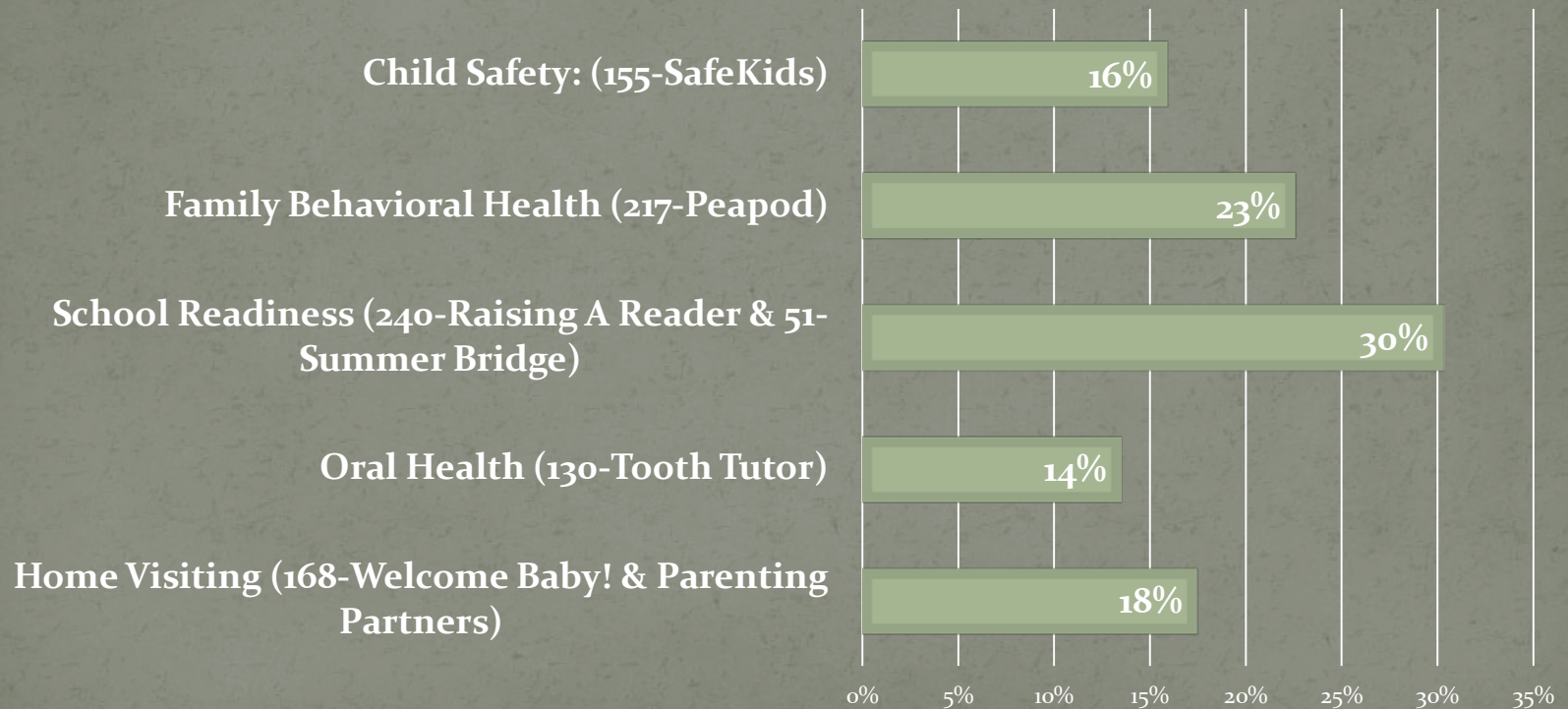
Research question:

- Are families county-wide are informed about safety issues pertaining to young children and accessing Car Seat Safety Checks, Health and Safety Fairs, and Gun Safety Locks?
 - Data Source: Health and Safety Fair Participants (slide 71)
 - Finding: 24% of the 0-5 population and a parent
 - Conclusion: Due to health and Safety fair events, families across the county were informed of safety issues and accessed safety materials.

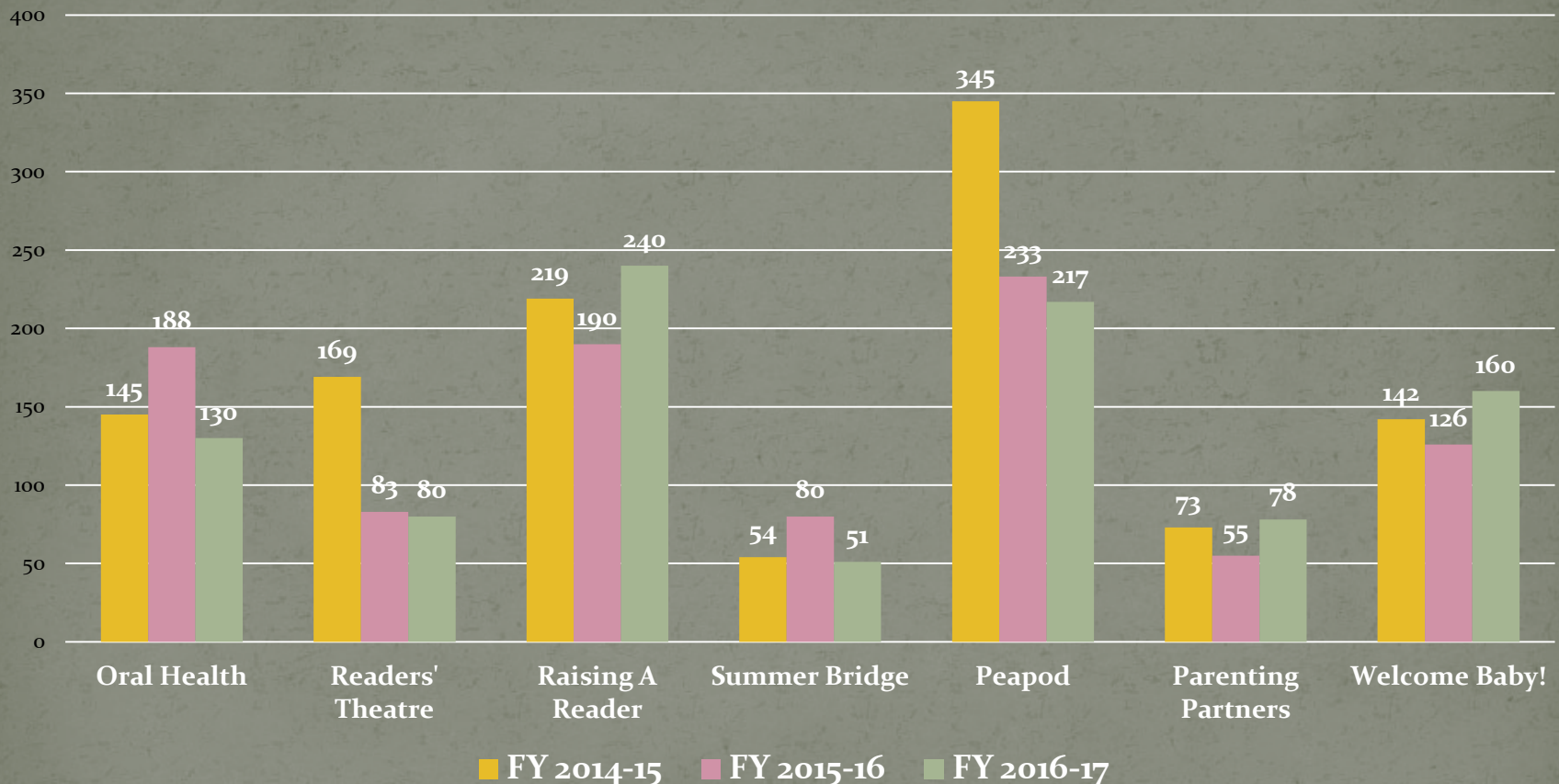
Using the evaluation, data, findings and conclusions above, First 5 Mono County will continue to fund its currently funded programs while implementing measures to continuously improve quality. First 5 Mono will also continue to work with community partners to leverage supports around the investment areas and the well-being of children birth to five and their families. The Commission will consider implementing changes to funding allocations with this data and that of subsequent years in the 2018-19 Strategic Plan revision process.

Children's Participation in First 5 Mono Programs by Investment Area

949 children, potential duplicates



Children's Participation in First 5 Mono Programs 2014-15 to 2016-17

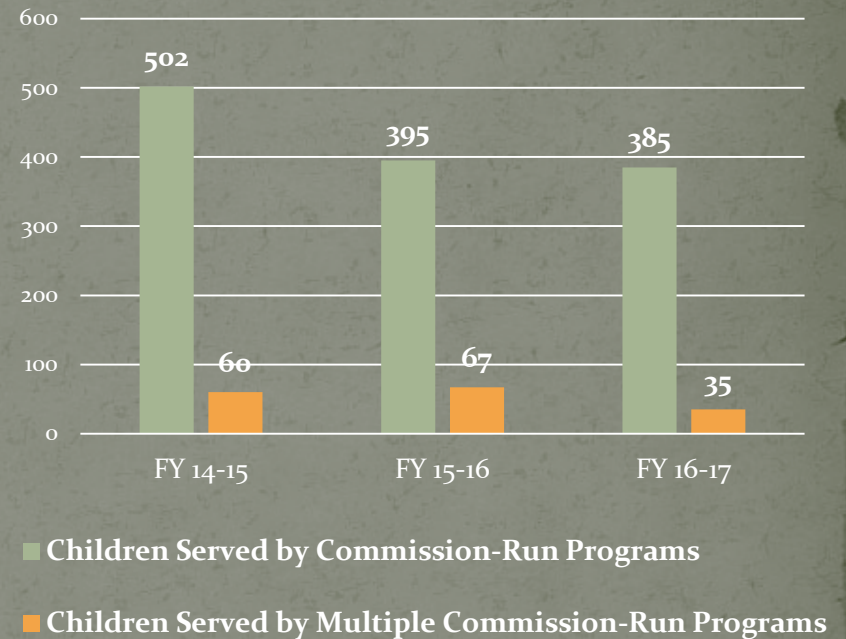
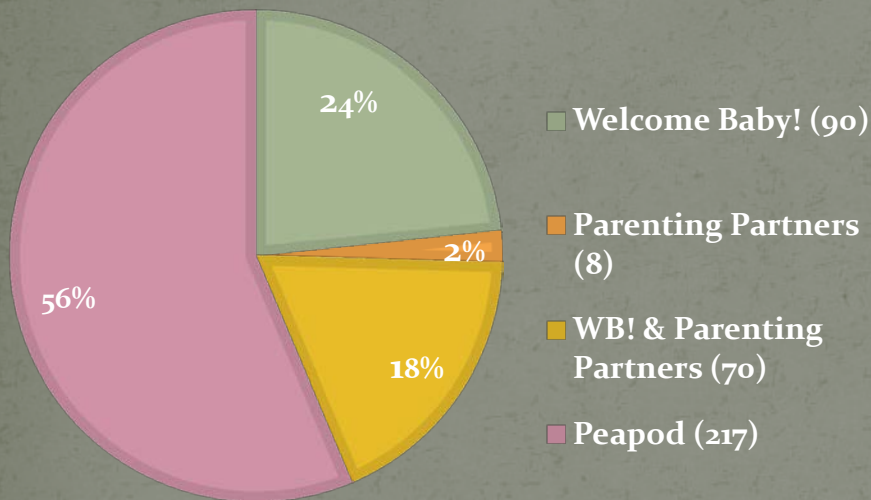


While program participation varies year to year, overall First 5 programs maintain service to a high percentage of our county's youngest children.

Children's Participation in Commission-Run Programs

Total Children: 385

Children served by multiple programs: 35, 9%



Over the last three years, children's participation in First 5 programs varied by about 150 children—around 20% of the birth to 5 year old population. The highest percent of children were served through Peapod Playgroups, as was true for the previous three fiscal years.

Home Visiting

Investment: \$145,132

Welcome Baby!

Funded & conducted by First 5 Mono, funding support from:

- First 5 California, Small County Augmentation (\$115,097)
- Breast pump attachment fees (\$35)

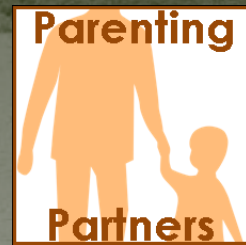
Parenting Partners

Conducted by First 5 Mono

Funding Partner: Mono County Department of Social Services, Child Abuse Prevention, Intervention, and Treatment (CAPIT) Grant (\$30,000)



Rationale



Home Visiting is included in the First 5 Mono Strategic plan because it is a nationally recognized strategy to improve outcomes for children and families. Home Visiting is a strategy that has been demonstrated to improve family functioning, decrease child abuse, and improve school readiness and literacy.

In partnership with other community agencies, First 5 also provides lactation services through its Home Visiting efforts. Such services greatly enhance the will and ability for moms to sustain breastfeeding, positively contributing to overall childhood health.

Starting in FY 2016-17 our Home Visiting program began offering visits to Spanish speaking childcare providers using a Parents as Teachers curriculum specifically designed to be used with providers.

Supporting research based on the Parents as Teachers Curriculum used in First 5 Mono programs includes:

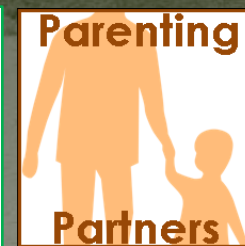
Promising Practice Local Model: Modified Parents as Teachers Evidence-based framework:
Pfannenstiel, J. C., & Zigler, E. (2007). Prekindergarten experiences, school readiness and early elementary achievement. Unpublished report prepared for Parents as Teachers National Center.

Snow, C.E., Burns, M., and Griffin, P. (Eds.). (1998). Preventing reading difficulties in young children. Washington, DC: National Academy Press.

Parents as Teachers has a long history of independent research demonstrating effectiveness. For more details, refer to the Parents as Teachers evaluation brochure or Web site, www.parentsasteachers.org.

Home Visiting

Parent Educator led parent-child activities using
Parents as Teachers curriculum



Activities:

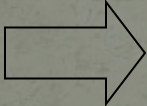
- **Welcome Baby!:** Families with children prenatal to 12 months old. Nine, one-hour home visits—more as needed for families with high needs.
- **Parenting Partners:** Families with high needs with children 1-5 years old. Three, one-hour home visits—more as needed for families with high needs.
- **Spanish speaking Childcare Provider Visits:** At least three, one to one and a half hour visits in childcare homes with information on activities and how they relate to child development.

Objectives:

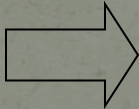
- Facilitate parents' role as their child's first and most important teacher
- Provide information on typical child development
- Stimulate child development by providing age appropriate activities
- Increase and support breastfeeding and literacy activities
- Link families to community services and support access to services
- Conduct developmental screenings and refer families to early intervention programs for assessment
- Provide culturally competent services in Spanish and English
- Facilitate optimal family functioning
- Decrease child abuse and neglect

Logic Model

Input:
Funding of \$145,132

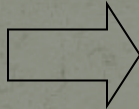


Activities:
Home Visits with families and providers



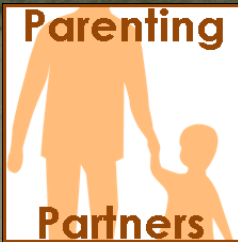
Outputs (process measures):

- Percent of children in households where parents and other family members are receiving child-development and parenting education.
- Percent of children 6 months to 5 years old screened for developmental delays.
- Percent of children where breastfeeding is successfully initiated and sustained.
- Number and percent of prenatal women who receive dental hygiene education.
- Number and percent of children in families provided with information about appropriate community services.



Outcomes (outcome measures):

- Improved parental knowledge, understanding, and engagement in promoting their children's development.
- Improved screening and intervention for developmental delays, disabilities, and other special needs.
- Improved school readiness.
- Improved parental knowledge, understanding, and engagement in their children's physical and mental health.
- Improved access to healthcare services for children 0-5.
- Increased breastfeeding rates.



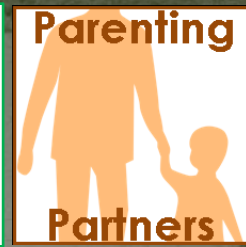
Research questions, data sources, findings and conclusions

- Do parents participating in Home Visiting have improved parental knowledge, understanding, and engagement in promoting their children's development?
 - Data Source: Home Visiting exit survey (slide 19-22) Finding: Yes Conclusion: The program is achieving this outcome
- Does Home Visiting improve screening and intervention for developmental delays, disabilities, and other special needs?
 - Data Source: screening data (slide 15) Finding: Yes Conclusion: The program is achieving this outcome
- Does Home Visiting improve school readiness?
 - Data Source: kindergarten assessments (slide 32) Finding: inconclusive
 - Conclusion: While school readiness rates have improved over the last 3 years, the change in the percent of children assessed makes conclusions about these gains impossible. A new procedure to assess incoming kindergartners at kindergarten entry was adopted and moving forward will target achievement of 100% screening rates and thus gain more insight into school readiness trends over time. To help determine if children who were enrolled in Home Visiting have higher rates of school readiness than the whole kindergarten population, a kindergarten parent survey was developed and used with the incoming class kindergarten class of 2017. Results will be reported in the FY 2017-18 Evaluation Report.
- Does Home Visiting improve parental knowledge, understanding, and engagement in their children's physical and mental health?
 - Data Source: exit survey (slide 19-22) Findings: Yes Conclusion: The program is achieving this outcome
- Does Home Visiting improve access to healthcare services for children 0-5?
 - Data Source: referrals (slide 14) Findings: Yes Conclusion: The program is achieving this outcome
- Do children whose mothers participate in Home Visiting have increased breastfeeding rates?
 - Data Source: visit records (slide 16-17) Finding: Yes Conclusion: The program is achieving this outcome

Evaluation Results

As the majority of the program-specific evaluation results indicate achievement of the desired outcomes, the commission will continue to fund the Home Visiting program. As part of the continuous quality improvement of the Home Visiting program, new protocols were developed to better collect and evaluate school readiness data. To determine if children whose parents participate in Home Visiting have higher rates of school readiness than the kindergartners as a whole, a kindergarten parent survey was developed. Also, the administration of kindergarten assessment timeline was shifted to assess as close to 100% of the incoming kindergarten class as possible.

Home Visiting Referral Sources

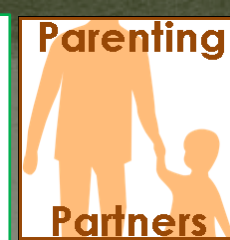


Referral Source	Number	Percent
Mammoth Hospital Labor & Delivery	29	42%
First 5 Home Visitors	8	12%
Childbirth Education Class	6	9%
Self	6	9%
Unknown	5	7%
Mono County Child Protection Services	2	3%
Mammoth Hospital Pediatrics	2	3%
Mammoth Hospital Women's Clinic	2	3%
Mono County Behavioral Health	1	1%
Mono County Public Health	1	1%
Childcare Quality System	1	1%
Early Start	1	1%
Mammoth Hospital Registered Dietitian	1	1%
Total	69	

The majority of referrals to Home Visiting came from Mammoth Hospital's Labor & Delivery Department (42%) and from First 5 Home Visitors' recruiting (12%).

First 5 provided 108 New Parent Kits to Mammoth Hospital Labor & Delivery, which were given to new parents.

Visits Provided & Families Served

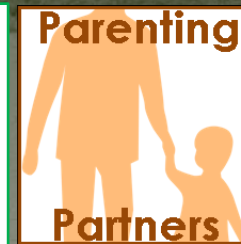


Visit Type	FY 2014-15	FY 2015-16	FY 2016-17
Prenatal Home Visits	34	16	25
Birth-5 Home Visits	655	708	627
Total Visits	689	724	652

	FY 2014-15	FY 2015-16	FY 2016-17
New Families Enrolled in WB!	86	83	69
Births to Mono County Residents*	149	143	135
Percent of Babies in WB!	58%	58%	51%
Families Receiving Only WB! Visits	122	85	84
Families Receiving Only Parenting Partners Visits	35	14	7
Families Receiving Both WB! & Parenting Partners Visits	20	41	50
Total Families Served	177	140	141

*Source: California Department of Finance, actual for 2014, projected for 2015 & 16
 FY calculations use the calendar year projections of the year the FY begins (e.g.: 2014 for FY 2014-15)

Demographics



Child's Race and Ethnicity			
Non-Hispanic	99	American Indian	6
		White	86
		Multi-race	7
Hispanic	69	Multi-race	49
		White	20

Families with High Needs*

60, 43%

* A family is considered High Needs using the national standards for Home Visiting if they fall into *more than one* category of: low income or education, child or parent with a disability, homeless, teen parent, substance abuse, foster parents, unstable housing, incarcerated parent, very low birth weight, domestic violence, recent immigrant, death in the immediate family, child abuse or neglect, or are an active military family.

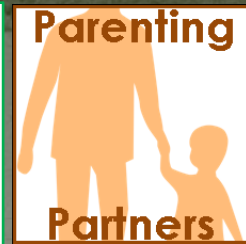
The demographics of children in Home Visiting closely parallel those of the general population with approximately 7% less Hispanic and 2% more American Indian children served in our program than are in the general child population. (data source: kidsdata.org-Mono County Child Population 2016)

Number of Families Reporting:

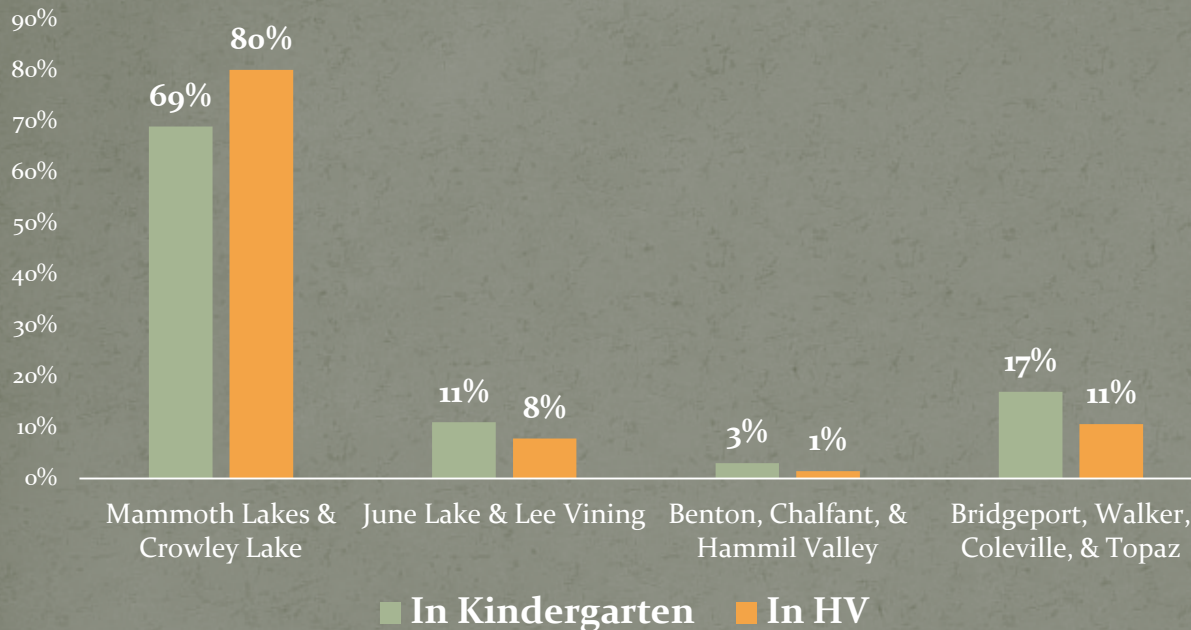
Low income	71
Low Education	29
Child with a Disability	18
Teen Parent	8

Family's Town of Residence

N= 141

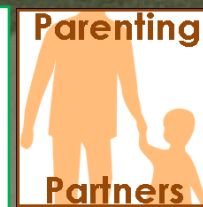


Percent of Kinders & Percent of Families in Home Visiting



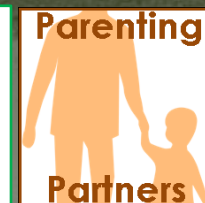
Home Visiting serves families in proportional numbers in each area of the county as children enrolled in kindergarten.

Resource Referrals



Community Resource	FY 2014-15		FY 2015-16		FY 2016-17	
	Referred	Accessed	Referred	Accessed	Referred	Accessed
Adult Education/Job Training	5	1	9	4	8	1
Dental Services	2	1	6	2	1	0
Early Intervention	12	8	14	8	9	6
Early Education Setting & General Childcare/Preschool Information	9	4	14	7	8	3
Financial Resources	1	1	6	2	4	2
Food Resources (WIC, IMACA, DSS)	8	3	14	3	0	0
General Parenting Support, Community Participation, or Social Support Network (Parenting Partners, Peapod Playgroup, Health & Safety Fair)	56	18	41	17	41	11
Health Insurance	1	0	1	1	0	0
Language/Literacy Activities	44	22	15	6	6	1
Medical Services	20	10	13	10	7	2
Mental Health Services	9	5	19	7	9	5
Subsidy for Child Care/Preschool	5	3	4	1	1	0
Domestic Violence Services	-	-	1	1	1	1
Other (transportation services & online resources)	12	1	7	3	2	0
Total	184	77	150	72	97	32
% Referrals Accessed	42%		48%		33%	

Developmental Screenings



Ages and Stages Questionnaire Screening Rate: 44% (75 of 171 children)	
Developmental Domain	Suspected Delays or concerns (n=44)
Communication	16 (36%)
Fine Motor	5 (11%)
Gross Motor	10 (23%)
Intellectual	7 (16%)
Personal/Social	6 (14%)

Home Visitors screened 75 children (44% of children enrolled in Home Visiting). Of the 75 children screened, 33 were identified as having a delay or concern (44%).

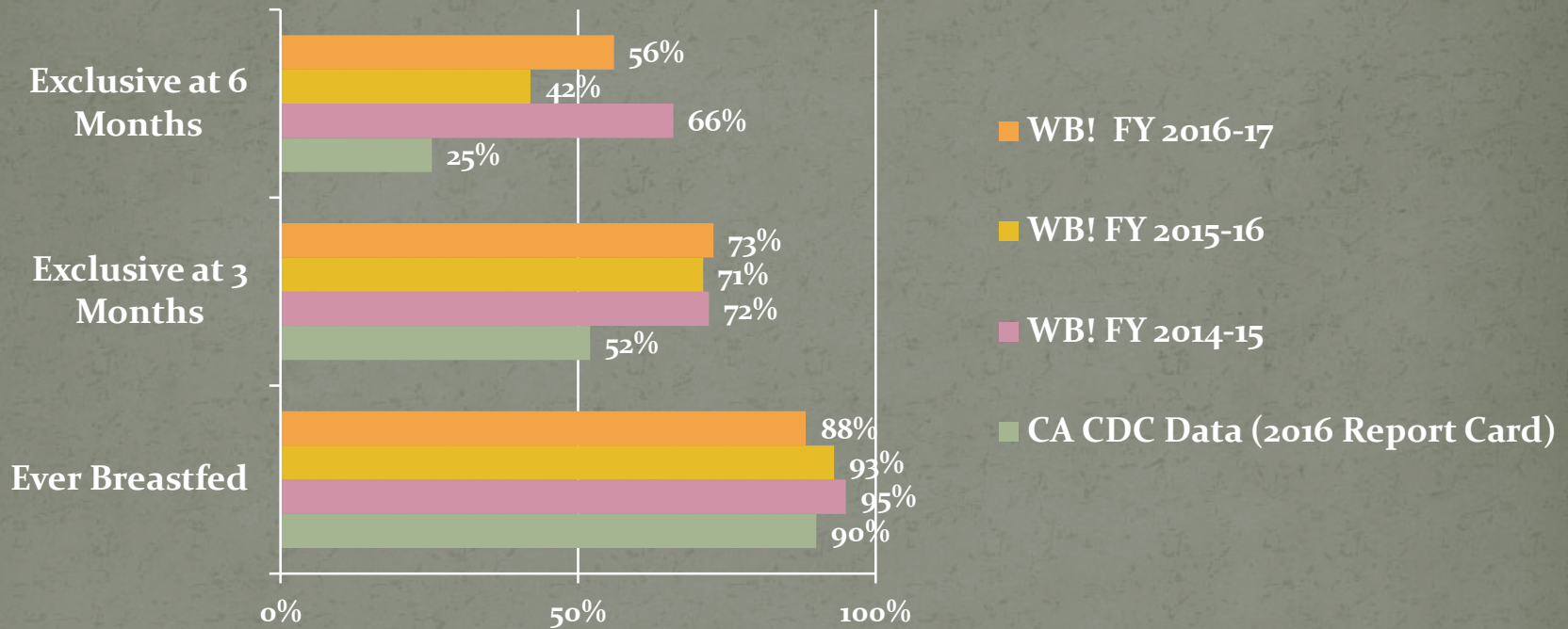
Most suspected delays were addressed by suggesting activities which parents completed with their children. Others were referred by home visitors and parents for formal assessments through early intervention services administered by Kern Regional Center or Mono County Office of Education. Of the 10 children who received a referral to early intervention, 6 received services, 8% of all children screened.

There were also 12 children served who already had an identified disability or condition and were not screened in the year since their development was already being assessed.

Breastfeeding



CA and Mono County Breastfeeding Rates



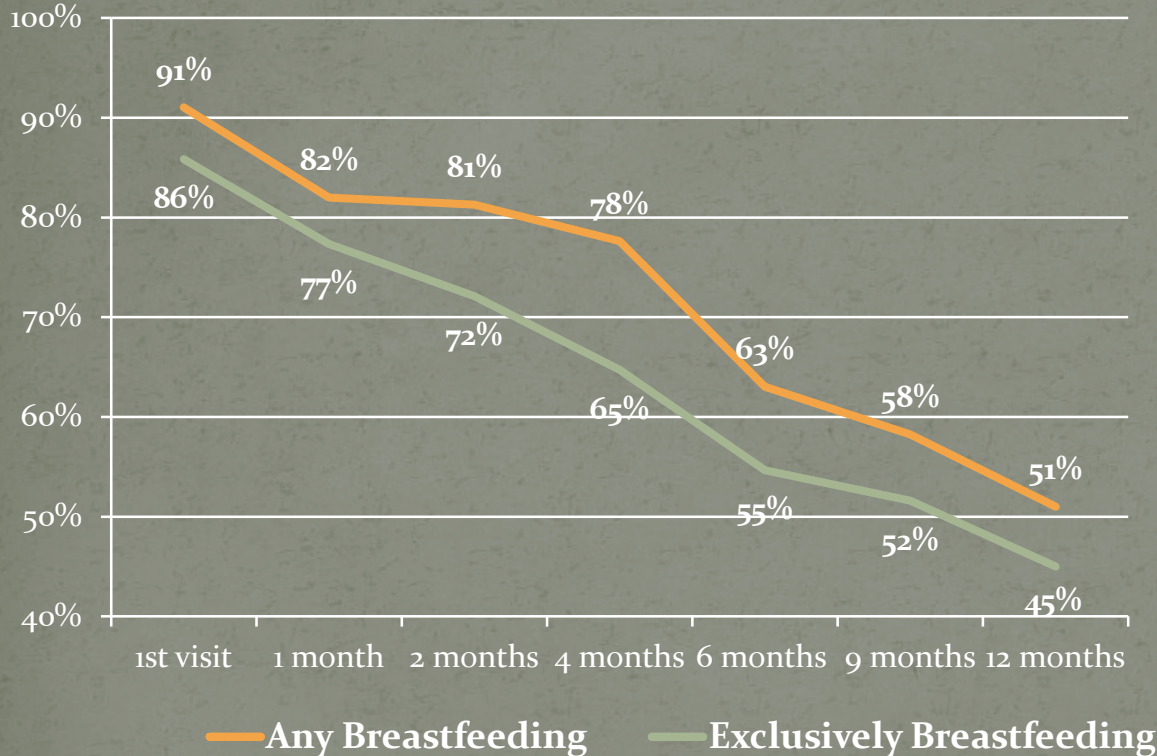
Mothers in First 5 Mono's Welcome Baby! program are more likely to continue to exclusively breastfeed than the general population in California.

Source: Centers for Disease Control, <https://www.cdc.gov/breastfeeding/pdf/2014breastfeedingreportcard.pdf> / and Welcome Baby! program data

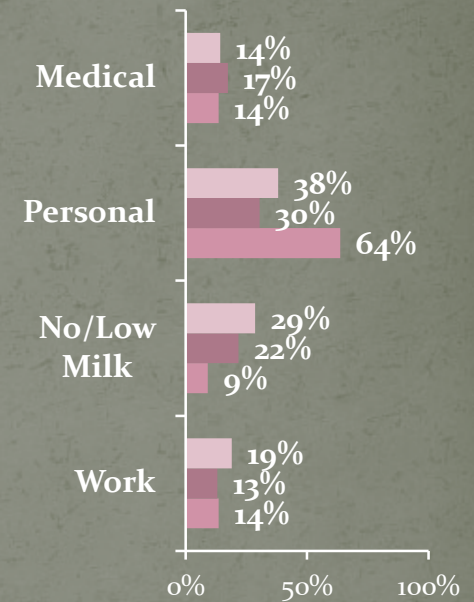
Welcome Baby! Breastfed Babies



Average Breastfeeding Rates
FY 2014-15 to FY 2016-17



Reasons for Stopping Breastfeeding

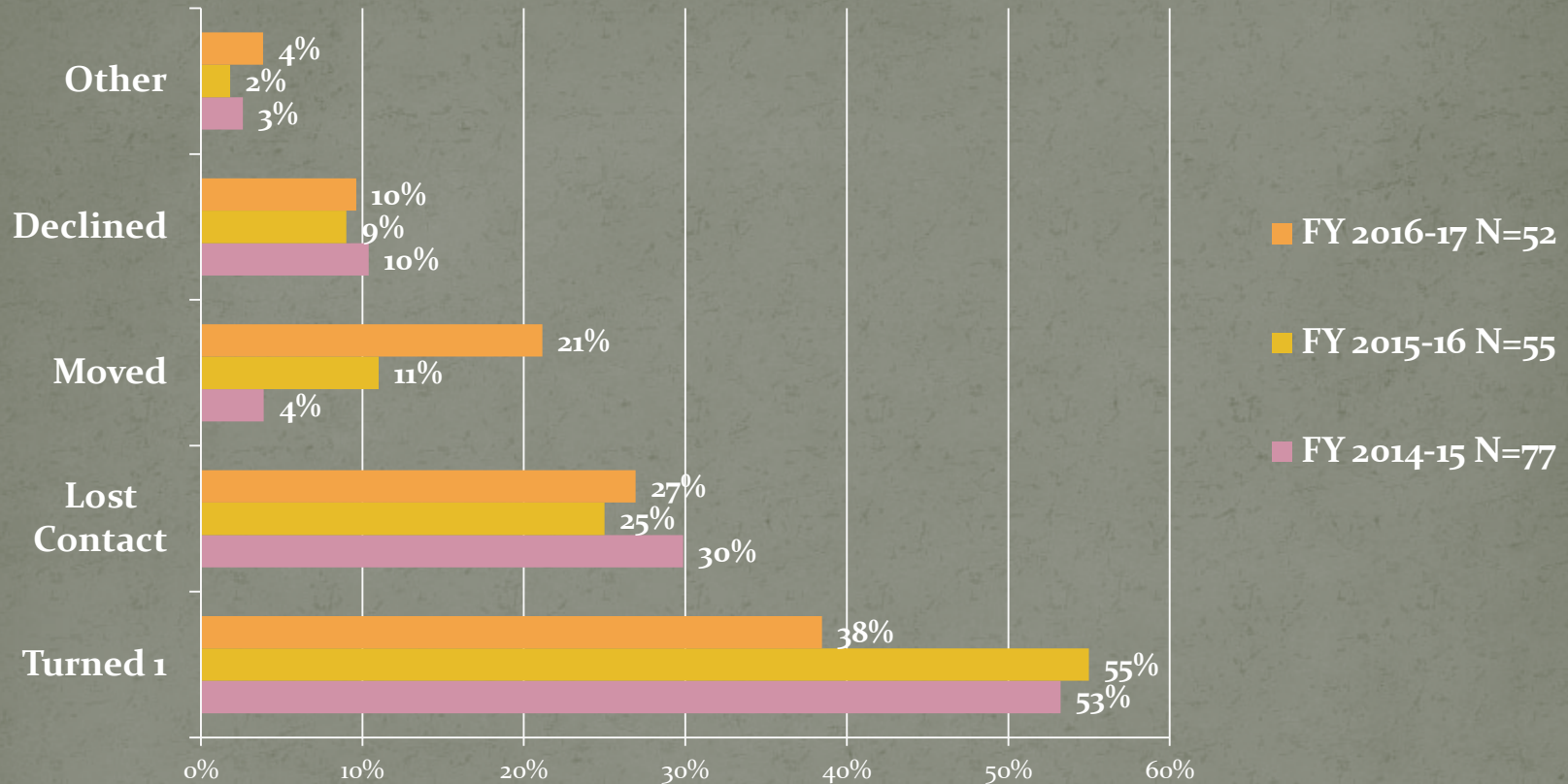


■ FY 2016-17 N=21
 ■ FY 2015-16 N=23
 ■ FY 2014-15 N=22

The three year average of mothers in Welcome Baby! who breastfed to 12 months was 51%.

* Exclusive Breastfeeding is defined as a child whose only milk source is breast milk.

Welcome Baby! Exit Reason



17% less families exited because the child turned one and 10% more families exited because they moved. Other reasons for exiting Welcome Baby! remains similar over the last three years.

Welcome Baby! Exit Survey



Parents As Teachers Survey, N=26	Strongly Agree
I feel comfortable talking with my parent educator.	100%
My parent educator gives me handouts that help me continue learning about parenting and child development.	96%
This program increases my understanding of my child's development.	92%
My parent educator is genuinely interested in me and my child.	92%
Activities in the visits strengthen my relationship with my child.	88%
My parent educator encourages me to read books to my child.	88%
My parent educator and I partner to set goals for my child, myself, and my family.	88%
My parent educator helps me find useful resources in my community.	85%
I feel less stressed because of this program.	73%

Welcome Baby! Exit Survey



What about this program has been most helpful to you and your family?

- The brochures and topics covered. (translated)
- The motivation to read to my children more often. (translated)
- The whole program has been very useful, especially the counseling to develop mobility in the body of my daughter. (translated)
- The resources that our parent educator provided, the personal knowledge as a mom that she provided, her comfortableness around my daughter and the wisdom she provided, shared with me from her child education background.
- It gives you the ability to reach out to someone other than medical for support.
- Helping motivate me to alternative ways to parent my children based on their needs! And the encouragement to keep trying.
- The handouts are extremely helpful. My parent educator has helped me find other resources for my child's speech. She's constantly in touch to see how everything is going on with my children.
- A consistent and accurate source of info. I prefer not to search the web. Also having someone in your home that is usually checking out my child's development.
- Having home visits so I don't have to arrange appointments around nap time, meal times, work, etc
- Help with breastfeeding in the early months. Navigating discipline and how we wanted to approach it.

What suggestions do you have to improve the Home Visiting program?

- In my opinion, I think anything and everything that was taught and advised served me well. (translated)
- I think the program was exceptional. I was extremely happy.
- Educators should provide more town/county information of all available programs, a lot of people have no idea about available resources (WIC, IMACA, etc)

Additional Comments:

- Mono County needs more childcare options.
- Annaliesa is amazing, very nonjudgmental and encouraging.
- Thank you for the program. It has been a tremendous help to a first time mom.
- I like that Lara gives me advice and also the attention given to my daughter when she plays with her. (translated)
- Annaliesa has been amazing. I hated to move and lose her kindness and expertise. She was very knowledgeable and had a genuine concern for my baby girl and family.

Parenting Partners Exit Survey

Parents as Teachers Survey N=4 scale of 1 (strongly disagree) to 5 (strongly agree)	Before Average	After Average	Total increase in skill
I know how to meet my child's social and emotional needs.	3.8	4.8	4
I understand my child's development and how it influences my parenting responses.	3.8	4.8	4
I regularly support my child's development through play, reading, and shared time together.	4.8	4.5	none
I establish routines and set reasonable limits and rules for my child.	4.8	4.8	none
I use positive discipline with my child.	4	4.3	1
I make my home safe for my child.	4.3	4.8	2
I am able to set and achieve goals.	3.5	4.3	3
I am able to deal with the stresses of parenting and life in general.	3.3	3.8	2
I feel supported as a parent.	2.8	4.3	6
Total increase in skills			22



Parenting Partners Exit Survey

Parent Satisfaction using Parents as Teachers Survey N=4 scale of 1 (strongly disagree) to 5 (strongly agree)	Average
I am very satisfied with the program	4.8
How likely would you be to recommend PAT to another family?	4.8

N=7

What about the program has been most helpful to you and your family?

- My parent educator helps me find other resources that can help my children with their development if they have scored low in a ASQ questionnaire. The brochures she brings are extremely helpful; they are a great guidance. If I ever have a question she always answers with great advice.
- The love and support. Having someone to talk to about our concerns with our son.
- Helped me create better communication with my daughter and understanding how to respond and set boundaries with her temperament.
- Lactation consultant at hospital and home visits – Deanna & Debbie were the best!

What could be improved about this program?

- Nothing. I find it great the way it is. The kids get different books with each visit. And my parent educator brings me activities in handouts which are extremely helpful. [It] is a program that will definitely help them.
- I cannot think of anything to improve. It's a wonderful program and I hope it continues for many years.
- I would like less hand-outs, maybe an online site to access when questions arise.

Additional Comments:

- I have an amazing parent educator! She is a life saver! I would highly recommend her.
- Molly is a very loving and caring person. I enjoyed our visits and feel like I understand my son's emotional needs better.
- I recommend this program for other parents and children. (translated)
- I like the program, it is very accessible for making appointments and helped me a lot. Elvira is very gentle and patient. Thank you. (translated)
- Thank you for this fabulous program.

School Readiness

Investment: \$86,194

Funding support from First 5 California Small County Augmentation (\$85,036) and Mono County Probation, Health, & Social Services Departments (\$1158)

Kindergarten Round Up, Summer Bridge, & Kindergarten Assessments

Conducted by Eastern Sierra and Mammoth Unified School Districts

Funded by First 5 Mono

Raising A Reader

Conducted by Mono County Libraries & First 5 Home Visitors

Funding Partner: Mono County Libraries

Story Time conducted by First 5 in Bridgeport & Walker, with funding support from Prop 63, Mental Health Services Act

Readers' Theatre

Conducted & funded by First 5 Mono

First Book

Conducted & funded by First 5 Mono

Rationale

A child's education begins very early. Since school-based educational systems do not begin until 3 -5 years of age, First 5 promotes programs that help children get ready for school in the early years.

School Readiness programs include all Mono County schools, childcare and preschool centers, special needs programs, and the Mono County Library System.

Supporting research for Raising a Reader includes, in part, the following publications:

Organizational Research Services (2008);NPC Research (2008); Evaluation Solutions (2008); Thomas Keifer Consulting (2008); Harder & Co. Community Research (2008); Pacific Consulting Group (2007); Bentham and Associates (2007); Public Policy Research, Portland, OR and Oregon State University (2007);,CA State University Monterey Bay, Stanford University, Children's Health Council (2007)

Our other programs in this area are based on a high-quality local model based on participant survey data.

Transition to School Activities

Partners: Mammoth and Eastern Sierra Unified School Districts

Kindergarten Round Up: Informational meeting held at all county elementary schools

- **Target:** All families with incoming Kindergartners
- **Objectives:**
 - Introduce families and children to the school, teachers, principal, and each other
 - Provide information on entering school and kindergarten readiness
 - Facilitate children and families' smooth transition into the education system
 - Enroll children in kindergarten
 - Sign children up for Summer Bridge

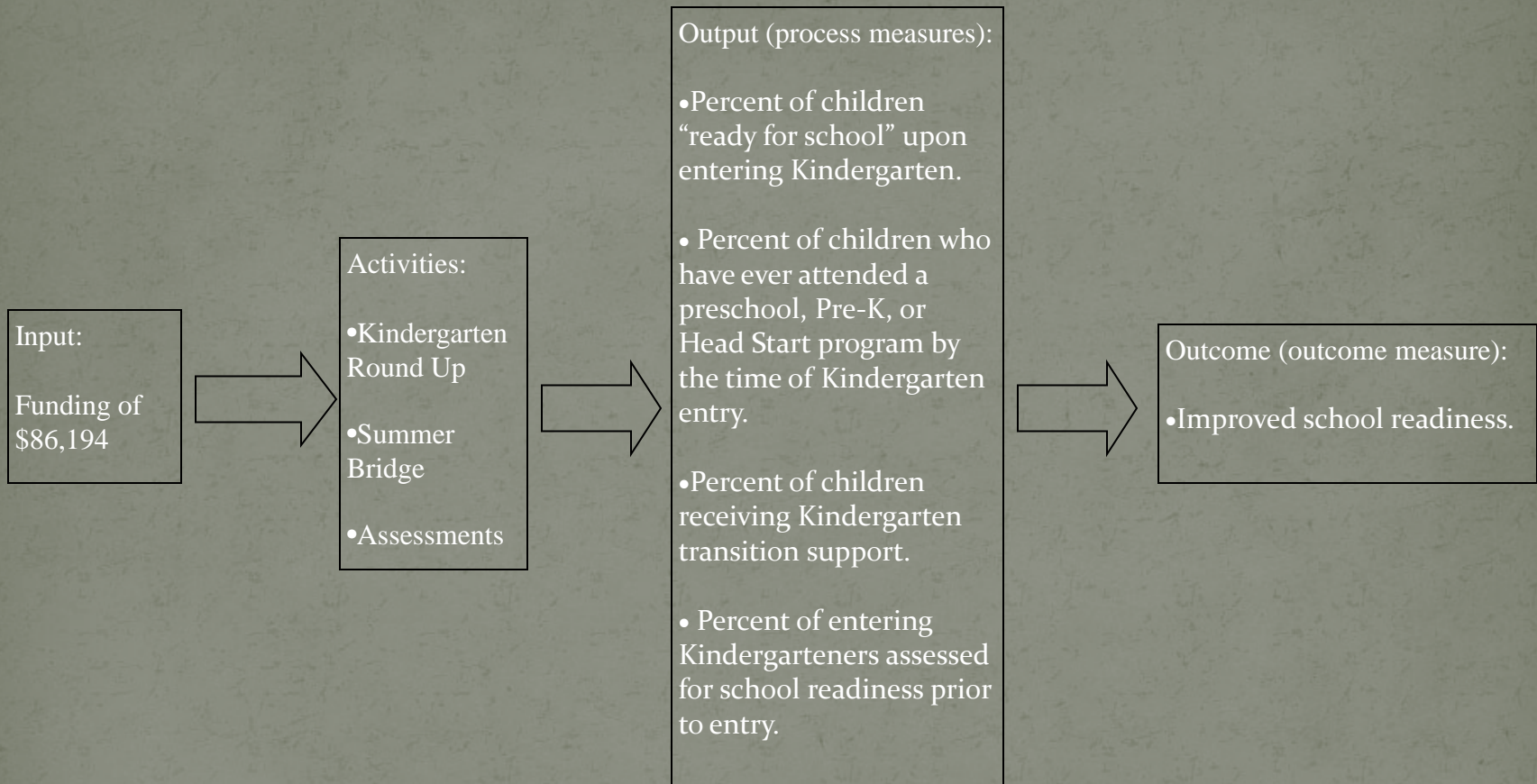
Summer Bridge: Two week Kindergarten transition program held in the summer for incoming kindergartners

- **Target:** All incoming Kindergartners, as space provides
- **Objectives:**
 - Assess incoming students' school readiness
 - Identify children's skill development needs before school begins

Kindergarten Assessment: School readiness assessments conducted by teachers in the first month of school

- **Target:** All Kindergartners
- **Objectives:**
 - Assess students' school readiness
 - Identify children's skill development needs

Logic Model



Research questions, data sources, findings and conclusions

- Is the percent of children “ready for school” upon entering Kindergarten increasing?
 - Data Source: Brigance kindergarten readiness assessments (slide 32)
 - Finding: Readiness increased to 50% from 38% last year
 - Conclusion: Although the percent of kindergarten ready students increased this year, we are cautious to draw the conclusion that this reflects an overall improvement due to the significant difference in the percent of students assessed, 99% this year compared to 66% the previous year. We are instead thinking of the 50% readiness as a baseline which will serve to gauge progress in the future.
- Is the percent of children who have ever attended a preschool, Pre-K, or Head Start program by the time of Kindergarten entry increasing?
 - Data Source: Summer Bridge Parent Survey (slide 76)
 - Finding: No, attendance decreased to 24% from 61% last year.
 - Conclusion: about 30% of incoming kindergartners who attended the Summer Bridge program also attended a preschool program. In subsequent years, data will be drawn from Kindergarten parent surveys to capture a better picture of the kindergarten class as a whole as opposed to the subset that attends Summer Bridge.
- Is the percent of children receiving Kindergarten transition support increasing or remaining high?
 - Data Source: participation in transition to school activities (slide 30-31)
 - Finding: No, down to 69% from 79% last year
 - Conclusion: Primarily due to a decrease in participation in Kindergarten Round Up at the largest school in the county, Mammoth Elementary, transition to kindergarten participation decreased from last year. The decrease in attendance was likely due to a new format for the event that did not function as well as hoped. We think that challenges in the 2015 event were shared by word of mouth and may have led to less participation in 2016. We implemented changes in 2017 to improve the format of Round Up in Mammoth and have received preliminary feedback regarding the success of the changes. We hope the success will lead to increased participation in the years to come. There is also low participation in the Summer Bridge programs in Lee Vining and Mammoth. First 5 Staff will meet with staff at those sites to support implementation of changes to enroll more students. If participation remains low, the Commission will analyze the data to make decisions about ongoing funding during the 2018-19 Strategic Planning process.
- Is the percent of entering Kindergarteners assessed for school readiness prior to entry increasing or remaining high?
 - Data Source: kindergarten readiness assessments (slide 32)
 - Findings: 99% of all kindergartners were assessed compared to 66% the previous year.
 - Conclusion: The new protocol to assess kindergartners at kindergarten entry had a positive impact on the percentage of students assessed. The research question needs to be refined in the strategic plan to reflect the change from “prior to entry” to read “at entry”.

Evaluation Results

As the majority of the program-specific evaluation results indicate achievement of the desired outcomes, the commission will continue to fund the same School Readiness activities. As part of the continuous quality improvement of the School Readiness activities, changes were made to the format of the Mammoth Elementary Kindergarten Round Up . The 2015 Round Up in Mammoth experimented with a new format with two presentations, one in English and one in Spanish. The format was challenging due to the size of the presentation rooms and flow of parents dropping off children with childcare providers. To improve the event, First 5 worked with Elementary School staff to reformulate the format to match what is done in the other schools in the county— children and families participating together in presentations in each classroom with a Kindergarten teacher. Due to the success of the new format reported by staff and parents, we will continue to offer Round Up in Mammoth Lakes using this format and anticipate that it will lead to increases in participation over time.

Transition to School Reporting Cutoff

Transition to School activities, Round-Up, Assessments, and Summer Bridge are reported based on the fiscal year the cohort enters Kindergarten, even though some events take place in the prior fiscal year.

(FY 2016-17: data reported is for the class that entered Kindergarten in August of 2016)

Kindergarten Round Up Attendance

Kindergartners who started school in August of 2016

Events took place in March 2016

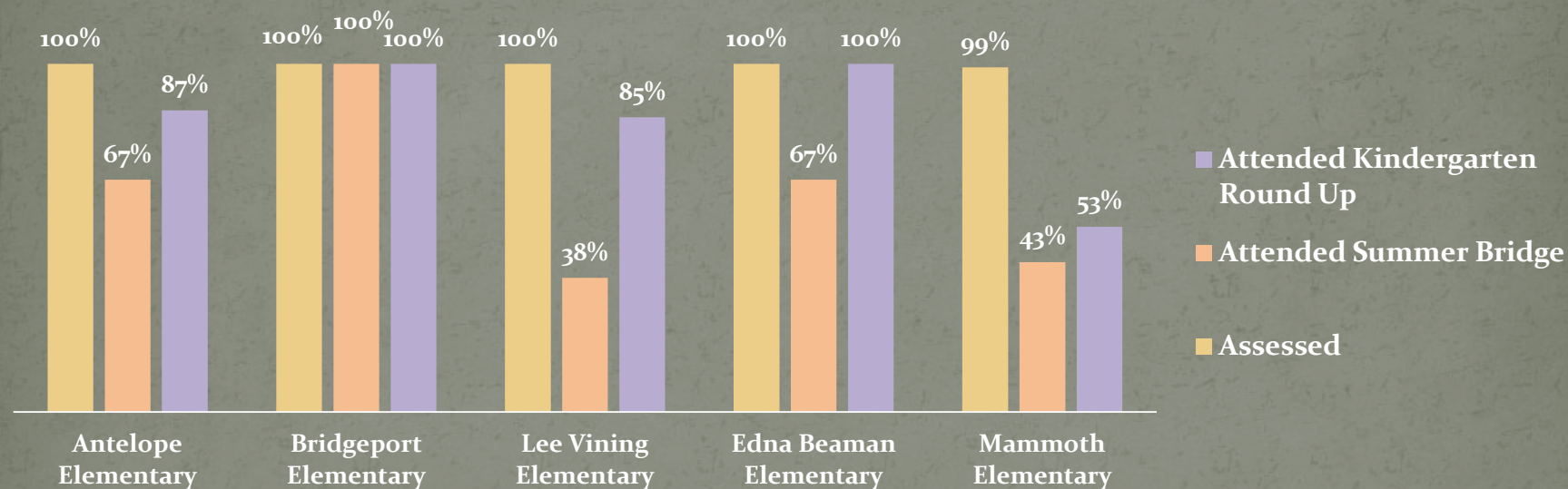
Kindergarten Round Up March of 2016			% of Kindergartners who received a backpack at Round Up		
Elementary School	Attendance (Kindergartners, parents, siblings, etc)	Backpacks Distributed to Kinders	2014 N=109	2015 N=119	2016 N=113
Antelope	31	13	58%	53%	86%
Bridgeport	13	5	100%	71%	167%
Edna Beaman	13	5	50%	100%	167%
Lee Vining	33	11	125%	73%	85%
Mammoth	140	42	89%	80%	53%
Total	230	76	84%	79%	67%

Backpacks include school readiness activities such as pencils, crayons, scissors, play-dough, a ruler, a puzzle, and writing and math exercises.

Transition to School Participation

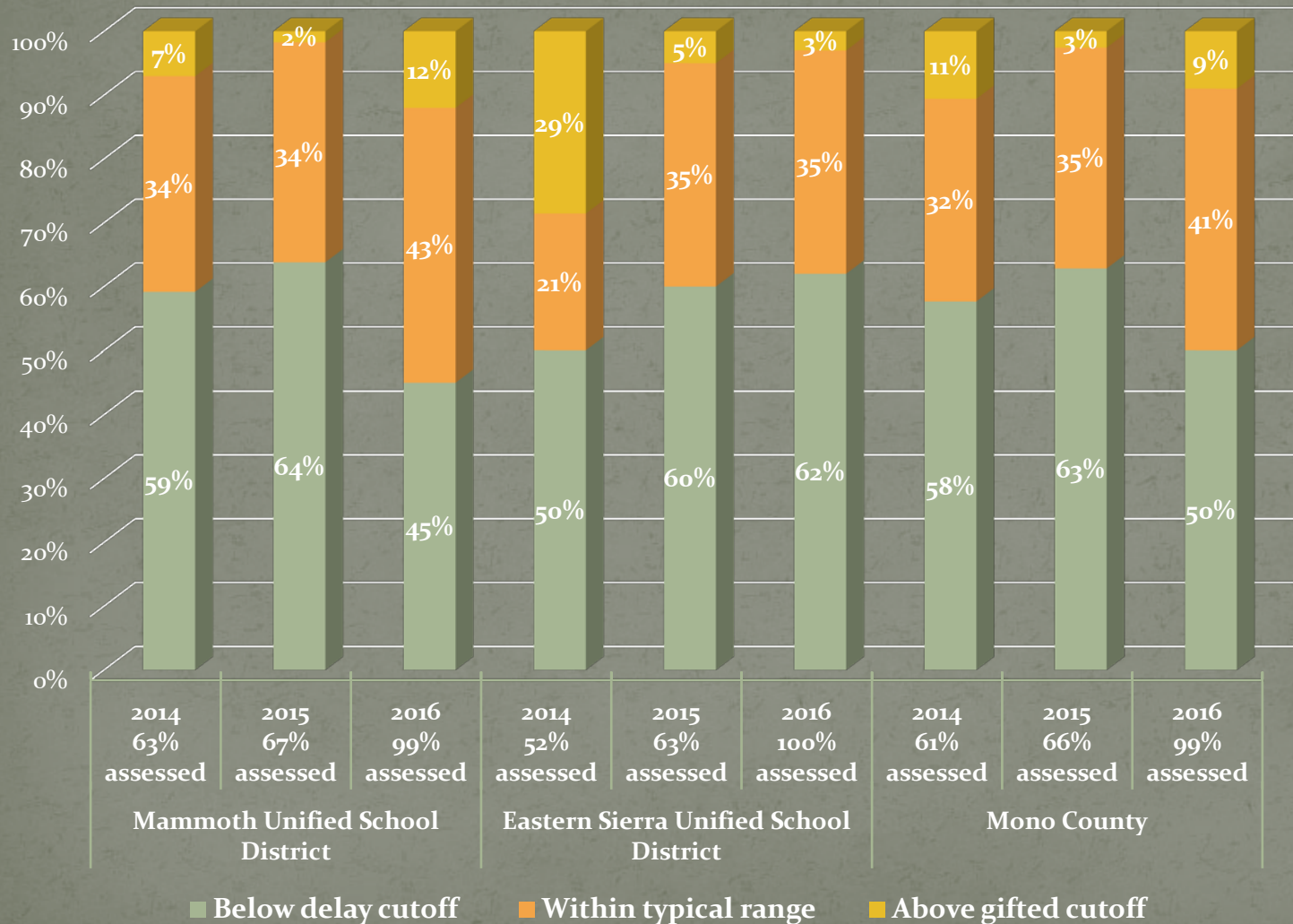
Kindergartners who started school in August of 2016

Events took place from March to August 2016



The focus for improvement in upcoming years will be on Summer Bridge and Round Up attendance at Mammoth Elementary School and Summer Bridge attendance at Lee Vining Elementary School due to the low percentages of students accessing those services in FY 2016-17.

School Readiness 2014-2016



Teacher Survey Comments

What were the most important things the children in your class got out of the Summer Bridge Program?

- Familiarity with the classroom/school
- Getting to know me and how to follow directions
- For me, it is the beginning steps to establish the routines we will be using during the school year and socializing with peers.
- Exposure to the school campus, the way class runs, and rules

Parent Survey

In which ways do you feel Summer Bridge helped prepare your child for Kindergarten?

Classroom Skill	Percent of Parents N=38 (70% reporting)
Meeting the teachers	89%
Getting used to the classroom	87%
Adjusting to a group learning environment	71%
Learning how to follow directions	63%
Increased self-confidence	58%
Development of social skills	53%
Increased attention span	47%

Does your child feel less anxious about starting school?

- We feel more confidence because we know the teachers. (translated)
- She was very shy and I see that she is already sure of herself. (translated)
- Yes, because my child spent time with other children; he loves school and related activities. (translated)
- He is now comfortable with the school campus and has friends he will know on the first day of school .
- She loves to learn new things and couldn't wait to start.
- She now knows that there is a routine to follow and some school mates.
- Getting to see and experience the inside of the classroom and knowing the teacher.

Parent survey results signify the value that Summer Bridge has in supporting children adapting to the kindergarten classroom, meeting the teachers, and adjusting to a group learning environment.

Raising A Reader & Story Time

Book bags distributed through libraries, home visitors, child care providers, and preschools.

Partner: Mono County Libraries

Target: Families and child care providers with children birth to 5 years

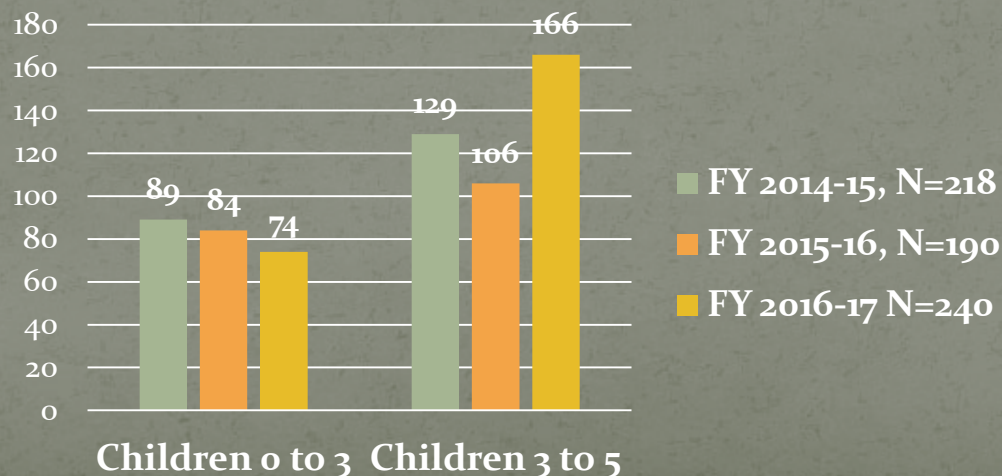
Objectives:

- Improve early literacy
- Encourage use of the library system
- Increase parental and care-provider literacy activities

Participation: 240 children countywide

Peapod Leaders in Walker and Bridgeport conducted weekly Story Time.

Raising A Reader Participation by Age



Raising A Reader Participant Comments

What did you enjoy about the RAR Program?

- Spending time with my kids, seeing their smiles, enjoying reading. (translated)
- My child likes reading more. (translated)
- She tries to read to her little brother. (translated)
- My baby pays attention to the books. (translated)
- When reading, [my son] is very attentive and quiet. (translated)



Raising A Reader participation increased by 40 families this year.

Parent surveys indicate achievement of the objective to encouraging literacy activities in the home.

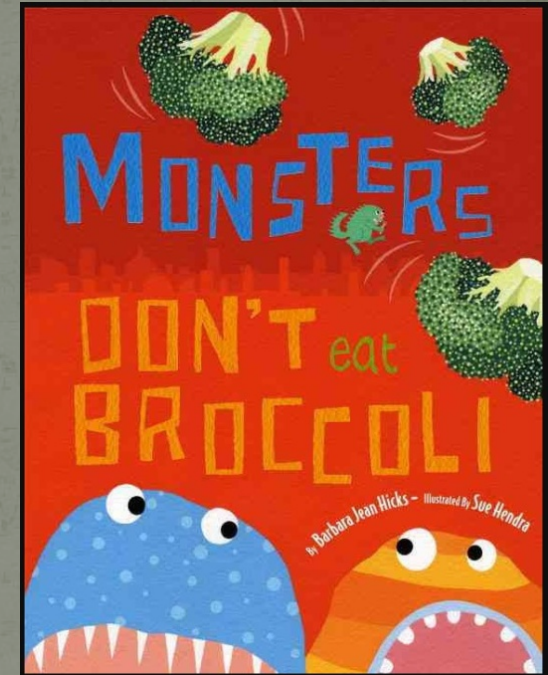
Readers' Theatre

Activities and book readings in family child care facilities and preschools.

Target: Preschool-age children

Objective: Promote early literacy.

Location	FY 2014-15	FY 2015-16	FY 2016-17
Family Child Care Providers	68	-	4
Coleville State Preschool	-	15	12
Coleville Marine Base Childcare	23	15	13
Lee Vining Head Start Preschool	10	12	15
Lutheran Preschool	17	11	-
Kids Corner	20	10	15
Mammoth Head Start Preschool	22	20	21
Sierra Early Education Program	1	-	-
Total	169	83	80



First 5 Mono conducted Readers' Theatre in the Spring of 2017. Children listened to a reading of Monsters Don't Eat Broccoli, received fresh broccoli snacks, and were given a Potter the Otter book to read at home.

First Book

Free high-quality children's books.

Target: Children birth to 5

Objectives:

- Increase early literacy in home environments & with childcare providers
- Facilitate positive parent-child interaction
- Increase literacy for young children

Books distributed:

833 books total (807 FY 15-16)

- 400 Welcome Baby! & Parenting Partners
- 142 Peapod Playgroups
- 100 Women, Infants, Children
- 77 Health & Safety Fairs
- 52 IMPACT Providers
- 40 Raising A Reader
- 22 Early Intervention



Distributing books to parents and providers builds their own libraries, strengthening the early learning system and contributing to improved school readiness.

Child Care Quality

Investment: \$351,936

Improve and Maximize Programs so All Children Thrive
(IMPACT)

Serves Mono and Alpine Counties

Conducted by First 5 Mono

Funded by First 5 California (\$57,145) & First 5 Mono (\$17,053)

Region 6 Training & Technical Assistance Hub

Serves Mono, Alpine, & Inyo Counties

Funded by First 5 California (\$26,968)

Community Development Block Grant Childcare

Conducted by Eastern Sierra Unified School District

Funded by the California Community Development Block Grant
through Mono County (\$250,771)

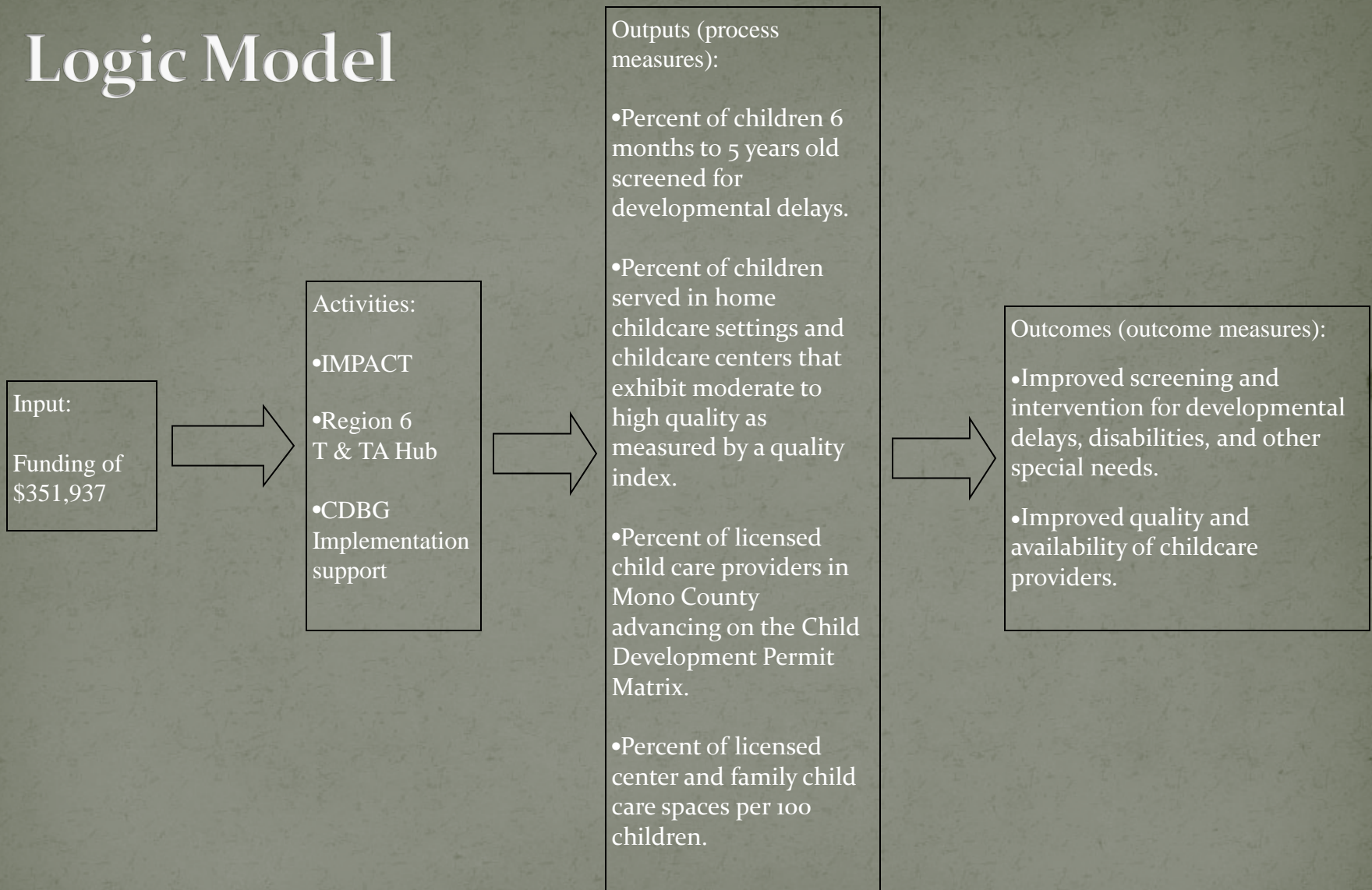
Rationale

First 5 Mono includes Childcare Quality in the strategic plan as many children spend a significant amount of their early years with their childcare provider.

Educating child care providers on how to best meet the needs of children in their care helps ensure children will spend their formative years in optimal learning environments.

Financial support from First 5 California facilitates county provision for programs that help create and maintain high-quality child care.

Logic Model



Research questions, data sources, findings and conclusions

- Is the percent of children 6 months to 5 years old screened for developmental delays increasing?
 - Data Source: completed ASQs (slide 46)
 - Finding: yes, 41% of children in participating sites were screened for a developmental delay, up from 0 the previous year.
 - Conclusion: Due to implementation of the new IMPACT program which requires sites to provide ASQs to the families of children they serve, there was a 41% increase in children screened for developmental delays at participating sites from last year.
- Is the percent of children served in home childcare settings and childcare centers that exhibit moderate to high quality as measured by a quality index increasing?
 - Data Source: Quality Rating Improvement System Ratings
 - Finding: Yes, 62 children in Mono and Alpine counties attended a site with a high quality rating in the first year ratings were implemented in the county.
 - Conclusion: For the first time we rated sites using the state Quality Rating Matrix. Ratings for 4 classrooms were high quality, and two had higher quality than licensing standards.
- Is the percent of licensed child care providers in Mono County advancing on the Child Development Permit Matrix high or increasing?
 - Data Source: the number of child development permits issued to providers
 - Finding: unknown
 - Conclusion: Although we sought to access this data through the Child Development Department at the local community college, we were not able to access the data prior to publication of this report.
- Is the percent of licensed center and family child care spaces per 100 children high or increasing?
 - Data Source: Child Care Portfolio (slide 51)
 - Findings: In 2015, 17% of children 0-12 with parents in the workforce have a licensed childcare slot available, a decline from 20% in 2012.
 - Conclusion: The number of slots available to children in Mono County has decreased dramatically from 56% in 2008. To help change the trend, First 5 partnered with Mono County, Eastern Sierra Unified School District, and the Mono County Office of Education to open two new preschools—one in Bridgeport and one in Benton. First 5 continues to actively participate in the Mono County Child Care Council and with Mammoth Hospital and the Mono County Office of Education to support initiatives to increase the number of child care spaces in Mono County.

Evaluation Results

As the child care quality initiative is making significant strides in rating sites, screening children for developmental delays, and impacting the number of available slots in the county, the Commission will continue to invest in this initiative.

As part of the continuous quality improvement of the child care quality investment, we continue to seek to develop coaching capacity so that site directors and family child care operators are able to have support around the areas of the rating matrix that are most pertinent to their site.

IMPACT

Improve and Maximize Programs so All Children Thrive

Target: Childcare providers, families, and children

Objectives:

- Provide site-specific professional development to childcare providers
- Support providers' implementation of developmental screenings and parent engagement activities
- Build public awareness and support for quality early care
- Build a Childcare Quality System that leverages funding and maximizes support for care providers

In FY 2016-17, fifty-six providers at nineteen Mono County sites participated in the Childcare Quality System. Three sites were served by the Inyo County Superintendent of Schools, efforts funded by the California Department of Education. Four sites “alternative sites”, Home Visiting and Peapod Playgroups, served 466 children—66% *of the county’s birth to 5 population. Three sites in Alpine County were also served by the program.

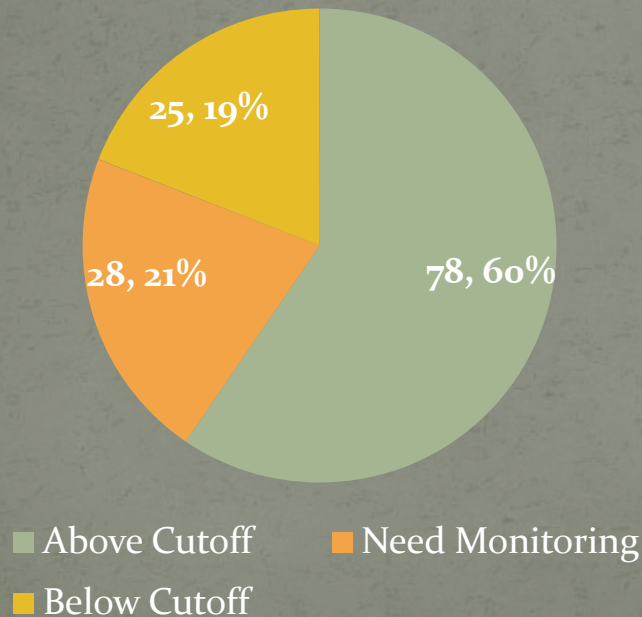


*Number and percent include duplication

Ages & Stages Questionnaire (ASQ)

The ASQ is a tool to screen children 1 month to 5 years old for developmental delays within 5 domains: Communication, Gross Motor, Fine Motor, Problem-Solving, and Personal-Social. Providers participating in IMPACT were trained to use the ASQ and provide referrals to children with suspected delays. Providers offered the screening to all families that they serve.

Provider ASQ Results
N=131



ASQs were administered by child care providers and completed by parents. Results include the 22 sites participating quality improvement efforts. Of the 321 children served at those sites, 131 children were screened, a 41% screening rate.

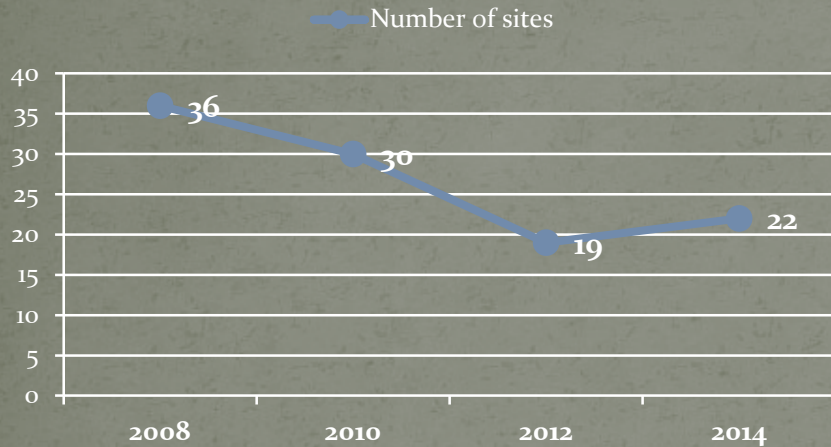
Of the 131 screenings for which results were submitted, 25 children needed referrals for further evaluation (19%). Suggested referrals by domain were:

- Fine Motor: 4
- Problem Solving: 11
- Communication: 6
- Gross Motor: 3
- Personal Social: 5

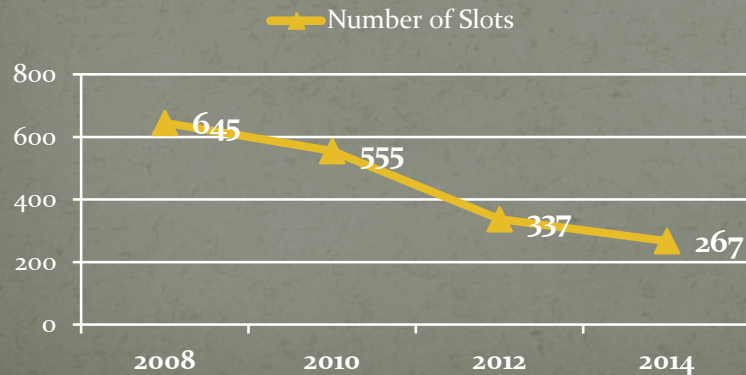
Childcare Sites, Slots, and Need

Source: California Child Care Resource and Referral Network Child Care Portfolios 2009-2015

Number of Sites



Number of Slots



Children 0-12 with parents in the labor force for whom a licensed child care slot is available



Training and Technical Assistance HUB

- First 5 Mono served as the fiscal lead for the Regional Training and Technical Assistance Hub funded by First 5 California to support regional efficiencies in Childcare Quality work.
- The Region consists of Alpine, Inyo and Mono Counties.
- Funds paid for:
 - Travel to state and regional meetings
 - External Assessors for Spanish speaking sites
 - External coordination for the Hub from Viva
 - i-Pinwheel database to track sites' participation in regional childcare quality
 - Early Learning Needs Assessment Tool (ELNAT) database to analyze child data to determine needs

CDBG-Funded Childcare

- With funding through Mono County and operated by Eastern Sierra Unified School District, preschool child care centers were opened in Bridgeport and Benton.
- 27 children were served
- 4 new employees were hired, two teachers and two aides

Oral Health

Investment: \$4,764

Oral health education, oral health checks, and fluoride varnish application.

Conducted & funded by First 5 Mono

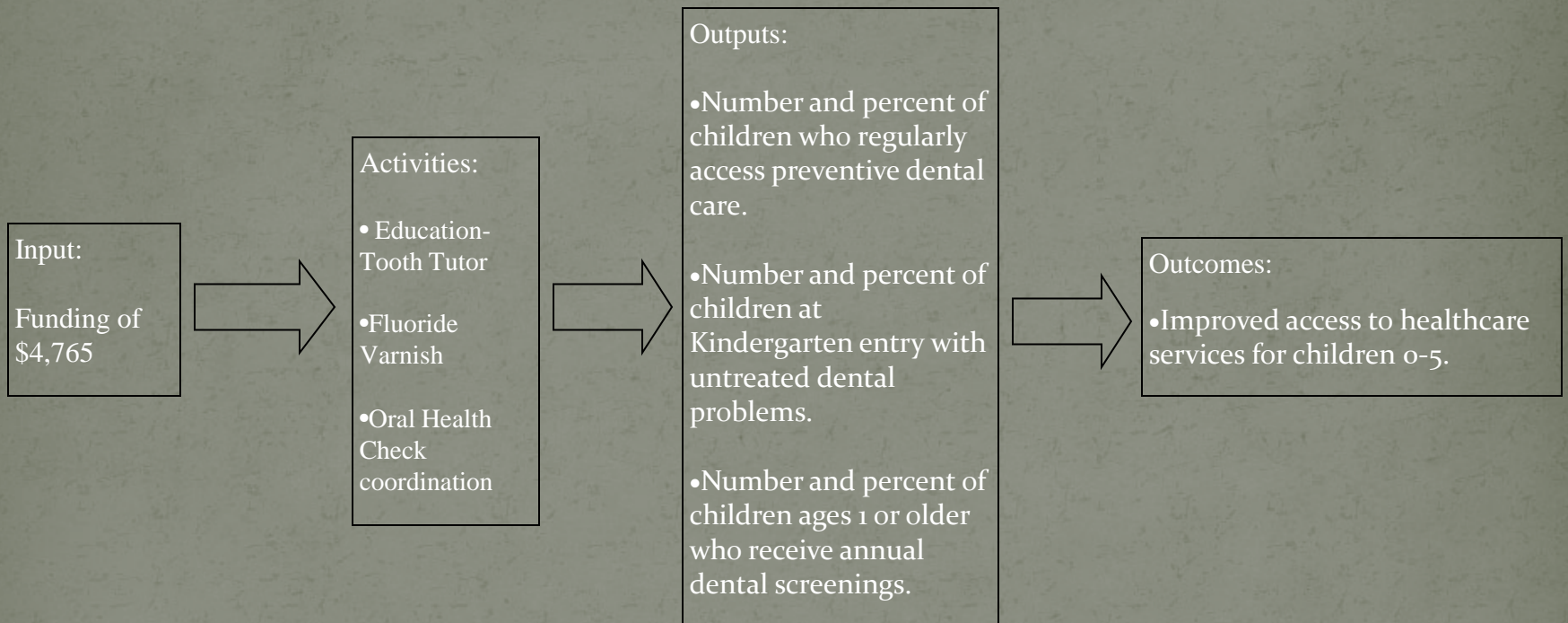
Funding support from First 5 California Small County Augmentation
(\$4,765)

Rationale

The 2009 First 5 Mono Strategic Plan identified a significant community need in the area of oral health. Pediatricians saw visible tooth decay and an opportunity to provide fluoride varnish and oral health education through paraprofessionals was developed.

Pediatricians in the county continue to report significant needs for sustained efforts in oral health due to the high number of children with poor oral health.

Logic Model



Research questions, data sources, findings and conclusions

- Is the percent of children who regularly access preventive dental care high or increasing?
 - Data Source: Sierra Park Dental Data, 2014-16 (slide 78)
 - Finding: 20% of patients 0-5 had more than one visit to the dentist in the year, down from 24% the previous year.
 - Conclusion: Using the data of how many children went to the dentist more than one time on the year; we get a picture of how many are able to have work done in addition to annual cleaning and check-ups. Using this as a metric, we know 20% of children needed additional preventative care, but do not know how many of the children who needed additional care this includes. Thanks to new collaboration with the fiscal department at Mammoth Hospital, this year's data is stronger than it was in the past. With continued support from Mammoth Hospital, we will be better able to track access to oral health care over time.
- Is there a low percent of children at Kindergarten entry with untreated dental problems?
 - Data Source: Kindergarten Round Up Oral Health Checks (slide 78)
 - Finding: 18% of the oral health checks completed at kindergarten round up indicated the child had untreated caries (cavities), up from 5% last year
 - Conclusion: While the percent of untreated caries at kindergarten entry increased, it is hard to draw conclusions based on the low reporting rate of 35%. First 5 is working with the Mono County Office of Education to ensure school district compliance with their reporting requirements for these forms to support more complete data.
- Is the percent of children ages 1 or older who receive annual dental screenings high or increasing?
 - Data Source: Sierra Park Dental Data, 2014-16 (slide 78)
 - Finding: Finding: 17% of patients had an annual exam and cleaning, 49% had an exam and cleaning in 2 of three years and 34% had one exam and cleaning in 3 years.
 - Conclusion: Only 17% Children 0-5 visit the dentist annually, but more than half (56%) are seen at least annually. First 5 will continue to work through our oral health education efforts to support higher percentages of children having at least one visit to the dentist a year.

Evaluation Results

The oral health needs of young children in Mono County continue to be high with few children accessing regular preventative care and annual screenings. The commission will continue to invest in this initiative to improve oral health for children 0-5.

As part of the continuous quality improvement of the oral health investment, we will target our oral health education to educate parents to access annual dental checkups and preventative care. Additionally, we will continue to provide topical fluoride varnish as no community in the county has fluoridated water.

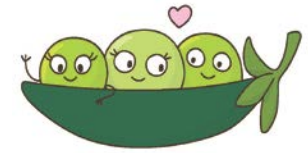
Oral Health

Target: Preschool age children

Objectives: Provide application of fluoride varnish twice a year to all Mono County children age 1-5 who are not already receiving services from a dentist, and educate children and parents about oral health. The program provides free toothbrushes, toothpaste, and floss to families to help maintain oral health.

Oral Health Visits

Location	Oral Health Checks	Oral Health Education	Fluoride Varnish	Total Services
Preschools/Family Child Care Homes	-	125	92	217
Mammoth Elementary Kindergarten Round Up	14	-	15	29
Eastern Sierra Unified School District Birth-to-5 Health & Safety Fairs	28	-	23	51
FY 2016-17 Totals	42	125	130	297
FY 2015-16 Totals	39	188	162	389



Family Behavioral Health

Investment: \$36,315

Peapod Playgroups

Conducted by First 5 Mono

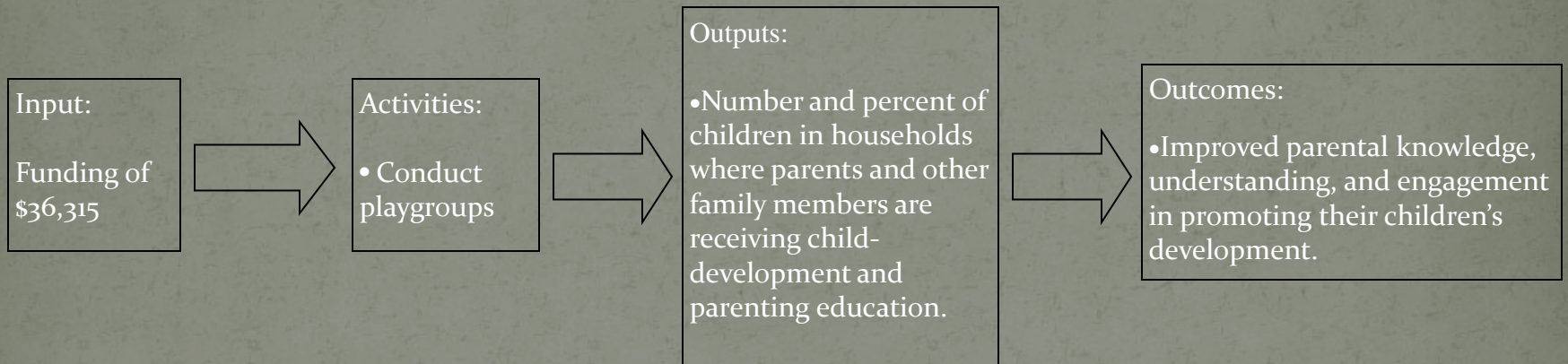
Funding Partner: Mono County Behavioral Health, Prop. 63 (\$35,000),
First 5 Mono (\$1315)

Rationale

In such a rural and geographically isolated county, it is easy for families to feel alone. Opportunities for children and their parents are fewer than in more populated areas.

To meet the social needs of parents and their children, a weekly playgroup program was developed.

Logic Model



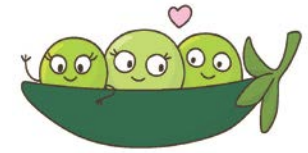
Research questions, data sources, findings and conclusions

- Is the percent of children in households where parents and other family members are receiving child-development and parenting education high or increasing?
 - Data Source: number of children participating in playgroups (slide 61)
 - Finding: 29% of children
 - Conclusion: Due to participation in Peapod, children lived in households receiving child-development and parenting education.

Evaluation Results

Families have more information about parenting and child development as a result of the Family Behavioral Health investment. The Commission will continue to invest in this initiative.

As part of the continuous quality improvement of the Peapod program, outreach efforts to ensure as many families as possible participate will continue. We are also working to ensure that information about parenting and child-development is included in groups as a part of each 10 week session cycle.



Peapod Playgroups

Weekly group meetings for parents and children

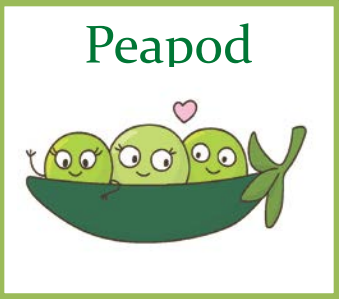
Partner: Mono County Behavioral Health

Target: Parents and children birth to 5 years old. Playgroups meet for 10-week sessions. Three to four sessions are held per year in the following communities: Walker, Bridgeport, Lee Vining, Mammoth English, Crowley Lake, & Chalfant/Benton.

Objectives:

- Decrease isolation by providing parents and children an opportunity to socialize
- Destigmatize seeking behavioral health services
- Link families to community services
- Encourage school readiness skills
- Encourage early literacy

Peapod Participation



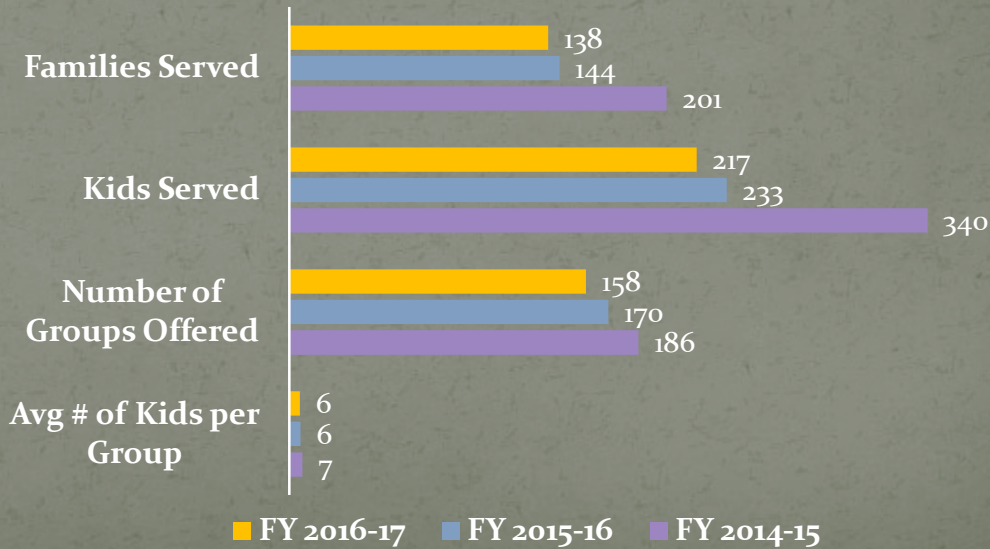
Participation in Peapod remained steady in FY 2016-17 serving about the same number of children and families as last fiscal year. The number of groups offered fell, and thus the corresponding kids total attendance due to the following factors.

- Spanish Peapod was not held all year—we have been unable to hire a leader due to lack of qualified applicants.
- After only serving a couple families in Lee Vining for the entire 15-16 fiscal year, when the leader left her position, we decided to wait until the community expressed an interest in restarting that group.



Families Served			
Playgroup Location	FY 14-15	FY 15-16	FY 16-17
Benton/Chalfant	8	3	3
Bridgeport	17	13	15
Crowley Lake	43	41	32
Lee Vining	15	2	2
Mammoth English	59	46	74
Mammoth Spanish	30	15	0
Walker	29	24	12

Overall Peapod Participation



Counseling Referrals

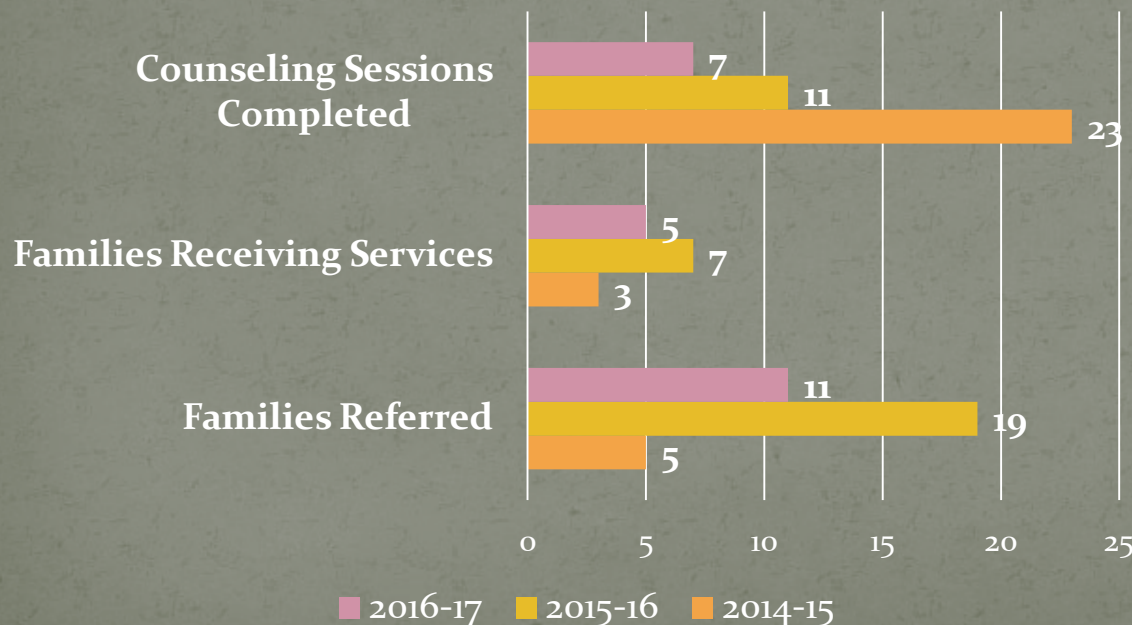
Referrals made during Home Visits and Peapod

The first \$500 of counseling services per family is paid by First 5 if no other insurance is available.

Total families referred: 11

Families who accessed services: 5

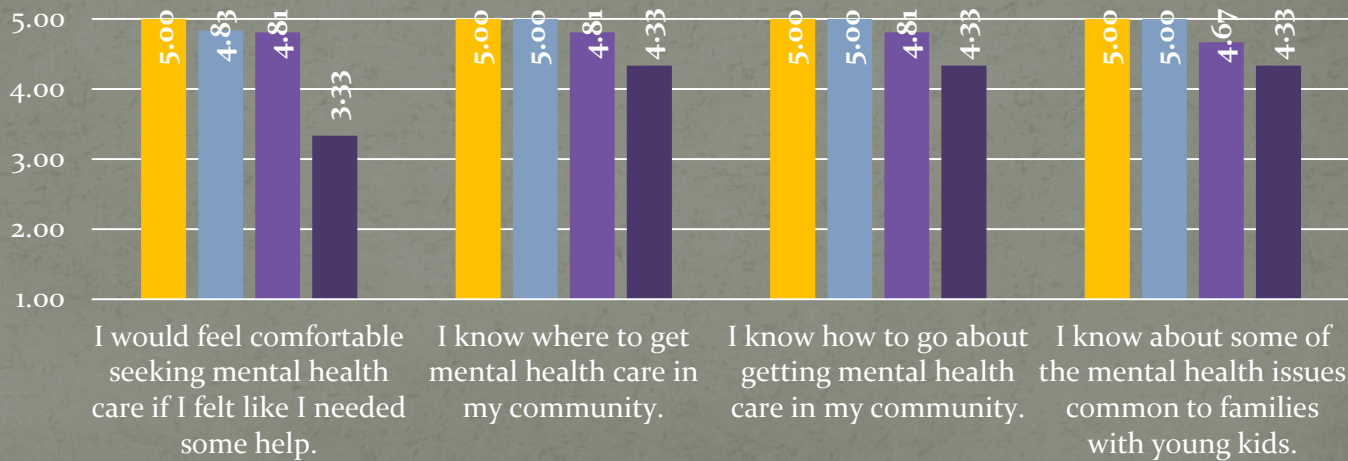
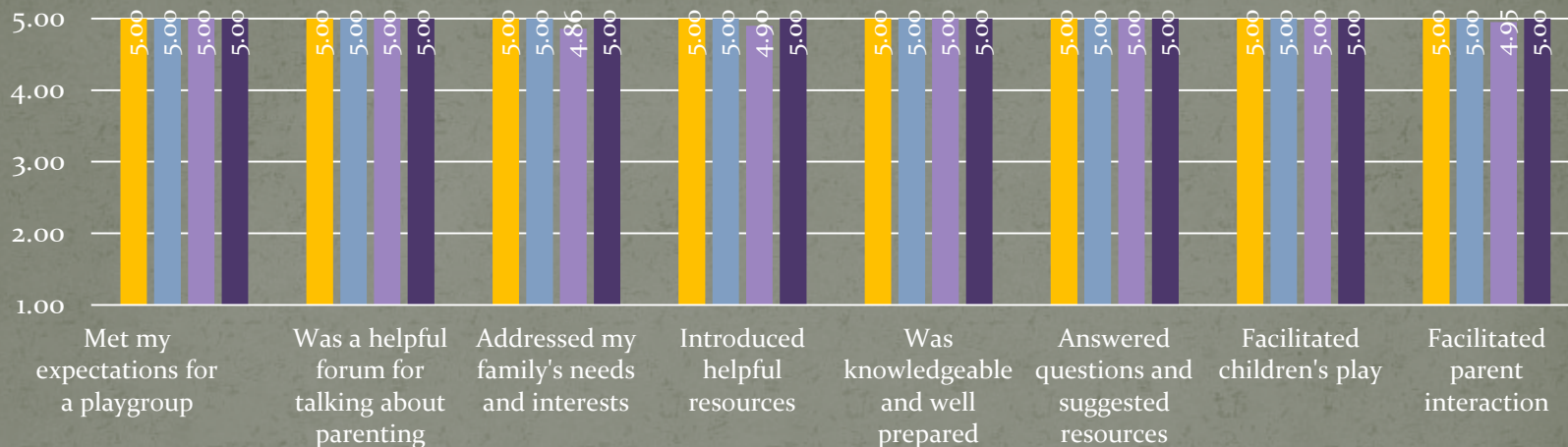
Total Number of Counseling Sessions: 7 (Owens Valley Wellness & Mono County Behavioral Health)



Percent of referred families who received counseling	
2016-17	45%
2015-16	37%
2014-15	60%



Parent Surveys by Community



Scale

- 1: Strongly Disagree
- 2: Disagree
- 3 Neither Agree nor Disagree
- 4: Moderately Agree
- 5 Strongly Agree

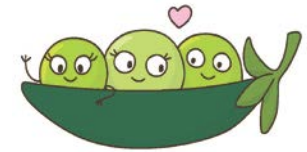
■ Bridgeport N=2
 ■ Crowley N=6
 ■ Mammoth N=21
 ■ Walker N=3

Overall Parent Surveys

N=32



Peapod



Scale

- 1: Strongly Disagree
- 2: Disagree
- 3: Neither Agree nor Disagree
- 4: Moderately Agree
- 5: Strongly Agree

Parent survey data yielded high levels of satisfaction with playgroups, playgroup leaders, and information received about mental health issues.

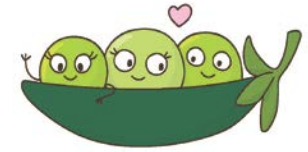
Parent Survey Comments

- Teiya does an amazing job with the kids. This program is excellent for our kids and community.
- Social and fresh air for the kiddies
- Both leaders have such good hearts and really show care and passion for a healthy environment for the kids
- Fun leaders, great games/songs, fun interaction. Have been coming since [my child] was 18 months.
- We love song time and playing with the parachute. We have really enjoyed Peapod with Kim and Annaliesa.
- Lots of time for kids to play and interact. Song time and parachute. Building relationships with other parents and children.
- Beautiful setting at park meeting friends and having a safe place to play with other kids.
- Toys and play structures getting kids around others, having social skills very welcoming, a variety of activities for different ages, safe for independent play, love the songs and group activities.
- Nice variety of toys, games, crafts, fun songs, good location.
- Nice variety of toys and activities, good interaction for different aged children, convenient location.
- Fun, interactive and tires out my toddler.
- Friendly parents, children, and leader.
- Great age appropriate toys for kids.
- Kids playing nicely together. Lots of different activities available.
- Smaller children kept safe from larger children.
- Great location, nice mix of age groups, nice leaders, thank you.
- The songs. Miss Chanden is always positive and is great at bringing us all together.
- It's a lot of fun for me and my child. I really like the crafts and informational packets.

Suggestions

- None, these are great.
- Water play
- Story or book during session?
- Games & crafts, we love crafts!
- More outdoor time.
- A craft or water time would be great.
- I'll likely try to find more similar ages, but I was aware of that prior.
- Moving back to 10am is great.
- More often.
- Maybe start at 10:00 instead of 9:30.

Peapod



Becoming an Emotion Coach Class

Target: Parents, guardians, and childcare providers with children ages 0-5

Objectives: Taught from the Parenting Counts Curriculum (product of Talaris Institute™), Emotion Coaching is a parenting technique that research has shown is effective in helping children understand their feelings. The class was taught by a First 5 Mono Home Visitor, held for 1.5 hours for three weeks, and covered Attachment & Parenting Styles, Emotion Coaching, and Praise, Discipline, & Temper Tantrums.

Survey Results, N=10

Do you feel more prepared as a parent/provider?

- Yes, I took away a few key points that I will try to implement
- Yes, Good discussion on setting limits. Coming up with rules for family.
- Yes, I feel like I learned specific helpful tools to use as a parent to deal with emotional situations. I learned about a lot of the research behind the theories.
- Yes, I have more tools when it comes to discipline as well as techniques on how to connect with my children.
- Yes, not done yet!
- Yes, my husband and I have discussed what we learned and I've been bringing topics up with our child and having good discussions.
- Yes, I learned new things that I will use for my children's education (translated).
- Yes, I learned new things that I can work with my children (translated).

Comments or other suggestions:

- The 5 steps of emotion coaching are simple yet effective ways of connecting with ourselves and our kids. Thank you so much for offering this wonderful series of classes. Annaliesa is an amazing and knowledgeable presenter.
- Have more classes like these; very useful classes (translated).
- All was very well and was very interesting, I learned a lot (translated).
- A handout on sources/books. More simple slides & provided as hand outs. Fewer videos, more talking.
- More role playing of examples.
- Role plays? Bring kids for real coaching? The night with no visuals was ok, if not better!
- Would love more role play to practice techniques we learned.
- Give us more themes of guidance and education for our families (translated).

Child Safety

Investment: \$7,000

Safe Kids California, Mono Partners

Funding partner: Mono County Office of Education

Coordinated by Mono County Office of Education

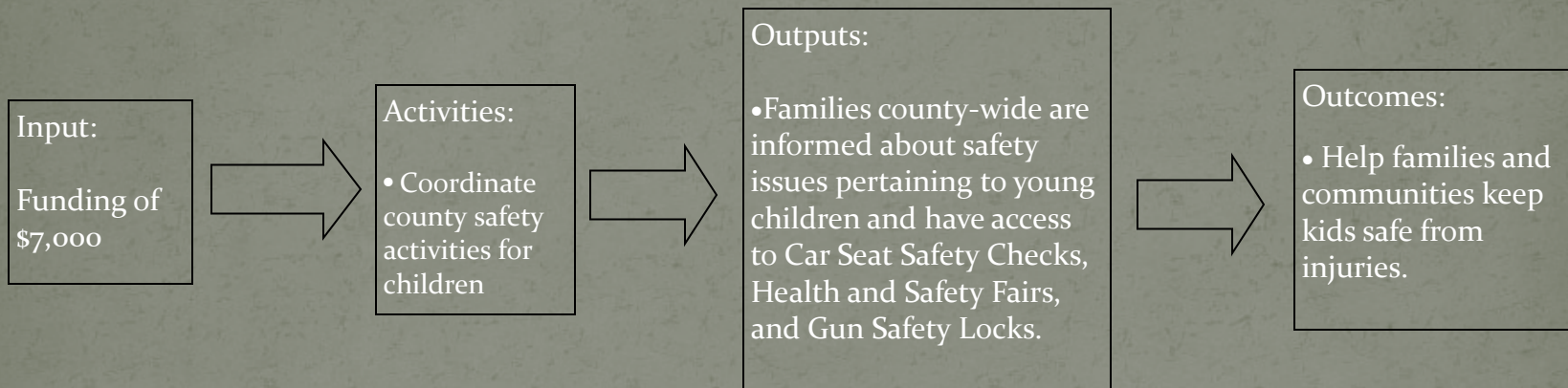
Funding support from First 5 California Small County
Augmentations (\$7,000)

Rationale

Prior to the formation of *Safe Kids California, Mono Partners*, there was no agency in the county specifically focusing on child safety. While many agencies conducted safety activities, there was no coordination of services.

Initially spearheaded by Mammoth Hospital, multiple community agencies met to pursue the formation of a Safe Kids Coalition. No other participating agency had the necessary funding or staff time to conduct coordinating activities. Based on higher than average injury data for Mono & Inyo Counties, and after learning the benefits of such collaborations, the Commission decided to fund the coordination of a *Safe Kids California, Mono Partners* group.

Logic Model



Research questions, data sources, findings and conclusions

- Are families county-wide are informed about safety issues pertaining to young children and accessing Car Seat Safety Checks, Health and Safety Fairs, and Gun Safety Locks?
 - Data Source: Health and Safety Fair Participants (slide 71)
 - Finding: 24% of the 0-5 population and a parent
 - Conclusion: Due to health and Safety fair events, families across the county were informed of safety issues and accessed safety materials.

Evaluation Results

Families have more information about child safety as a result of the Safe Kids investment. The commission will continue to invest in this initiative.

As part of the continuous quality improvement of the Safe Kids Mono Partners work, outreach efforts to ensure as many families as possible participate in Health & Safety Fairs will continue. The Safe Kids coordinator is working to leverage resources to encourage partners to invest in safety materials and apply for grants to provide safety resources to families in our county.

Safe Kids California Mono Partners



Activities for Families and Children Birth to 5	Persons Served
Health and Safety Fairs (Eastern Sierra Unified School District, Mammoth Lakes, & Walker annual Fairs)	349
Child Passenger Car Seat Check or Replacement	22
Accident Prevention Supplies (door & cabinet latches, outlet protectors, CO detectors, TV tethers)	90
Bike Helmets	99

Safe Kids California Mono Partners provided multiple types of safety information and resources to children and families across the county at local events & through Public Service Announcements on the radio.

Risk Areas Addressed		
Car seat installation and use	TV and furniture tip-overs	Home safety
Carbon monoxide & smoke detectors	Wheeled sports	Preventing dog bites
E-cigarettes/liquid nicotine	Bullying	Water safety
Disaster/emergency preparedness	Medication & poison prevention	Summer heat awareness
Suffocation and sleep	Fire, burns, & scalds	

Eastern Sierra Unified School District

Health & Safety
Fairs

Birth-to-5 Health & Safety Fairs

March 2017 Partners: Mono County Public Health & Behavioral Health and Sheriffs, CA Highway Patrol, Inyo Mono Advocates for Community Action, Eastern Sierra Unified School District, Mono County Libraries, Community Service Solutions, Safe Kids California Mono Partners, and the Lions Club

Target: Families with children birth to five years old

Objective: Bring services & resources to families in the remote parts of the county where there is a lack of access due to location or transportation.

Elementary School	Attendance (adults & kids)	Bike Helmets (Safe Kids)	Nutrition (CSS)	Fingerprints (Sheriff)	Vision Screening (Lions Club)	Total
Antelope	21	7	19	10	7	64
Bridgeport	35	7	10	6	-	58
Edna Beaman	18	6	6	10	6	46
Lee Vining	25	5	19	6	7	62
Total	99	25	54	32	20	230

Oral Health, Fluoride Varnish, and First Books were also provided at Health & Safety Fairs (see respective slides).

Car seat checks were offered by the Mammoth Lakes Police Dept or the CA Highway Patrol at all schools; however, no participants took part.

Mammoth Lakes Health & Safety Fair

June 2017

Health & Safety
Fairs

Activities & Resources Offered	People Reached	
	2016	2017
First 5 California School Readiness Activities	200	300
Poison Prevention Information	40	41
Car Seat Safety Checks	24	17
Nutrition Information	25	92
IMACA: Child Care Provider List & Preschool Application	25	16
Department of Social Services	25	31
Gun Safety Locks/Information	25	55
Kids' Bike Helmets	67	66
Health Department Information	30	32
Mono County Office of Education Programs	50	55
Home Safety Kits	-	41
Fruit & Hot Dogs	250	224
Fair Attendance	300	300

Other 2017 Activities: Free First Books, Bike Rodeo, Probation & Behavioral Health Info, Internet Safety, Pediatric Clinic Info, First 5 CA Health Express Bus & Video Music Hut, Raising A Reader, WIC, and more.



First 5 CA Express distributed 1285 items including books, new parent kits, and school readiness activity information.



Results and Indicators

Result Areas:

- Mono County children 0-5 are educated to their greatest potential.
 - All Mono County Children 0-5 are healthy.
-

Result: Mono County children 0-5 are educated to their greatest potential.

Indicator	Investment area	2014-15	2015-16	2016-17
1. Number and percent of children 6 months to 5 years old screened for developmental delays.	Home Visiting & Child Care Quality	26%	27%	206, 28%
2. Number and percent of children served in home childcare settings and childcare centers that exhibit moderate to high quality as measured by a quality index.	Child Care Quality	0	5%	59, 8%
3. Number and percent of licensed child care providers in Mono County advancing on the Child Development Permit Matrix.		0	0	unavailable
4. Number and percent of licensed center and family child care spaces per 100 children.		36%	35%	30, 30%

Sources:

1. Children in commission-run programs with developmental screening (75) & children in child care programs participating in quality programs who received a developmental screening (131) / children birth to five in Mono County, US Census 2015 population estimate, 739 (100% reporting rate)
2. Inyo County Superintendent of Schools Quality Rating Improvement System rated 3 sites—Inyo Mono Advocates for Community Action’s Preschools in Mammoth, Coleville and Lee Vining—all were rated as having high quality—4 on a scale of 1-5. First 5 Mono rated two In-home child cares—Vasquez Family Day Care and Cherubs Academy—that received a rating of higher than licensing standards; 2 on a scale of 1-5. Children served at the sites (59) / US Census 2015 population estimate, 739 (100% reporting rate)
3. Child Development Training Consortium permit application submission—0 for FY 11-12, 13-14, and 14-15—1 in 12-13 (100% reporting rate)
4. Number of licensed child care spaces available to children birth-5 on the IMACA Resource and Referral list, 227/children birth to five in Mono County, US Census 2015 population estimate, 739 (100% reporting rate)

Result: Mono County children 0-5 are educated to their greatest potential.

Indicator	Investment area	2014-15	2015-16	2016-17
1. Number and percent of children who have ever attended a preschool, Pre-K, or Head Start program by the time of Kindergarten entry.	School Readiness	54%	61%	9, 24%
2. Number and percent of children “ready for school” upon entering Kindergarten.		56%	37%	55, 50%
3. Number and percent of children receiving Kindergarten transition support.		84%	79%	76, 67%
4. Number and percent of entering Kindergartners assessed for school readiness prior to entry.		69%	66%	9, 24%
5. Number and percent of children in households where parents and other family members are receiving child-development and parenting education.	Home Visiting & Behavioral Health	72%	56%	385, 52%

Sources:

- 1.9 Summer Bridge Parent Surveys indicating enrollment in preschool or pre-K/38 surveys=24%
38 surveys/112 kindergarten students=34% reporting rate
2. 55 in-kindergarten Brigance screens of students assessed as within the typical range and above the gifted cutoff/ 111 number of assessments=50%;
111 assessed / 112 kindergarten students=99% reporting rate
3. 76 assessments, children participating in kindergarten Round Up, or Summer Bridge enrollment whichever is highest (Round Up for FY 2016-17)/ 112 number of children on the first day of kindergarten (100% reporting rate)
4. 9 Summer Bridge Parent Surveys indicating enrollment in preschool or pre-K that conducts readiness assessments/ 38 surveys=24%
38 surveys/112 kindergarten students=34% reporting
Previous years included First 5 sponsored pre-K assessments now conducted in kindergarten.
5. 385 Children in commission-run programs with child-development education components/ 739 children birth to five, 2015 Census projection
only includes First 5 programs—46% reporting rate

Result: All Mono County children 0-5 are healthy.

Indicator	Investment Area	2014-15	2015-16	2016-17
1. Number and percent of children in families provided with information about appropriate community services.	Home Visiting & Behavioral Health	72%	56%	343, 46%
2. Number and percent of children where breastfeeding is successfully initiated and sustained.	Home Visiting	89%	84%	104, 91%
3. Number and percent of children 0 to 5 years of age who are in the expected range of weight for their height and age, or BMI.		Unavailable	78%	247, 77%
4. Number and percent of entering Kindergarteners assessed for school readiness prior to entry.	School Readiness	69%	66%	9, 24%

Sources:

- 343 Children in commission-run programs with resource referral components/739 0-5 population, US Census 2015 projection=46%
46% reporting rate (same calculation as above)
Only includes First 5 programs
- 104 Sierra Park Pediatrics number of children breastfed at 1 month in 2016/ 114 number children seen at 1 month=91%
114 children seen at 1 month/ 135 children born in 2016 DOF projection= 84% reporting rate)
Previous year used Welcome Baby! data.
- 247 Sierra Park Pediatrics number of 2-5 year olds seen 2016 within the typical BMI range/320 Sierra Park Pediatrics number of 2-5 year olds seen in 2016=77%
320 2-5 year olds seen in 2016/ 739 US Census 2015 projection of 0-5 year olds=43% reporting rate
Previous year utilized CDPH data from the Mono County Public Health Department.
- 9 Summer Bridge Parent Surveys for 2016 indicating enrollment in a program that assessed in childcare or preschool program/ 38 responses=24%
38 responses/ 112 kindergartners—34% reporting rate
For FYs 2014-15 & 2015-16 data is drawn from F5 pre-K assessments.
For FY 2016-17 First 5 assessments were conducted in kindergarten and are therefore not counted.

Result: All Mono County children 0-5 are healthy.

Indicator	Investment Area	2014-15	2015-16	2016-17
1. Number and percent of children who regularly access preventive dental care.	Oral Health	13%	24%	145, 20%
2. Number and percent of children ages 1 or older who receive annual dental screenings.		17%	17%	129, 17%
3. Number and percent of children at Kindergarten entry with untreated dental problems.		11%	5%	7, 18%
4. Number and percent of prenatal women who receive dental hygiene education.		24%	10%	25, 19%

Sources:

1. Children 0-5 seen at Sierra Park Dental more than once a year. Data updated for all three years with analysis by Mammoth Hospital based on Sierra Park Dental information. n=740 (100% reporting rate based on the census estimate of 739 children 0-5 in the county for 2016)
2. Children 0-5 seen at Sierra Park Dental annually for a screening from 2014-2016. Data updated for all three years with analysis by Mammoth Hospital based on Sierra Park Dental information. n=740 (100% reporting rate based on the census estimate of 739 children 0-5 in the county for 2016)
3. 7 Kindergarten Round Up Oral Health Assessments indicate untreated dental problems/ 39 oral health assessments = 18%
39 students receiving an oral health assessment at Kindergarten Round Up/112 kinders=35% reporting rate
4. 25 prenatal WB! Visits/ 135 California Department of Finance 2016 Projected number of births= 19%
19% reporting rate (same calculation as above)

Fiscal Overview

FY 2016-17 Revenue

Revenue Type	Actual
Prop. 10 Tax Revenue	\$95,670
Small County Augmentation	\$254,330
SMIF (Surplus Money Investment Fund)	\$78
CAPIT (Parenting Partners)	\$30,000
IMPACT	\$57,144
Region 6 T&TA Hub	\$26,276
ICSOS Coaching	\$414
CDBG Administration	\$6,458
CDBG	\$244,313
Peapod Program (Prop. 63 Funds)	\$35,000
Raising A Reader	\$1,842
Miscellaneous	\$1,908
Interest on Mono County First 5 Trust Fund	\$7,094
Total Revenue	\$760,527

FY 2016-17 Expense

Expense	Actual	% of Expenditures	% of Discretionary Funds	5-year Strategic Plan
Home Visiting	\$145,132	19%	32%	34%
School Readiness	\$86,194	11%	23%	19%
Peapod	\$36,315	5%	-	7%
Child Care Quality (& Availability)	\$351,936	46%	5%	9%
Oral Health	\$4,764	1%	1%	1%
Safe Kids Coalition	\$7,000	1%	2%	2%
Operations/Support/Evaluation	\$131,359	17%	36%	28%
Total Expenses	\$762,700			
Total Revenue	\$760,527			
Net Revenue	(\$2,173)			



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 13, 2018

Departments: CAO; County Counsel; Community Development

TIME REQUIRED 1 hour (30 minute presentation, 30 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Tony Dublino, Christy Milovich, Wendy Sugimura

SUBJECT Cannabis Regulatory Program - Policy Items for Board Consideration

AGENDA DESCRIPTION:

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

Presentation regarding the County's Cannabis regulatory program--proposed structure and policy items for Board consideration.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Tony Dublino

PHONE/EMAIL: 760.932.5415 / tdublino@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Draft Code

History

Time	Who	Approval
3/8/2018 5:45 PM	County Administrative Office	Yes
3/8/2018 6:08 PM	County Counsel	Yes

3/8/2018 5:32 PM

Finance

Yes



County of Mono

County Administrative Office

Leslie L. Chapman
County Administrative Officer

Tony Dublino
Assistant County Administrative Officer

Dave Butters
Human Resources Director

Jay Sloane
Risk Manager

Date: March 13, 2018

To: Honorable Board of Supervisors

From: Tony Dublino, Assistant CAO

Subject: Cannabis Regulatory Program Update and Workshop

Recommended Action:

None. Receive presentation and provide any direction to staff.

Fiscal Impact:

None. Informational only.

Discussion:

The County continues to develop the regulatory program for commercial cannabis operations within the County. There has been a significant outreach effort to date, largely by the Community Development Department, that has yielded a significant amount of input from community members, stakeholders, and potential commercial cannabis operators.

The County's proposed regulatory program incorporates a two-permit system requiring a **Conditional Use Permit**, and a **Cannabis Operation Permit**.

Conditional Use Permits and the Mono County General Plan

The Conditional Use Permit (CUP) is a land use permit that governs where a certain activity can occur within the County and establishes specific operation conditions that ensure the land use will be consistent with the General Plan policies for the area, and will not unduly impact surrounding land uses regardless of who operates the business in the future. The requirements for these permits, as well as the process to issue the permits, are found within Mono County General Plan. The proposed amendments to the General Plan relating to cannabis will establish a new set of regulatory standards for various types of cannabis operations for which a CUP will be required.

Each Conditional Use Permit would require compliance with the California Environmental Quality Act, a public hearing, notice to surrounding property owners, and approval by the Planning Commission. These permits 'run with the land,' and would entitle future owners or lessees of the property to apply for a Cannabis Operation Permit on that property. The permits would expire after extended cessation of operations. These permits address physical land use issues such as setbacks, density, traffic, lighting, fencing, odor, dust and noise.

These proposed amendments to the General Plan have made up the bulk of the public outreach to date. Led by the Community Development Department, the policies have been the subject of several meetings of County RPACs and the Planning Commission. At their meeting on Thursday March 22, the Planning Commission will consider making a recommendation on the proposed General Plan Amendment to the

Board for consideration at a Public Hearing in April.

To preserve the Planning Commission's independent decision-making space, the potential General Plan policies are not included in this agenda item. The Board is requested to limit any discussion on issues that will be addressed next week by the Planning Commission.

Cannabis Operation Permit and the Mono County Code

The Cannabis Operation Permit is the second permit a cannabis business operator will be required to obtain. This permit addresses the many issues surrounding cannabis businesses that do not involve land use. As proposed, the Cannabis Operation Permit would be memorialized within Title 5 of the County Code (Chapter 5.60) and would include regulations pertaining to public health and safety, business operational standards, weights and measures, and labeling, among other things. Chapter 5.60 would also contain the application and renewal processes for the Cannabis Operation Permit along with enforcement and appeal provisions.

These additions to the Mono County Code include several policy components for your Board to consider. In anticipation of the scheduled April Public Hearing to adopt a cannabis regulatory scheme, staff has provided a proposed draft of the Code language, as well as the below list of identified policy issues to provide the public an opportunity to speak to the issues, and the Board to provide preliminary feedback and direction to staff.

The following is a list of policy questions, as identified by staff. The Board and/or public may have additional thoughts on other issues in the proposed draft, but not on this list.

Note: in the attached Draft of Code revisions, text is color-coded to reflect the origin of the proposed policies.

Policy Questions Identified by Staff:

- The 'Approval Authority' for a Cannabis Operation Permit is the Board of Supervisors, or Designee
- Community Development Director reviews applications for completeness, and performs annual reviews
- Determinations by Community Development Director are appealed to the Board
- Board determinations are final; Appeal is to Courts
- Caps on the number of cultivation permits
- Background Checks
- Annual Inspections and Compliance Review
- Limits on "Compassionate Use"
- Health Department/Public Health Suggestions

If you have any questions regarding this item, please contact me at (760) 932-5415.

Respectfully submitted,



Tony Dublino
Assistant CAO

Chapter 5.60
CANNABIS OPERATIONS

Purple: recommended
by PH.

Blue: Sheriff
recommendation

Red: Placeholder

Sections:

- 5.60.010 – Findings and Purpose**
- 5.60.020 – Applicability**
- 5.60.030 – Definitions**
- 5.60.040 – Permits Required**
- 5.60.050 – Cannabis Operation Permit Requirements**
- 5.60.060 – Placeholder – Cap on cultivation, etc.**
- 5.60.070 – Cannabis Operation Permit Application Process**
- 5.60.080 – Review of Application for Cannabis Operation Permit**
- 5.60.090 – Cannabis Operation Permit Renewal Process and Grounds for Denial**
- 5.60.100 – Fees**
- 5.60.110 – Cannabis Operation Permit Nontransferable**
- 5.60.120 – Commercial Cannabis Operating Requirements**
- 5.60.130 – Cultivation, Manufacture, Retail, Waste, and Storage Requirements**
- 5.60.140 – Packaging and Labeling Requirements**
- 5.60.150 – Suspension or Revocation of Cannabis Operation Permit**
- 5.60.160 – Procedure for Suspension or Revocation**
- 5.60.170 – Service Requirements**
- 5.60.180 – Enforcement and Penalties**
- 5.60.190 – Operative Date**
- 5.60.200 – Severability**

5.60.010 Purpose.

This Chapter provides regulations for the local permitting of commercial cannabis activities under specified conditions in the unincorporated areas of the County when authorized by a Land Use Permit issued in accordance with the Mono County General Plan; its purpose is to protect the public health, safety, and welfare; enact effective regulatory and enforcement controls in compliance with state law and any applicable federal enforcement guidelines; protect neighborhood character; and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas while accommodating the health needs of medical cannabis patients and establishing an avenue through which adult-use businesses may operate consistent with state law.

Commercial cannabis activity, as defined in Section 5.60.030, includes the cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, or sale of cannabis or a cannabis product.

5.60.020 Applicability.

This Chapter applies in the unincorporated area of the County of Mono.

5.60.030 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter.

A. “A-permit” means a County permit issued pursuant to this Chapter for cannabis or cannabis products that are intended for adults who are twenty-one (21) years of age and over and who do not possess a physician's recommendation.

B. “The Act” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as found in California Business and Professions Code section 26000, et seq. and as may be amended.

C. “Applicant” means a person who has submitted an application for a Cannabis Operation Permit or renewal of a Cannabis Operation Permit issued pursuant to this Chapter. If the applicant is an entity and not a natural person, applicant shall include all persons with a financial interest as defined in California Business and Professions Code section 26051.5 (7)(d).

D. “Applicant entity” means the entity applying for a Cannabis Operation Permit or renewal of a Cannabis Operation Permit.

E. “Application” means the form(s) provided by the Mono County Community Development Department in accordance with this Chapter for the purpose of seeking a Cannabis Operation Permit.

F. “Approval Authority” means the Mono County Board of Supervisors or its authorized designee.

G. “Attractive to Children or Youth” refers to products, packaging or labeling or advertising that may especially encourage persons under age 21 to initiate cannabis consumption or otherwise to consume (accidentally or purposely) cannabis or cannabis products. The term includes:

1. Products that (1) resemble a non-cannabis consumer product of a type that is typically consumed by, or marketed to, children or youth, such as a specific candy, baked treat or snack products; or (2) occur in the shape of a cartoon, human or any other animate creature, including but not limited to, an insect, toy, fruit, vehicle or robot.
2. Packaging or labeling that (1) resembles packaging or labeling of a non-cannabis consumer product of a type that is typically consumed by, or marketed to, children or youth; (2) contains images depicting a cartoon, human or any other animate creature, including but not limited to, an insect, toy, fruit, vehicle, or robot, or images of a candy, baked good or snack products resembling a non-cannabis consumer product of a type that is typically consumed by, or marketed to, children or youth, (3) contains text referring to a

cartoon, or any other animate creature including an insect, toy, fruit, vehicle or robot, (4) contains any images, characters, or phrases that closely resemble images, characters, or phrases popularly used to advertise to children; or (5) describes any characterizing flavor; except that, for edible products only, terms such as “lemon-flavored” describing a characterizing flavor may be used in font sizes that do not exceed that of the largest word in the “Warning” on the packages.

3. Advertising that (1) mimics advertising of a non-cannabis consumer product of a type that is typically consumed by, or marketed to children or youth; (2) depicts a cartoon, or any non-human animate creature, including but not limited to, an insect, toy, fruit, vehicle or robot, candy, baked goods, snack products, vehicles or robots typically marketed to youth; (3) uses actors or human characters who appear to be under age 21; or (4) or includes celebrities who specifically appeal to youth.

H. “Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs.

I. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by California Health and Safety Code section 11018.5.

J. “Cannabis accessories” means any materials or devices used for packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body (see California Health and Safety Code section 11018.2).

K. “Cannabis business” means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

L. “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A

cannabis concentrate is not considered food, as defined by California Health and Safety Code section 109935, or a drug, as defined by California Health and Safety Code section 109925.

M. “Cannabis operation permit” means a permit issued by the County to an applicant to perform commercial cannabis activities under this Chapter.

N. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health & Safety Code and is not limited to medical cannabis products.

O. “Cannabis retailer” or “Retailer” means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, either individually or in any combination, to consumers, cannabis, cannabis products or cannabis accessories whether intended for recreational or medicinal use. “Cannabis retailer” or “Retailer” shall also mean a person required to be licensed as a retailer, microbusiness, or nonprofit pursuant to California Business and Professions Code section 26000 et seq.

P. “Canopy” means the designated area(s) at a licensed premise, except nurseries, that will contain mature plants at any point in time, as follows:

1. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
2. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
3. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Q. “Cartoon” means any animation, drawing or other depiction of an object, person, animal, creature or similar caricature that satisfies any of the following criteria:

1. The use of comically exaggerated features;
2. The attribution of human characteristics to insects, animals, plants or other objects, or the similar use of anthropomorphic technique; or
3. The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

R. “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

S. “Characterizing flavor” means a distinguishable taste or aroma, other than the taste or aroma of Cannabis, imparted by Cannabis or a Cannabis product when smoked including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, nut or spice.

T. “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

U. “Children or Youth” mean individuals under age 21.

V. “Commercial cannabis activity” means the cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product.

W. “Commercial cannabis operation” means a person who engages in commercial cannabis activities.

X. “Conditional Use Permit” or “Use Permit” means a land use permit issued under the Mono County General Plan.

Y. “Constituent” means any ingredient, substance, chemical, or compound, other than Cannabis or water, that is added by the Manufacturer to a Cannabis product during the processing, manufacture, or packing of the Cannabis product.

Z. “County” means the County of Mono.

AA. “Cultivator” shall mean all persons required to be licensed to cultivate cannabis pursuant to California Business and Professions Code Sections 26000, et seq. and section 8201 of the Emergency California Cannabis Cultivation Licensing Regulations, as may be amended.

BB. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis including, but not limited to, the operation of a nursery or processing facility. Within the definition of cultivation, the permit types, corresponding to state cultivator license types set forth in California Business and Professions Code section 26061 and section 8201 of the Emergency California Cannabis Cultivation Licensing Regulations, as may be amended, apply.

CC. “Day care center” has the same meaning as in California Health and Safety Code section 1596.76.

DD. “Delivery” means the commercial transfer of cannabis or cannabis products by a licensee to a customer at a non-commercial location. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer for the purpose of a commercial transfer (e.g., online sales).

EE. “Department” means the Mono County Community Development Department.

FF. “Director” means the Director of the Mono County Community Development Department or an authorized representative.

GG. “Distinguishable” means perceivable by an ordinary consumer by either the sense of smell or taste.

HH. “Distribute” or “Distribution” means the procurement, sale, and transport or transfer, of cannabis and cannabis products between licensees for the purposes of conducting commercial cannabis activity authorized under California Business & Professions Code Sections 26000, *et seq.*

II. “Distributor” shall mean a person required to be licensed as a distributor pursuant to California Business and Professions Code Sections 26000, *et seq.*

JJ. “Edible cannabis product” or “Edible cannabis” means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

KK. “Flavored cannabis” or “Flavored cannabis product” means any Cannabis or Cannabis product that imparts a Characterizing Flavor when smoked.

LL. “Greenhouse” means a fully enclosed permanent structure that is clad in transparent material with mechanical control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting for cultivation.

MM. “Health-related statement” means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of Cannabis or Cannabis products and health benefits, or effects on health.

NN. “Hearing Officer” means a person appointed by the Approving Authority to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:

1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;

2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or 3. An independent contractor assigned by an organization or entity which provides hearing officers.

OO. “Hoop-House” and/or “Shade-Cloth” means a single story, unoccupied building which does not have a workstation or repair shop and is used exclusively for the growing and storage of food, herbs, ornamental crops or cannabis.

PP. “Identification card” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended or renumbered.

QQ. “Labeling” means any label or other written, printed, or graphic matter upon Cannabis or a Cannabis product, upon its container or wrapper, or that accompanies any Cannabis or Cannabis product.

RR. “Licensee” means any person holding a state license under California Business and Professions Code Sections 26000, *et seq.*, regardless of whether the license held is an A-license or an M-license and includes the holder of a testing laboratory or processor license.

SS. “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of a state license for commercial cannabis activities, or the state agency authorized to take disciplinary action against the licensee.

TT. “Limited access area” means an area in which cannabis is stored or held and which is only accessible to the licensee and authorized personnel.

UU. “Listed price” means the price listed for specific weight of flower or for Cannabis products on their packages or on any related shelving, posting, advertising or display at the place where the products are sold or offered for sale.

VV. “M-permit” means a County permit issued pursuant to this Chapter for cannabis or cannabis products that are intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Section 11362.5 of the California Health and Safety Code) by patients who possess a physician's recommendation.

WW. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

XX. “Manufacturer” means a person who conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

YY. “Manufactured cannabis” means the same as “Cannabis product”.

ZZ. “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products either directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

AAA. “Marketing” means any act or process of promoting or selling Cannabis or Cannabis products, including, but not limited to, sponsorship of events, offers such as tickets on events, point-of-sale advertising, branded merchandise, pamphlets or product promotional materials.

BBB. “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.

CCC. “Microbusiness” means a licensee conducting three of the following activities: Cultivation less than 10,000 square feet; Manufacturing (Level 1 manufacturing, Type 6); Distribution; or Retail. When applying for a permit, the licensee must indicate which activities will be conducted and must comply with all requirements for each activity in which the licensee engages.

DDD. “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

EEE. “Opaque exit package” means an opaque bag, box or similar container provided by the retailer, as distinct from the original Packaging from the manufacturer, in which purchased Cannabis or Cannabis products are placed prior to departing the store.

FFF. “Owner” means any of the following: (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit, or a permit holder, unless the interest is solely a security, lien, or encumbrance; (2) The chief executive officer of a nonprofit or other entity applying for or holding a permit; (3) A member of the board of directors of a nonprofit; or (4) An individual who will be participating in the direction, control, or management of the person applying for or holding a license (or permit).

GGG. “Package” or “Packaging” means any container or wrapper that may be used for enclosing or containing any cannabis products. The term “package” does not include any shipping container or outer wrapping used solely for the transportation of Cannabis or Cannabis products in bulk quantity to another licensee or licensed premises.

HHH. “Permittee” means a person issued a Cannabis Operation Permit under this Chapter.

III. “Person” means an individual, firm, partnership, joint venture, association,

corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

JJJ. “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or, otherwise held under the control of the Applicant or Licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one Licensee. There may be multiple premises on a single parcel.

KKK. “Primary caregiver” has the same definition as in the California Health and Safety Code section 11362.7, as it may be amended.

LLL. “Price reduction instrument” means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

MMM. “Processor” is a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.

NNN. “Property owner” means the individual or entity who is the record owner of the property or premises where commercial cannabis activities are located or are proposed to be located.

OOO. “Public park” means an area created, established, designated, or maintained by a special district, a county, the state, or the federal government for public play, recreation, or enjoyment or for the protection of natural resources and features at the site.

PPP. “Purchaser” means the customer who is engaged in a transaction with a permittee for purposes of obtaining Cannabis or Cannabis products.

QQQ. “Qualified patient” has the same definition as in California Health and Safety Code section 11362.7, as it may be amended or renumbered.

RRR. “Retailer” shall have the same meaning as Cannabis retailer.

SSS. “Retail” or “Retail sale” means the retail sale of cannabis or cannabis products to customers”

TTT. “Retail facility” means the facility out of which a Cannabis retailer operates.

UUU. “Self-service display” means the open display or storage of Cannabis, Cannabis products or Cannabis accessories in a manner that is physically accessible in any way to the general public without the assistance of the Cannabis retailer or employee of the Cannabis retailer involving a direct person-to-person transfer between the purchaser and the Cannabis

retailer or the employee of the Cannabis retailer. Vending machines and sample trays are forms of Self-service display.

VVV. “State” means the State of California.

WWW. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 26000, et seq.

XXX. “Testing laboratory” means a facility, entity, or site in the state that offers or performs testing of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activities in the state; and
2. Licensed by the Bureau.

YYY. “Transport” or “transportation” means the same as “Distribute” or “Distribution”.

ZZZ. “Volatile Manufacturing” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product with the use of volatile solvents or substances including but not limited to, butane and ethanol.

AAAA. “Volatile solvent” shall have the same meaning as in California Health and Safety Code section 11362.3 (b)(3), unless otherwise provided by law or regulation.

LLL. “Youth Center” has the same meaning as in California Health and Safety Code section 11353.1.

5.60.040 Permits required.

Except as provided in Section 5.60.060 of this Chapter, cannabis activities shall not be allowed in the unincorporated areas of Mono County without first securing all permits, licenses, and other entitlements required by the Mono County General Plan, the Mono County Code and State law and regulation.

A. A Conditional Use Permit is required for all commercial cannabis activities, unless otherwise indicated by law. The application for a Use Permit, and for amendments thereto and extensions thereof, shall be processed in accordance the Mono County General Plan. The Planning Commission is the governing body authorized to consider and approve a Use Permit for cannabis activities and to consider extensions of and amendments to such Use Permits. Appeals from the decision of the Planning Commission are governed by Chapter 47 of the Mono County General Plan.

B. In addition to a Use Permit, a Cannabis Operation Permit, issued pursuant to this Chapter, shall be required for all commercial cannabis activities. A separate Cannabis Operation Permit is required for each type of cannabis activity permitted by the County. Except for Classification 8 licenses (Testing Laboratory), all license/permit classes shall be

distinguished based on whether the business is for commercial adult-use cannabis activity (“A”) or for commercial medicinal cannabis activity (“M”). A separate Cannabis Operation Permit shall be required for each Cannabis activity carried on, at or out of the premises, regardless of ownership.

C. In addition to the above, all cannabis businesses located in the unincorporated areas of the County must obtain a valid business license pursuant to MCC Chapter 5.04.

D. Pursuant to California Business and Professions Code Section 26000, et seq., a valid license issued by the State shall be required to operate any commercial cannabis activity within the County and in the event the license is temporary, a completed copy of the application for an annual license is also required.

E. The permittee shall post or cause to be posted at the premises, all County and State permits and licenses required to operate. Such posting shall be in a central location, visible to all persons entering the premises, at the operating site, and in all vehicles, that distribute cannabis or cannabis products.

F. The owner and all permittees shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

G. All permittees shall conduct commercial cannabis activities in compliance with all required County permits, state licenses, County regulation, and state law and regulation. The owner shall be responsible for the payment of all required inspection fees, permit fees, and taxes (including, but not limited to, those taxes imposed pursuant to Chapter 5.55 of the Mono County Code).

5.60.050 Cannabis Operation Permit requirements.

A. Any person who intends to engage in a commercial cannabis activity shall obtain a Cannabis Operation Permit for each of the premises in which the commercial cannabis activity is to occur.

B. It is unlawful for any person to conduct, engage in or allow to be conducted or engaged in a commercial cannabis activity in the unincorporated portion of Mono County, unless the County has issued such person a permit under this Chapter and the permit is in effect. Notwithstanding the above, the permits issued under this Chapter do not provide any protection or immunity for any person from state or federal laws, or from prosecution pursuant to any applicable state or federal laws or the Mono County General Plan.

C. The fact that an applicant possesses other types of state or County permits or licenses, shall not exempt the applicant from obtaining a Cannabis Operation Permit under this Chapter, nor shall the terms and conditions of any other such permit or license modify the

requirements of a permit granted under this Chapter, except that the Cannabis Operation Permit must be consistent with the land use entitlement issued by the County pursuant to the Mono County General Plan, as applicable.

D. The applicant must receive all necessary land use entitlements as required by Chapter 13 of the Mono County General Plan before the County will issue a Cannabis Operation Permit under this Chapter.

E. The following Cannabis activities are not considered commercial cannabis activities and are **exempt** from the Cannabis Operation Permit requirements of this Chapter:

1. Possession, storage, manufacturing, or transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet total canopy area of medicinal cannabis by a qualified patient, as that term is defined in Section 11362.7 of the California Health and Safety Code, provided the qualified patient, possesses, stores, manufactures, transports, or cultivates cannabis exclusively for his or her personal medical use, and does not provide, donate, sell, or distribute cannabis to any other person. Qualified patients shall, upon request, provide appropriate documentation to law enforcement demonstrating that they have a valid doctor's recommendation to use cannabis for medicinal purposes.
2. Possession, storage, manufacturing, transportation of medicinal cannabis, or cultivation of up to one hundred (100) square feet total of canopy area of medicinal cannabis by a primary caregiver on behalf of a qualified patient, within the meaning of Section 11362.7 of the California Health and Safety Code, provided the primary caregiver does not receive remuneration for these activities except for compensation in full compliance with subsection (c) of Section 11362.765 of the California Health and Safety Code. Primary caregivers shall, upon request, provide appropriate documentation to law enforcement demonstrating that they are a primary caregiver for a qualified patient.
3. Possession, processing, storage, transportation, or donation of not more than 28.5 grams of cannabis or not more than eight (8) grams of concentrated cannabis to or by persons twenty-one (21) years of age or older pursuant to Section 11362.1 (a) of the California Health and Safety Code.
4. The cultivation of up to six (6) cannabis plants by persons twenty-one (21) years of age or older as allowed pursuant to Section 11362.1 (a) of the California Health and Safety Code.

5.60.060 Placeholder – Cap on cultivation permits and selection process.

5.60.070 Cannabis Operation Permit application process.

A. Each application, completed on the form(s) and in the manner prescribed by the Department, for an annual Cannabis Operation Permit shall be submitted to the Department. Once the application is determined to be complete and processed internally, the Department shall set the matter for decision by the Approval Authority.

B. In all cases, the application shall contain, without limitation, the following documentation:

1. All applicants' names, mailing addresses, and if available, e-mail addresses.
2. A 24-hour contact phone number.
3. The physical address and assessor's parcel number(s) (APN or APNs) of the premises upon which the proposed commercial cannabis operation will be located.
4. Proof of ownership of premises, or if the premises on which the commercial cannabis operation is to occur is rented or leased, written permission from the property owner containing the property owner(s)' notarized signature that authorizes the tenant or lessee to engage in commercial cannabis activities, as described in the application, at the site.
5. A "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, all entry ways and exits to the facility, loading zones and all areas in which cannabis and cannabis products will be stored, grown or dispensed.
6. If the applicant is a business entity or any form of legal entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the California Secretary of State, as applicable.
7. The full name, date of birth, social security number, present address and telephone number for all property owners and for all applicants, owners, supervisors, employees, and persons having any financial interest, as defined in California Business and Professions Code section 26051.5 (7)(d), in the commercial cannabis activity that is the subject of the application.
8. All property applicants, owners, owners, supervisors, employees and persons having a financial interest, as defined in California Business and Professions Code section 26051.5 (7)(d), must submit fingerprints and other necessary information for a criminal background check.
9. A statement of whether the applicant is applying for an M-permit or an A-permit.

10. Written proof (i.e., California driver's license, California identification card, or certified birth certificate) that all applicants, property owners, supervisors, and employees are eighteen (18) years of age or older for M-permits, and twenty-one (21) years of age or older for A-permits.
11. The names and addresses of any other commercial cannabis operations currently being operated by the applicant, or that have previously been operated by the applicant, whether in Mono County or otherwise, and a statement of whether the authorization for any such operation had been revoked or suspended and, if so, the reason therefor.
12. A full description of the proposed activities and products of the commercial cannabis operation.
13. A description of the type of State license(s) that will be required for the proposed operations pursuant to California Business & Professions Code Sections 26000, et seq., including a description of the proposed total canopy area of any cultivation or nursery operation.
14. A completed copy of each application submitted to the State for a license issued under California Business and Professions Code Sections 26000, et seq.
15. A list of all required licenses and permits required to operate any commercial cannabis activity and a statement whether the applicant has obtained or will obtain such approvals.
16. A detail of the procedures to be utilized at the premises including a description of how chemicals, pesticides and fertilizers will be stored, handled, used and disposed of; and if applicable, manufacturing methods, the transportation process, inventory procedures, and quality control procedures.
17. Proposed hours of operation.
18. A waste disposal plan.
19. If applicable, the applicant's seller's permit number issued pursuant to California Revenue and Taxation Code section 6001 et seq. or a statement that the applicant is currently applying for a seller's permit.
20. A statement by the applicant that it has the ability to comply with all laws regulating cannabis businesses in the State of California and that it shall maintain compliance during the term of the permit.
21. Authorization for the County, its agents and employees to seek verification of the information contained in the application.

22. Certification, under penalty of perjury, that all the information contained in the application is true and correct.
23. Any other information required by the County.
24. Background Check completed by the Mono County Sheriff's Department.
25. Live scan completed by the Mono County Sheriff's Department for all permittees and employees.
26. Security Plan completed pursuant to Chapter 13 of the Mono County General Plan.

5.60.080 Review of application for Cannabis Operation Permit.

A. Upon submission of the application to the Department, the Director shall review the application and associated documents for completeness. If the application is incomplete, the Director will send notice to the applicant, delivered in accordance with section 5.60.170, listing any missing items and the applicant shall have ten (10) calendar days from the postmark date of the notice to submit the missing information. If the missing information is not timely submitted, then the application will be denied.

B. Following a determination by the Director that the application is complete, the Director shall set the matter for decision by the Approving Authority during a regularly scheduled and duly noticed meeting.

C. An application shall not be deemed complete unless all required application fees have been paid.

D. Each Cannabis Operation Permit shall be granted for a one-year period and shall expire one (1) year after the date of its issuance (unless renewed in accordance with this Chapter) or on an annual date as set by the Director.

E. Upon review of a complete application for a Cannabis Operation Permit, the Approving Authority may grant the application if:

1. The proposed commercial cannabis activities will comply with all the requirements of the state law and the Mono County Code;
2. The applicant has received all necessary land use entitlements as required by the Mono County General Plan;
3. The proposed commercial cannabis activities will comply with all provisions of this Chapter, including but not limited to obtaining all necessary licenses and permits; and

4. If applicable, the applicant has obtained a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code.

F. The Approving Authority may deny any application that meets any of the following criteria or for any reason that would constitute grounds for denial of a state license:

1. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application;
2. Any applicant, property owner, supervisor, employee, or persons having any financial interest, as defined in California Business and Professions Code section 26051.5 (7)(d), in the commercial cannabis activity has been convicted of a felony or a drug related misdemeanor reclassified by Section 1170.18 of the California Penal Code (Proposition 47) within the past ten (10) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;
3. If applicable, the applicant failed to obtain or maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code;
4. Any person who is listed on the application is less than eighteen (18) years of age for an M-permit, and less than twenty-one (21) years of age for an A-permit;
5. The proposed commercial cannabis operation does not comply with the provisions of this Chapter or any other applicable Chapter of the Mono County Code, the Mono County General Plan or State law or regulation;
6. The applicant has not received all necessary land use entitlements as required by Mono County General Plan.

G. If the applicant, permittee or owner has been finally determined to have violated any provision of this Chapter or state law or regulation related to commercial cannabis operations they shall be prohibited from applying for a period of two years from the date of the final determination.

H. If the Approving Authority denies the application, it shall specify in writing the reasons for the denial and notify the applicant that the decision is final.

5.60.090 Cannabis Operation Permit renewal process and grounds for denial.

A. Each Cannabis Operation Permit shall expire one (1) year after the date of its issuance, or on an annual date as set by the Director, unless renewed in accordance with this section. Any permit may be renewed by the Department upon the submission of a renewal

application by the permittee and upon determination by the Director that the applicant meets the standards for grant of application under Section 5.60.080. At the time of consideration of a renewal application, the Director shall consider compliance with conditions during the prior term and may deny the renewal if a violation of the conditions in the prior term has been determined by the Director to have occurred. Denial shall be subject to appeal as provided in (F) below.

B. Any application for renewal shall be filed with the Department, on the form(s) and in the manner prescribed by the Department, at least thirty (30) calendar days before expiration of the permit. If any of the documentation and information supplied by applicant pursuant to Section 5.60.070 has changed since the grant of the permit, applicant shall submit updated information and documentation with the application for renewal and shall provide such other information as the Director may require.

C. Any application for renewal shall be denied if:

1. The permittee or operation fails to conform to the criteria set forth in this Chapter;
2. The permittee is delinquent in payment of applicable County taxes on commercial cannabis activity or any other fee or charge; or
3. The permit is suspended or revoked at the time of the application.

D. If a renewal application is denied, an applicant may file a new application pursuant to this Chapter.

E. An application for renewal shall not be deemed complete until all renewal fees have been paid.

F. The Director she shall specify in writing the reasons for any denial of the renewal and shall email and mail, certified mail, postage prepaid, return receipt requested, the written decision with an explanation that the decision shall become final unless the applicant requests an appeal hearing within ten (10) calendar days of the date the written decision of denial is postmarked. The request for an appeal must be made in writing and submitted to the Department in person or by mail. A failure to submit a written request for an appeal hearing within 10 days of the postmarked date of the denial notice shall constitute a waiver of the right to appeal.

G. Upon the timely receipt of a written request for an appeal hearing, the Director shall set the matter for hearing before the Approving Authority. The determination of the Director shall be stayed pending appeal, unless the violation poses an immediate threat to public health and safety, as determined by the Director and stated in the notice of denial.

5.60.100 Fees.

The filing of an application for a Cannabis Operation Permit, for a renewal of a Cannabis Operation Permit, or a written request for an appeal hearing shall be accompanied by payment of

such fees as the Board of Supervisors may establish from time to time to recover the cost of administration of this Chapter. Permit applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter.

5.60.110 Cannabis Operation Permit nontransferable.

A. A Cannabis Operation Permit does not create any property interest in the permittee, is not transferable, and automatically terminates upon transfer of ownership or revocation of any corresponding Conditional Use Permit.

B. Whenever any individual, corporation, limited liability company, partnership or other type of business entity permitted under this Chapter sells or transfers all or part of its corporate stock, partnership interest or other business interest in a commercial cannabis operation, a new Cannabis Operation Permit shall be obtained pursuant to Section 5.60.070 of this Chapter.

C. A Cannabis Operation Permit is issued to and covers only the permittee identified on the permit with respect to the premises identified on the permit. The Cannabis Operation Permit does not run with the land.

5.60.120 Commercial cannabis operating requirements.

A. Throughout the term of the Cannabis Operation Permit, each permittee for each type of commercial cannabis activity, shall comply with this Chapter and all other applicable County or State law, ordinance or regulation, including but not limited to, the following:

1. The canopy area of cannabis located at any premises shall not exceed the maximum canopy limits set by state law and the limits set forth in County's Use Permit issued pursuant to the Mono County General Plan, if applicable. The Cannabis Operation Permit shall specify the canopy limit allowed by the permit.
2. A permittee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of the business operation conducted from the premises, from the site plan contained in the diagram on file with the application, unless and until written approval by the Approving Authority has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, any other physical modification resulting in substantial change in the mode or character of business operation, or any change in the cannabis activity type from the approved permit.
3. No cannabis shall be smoked, ingested or otherwise consumed on the premises of any cannabis business.

4. No person who is less than eighteen (18) years of age may be employed or otherwise engaged in the operation of an M-permit, and no person less than twenty-one (21) years of age may be employed or otherwise engaged in the operation of an A-permit.
5. No person under the age of eighteen (18) shall be allowed on the premises of permittees operating pursuant to an M-permit, and no person under the age of twenty-one (21) shall be allowed on the premises of permittees operating pursuant to an A-permit.
6. There shall not be a physician located in or around any commercial cannabis operation at any time for the purpose of evaluating patients for the issuance of a medical cannabis recommendation or card.
7. Each cannabis business shall conspicuously display all necessary State and County licenses and permits on the premises. Each cannabis business that engages in distribution or transport shall carry a copy of the permit in all vehicles that distribute or transport cannabis or cannabis products.
8. All indoor, greenhouse and mixed-light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor-control filtration and ventilation system(s) to control odors, humidity and mold.
9. No permittee may hold a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the premises, nor may the commercial cannabis operation include a business that sells alcoholic beverages. No alcohol may be stored, sold, dispensed or consumed on the premises.
10. A permittee shall not sell any tobacco or nicotine products on or at any premises permitted under this Chapter. No tobacco or nicotine products may be stored, dispensed or consumed on the premises.
11. A permittee shall sell only Cannabis, Cannabis products, and Cannabis accessories produced and distributed by persons licensed in the State of California. They shall not sell other goods, including but not limited to, food, non-cannabis medicines or supplements, or items of clothing.
12. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products shall be visible from the exterior of the premises.
13. No signage may include the words "marijuana" or "cannabis" or "pot", nor shall any graphic display of cannabis leaves or plants be displayed on the building signage nor shall any graphics of cannabis leaves or plants be used in advertising collateral materials.

14. Where applicable, all cannabis and cannabis products shall be stored in a secured and locked safe room, safe or vault, and in a manner to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples or immediate sale.
15. No Retailer shall allow entry into the premises, or sell or transfer Cannabis, Cannabis products or Cannabis accessories to another person, without first examining the identification of the recipient to confirm that the recipient is 21-years of age or older for any Retailer with an A-permit and 18 years or older, unless accompanied by a parent or guardian, for any Retailer with an M-permit.
16. Employees involved in face-to-face retail sales of Cannabis or Cannabis products or management of a retail facility must undergo training on legal requirements and best practices for Cannabis retailing and health education for Cannabis use using a curriculum and program approved by the Mono County Public Health Department.
17. All employees are subject to the requirements of the Security Plan as developed pursuant to Chapter 13 of the Mono County General Plan.
18. Each permittee shall keep accurate records of its commercial cannabis activities pursuant to the requirements of Sections 26160 and 26162 of the California Business and Professions Code, as they may be amended.
19. Each permittee shall maintain a current register of the names of all employees and shall disclose such register for inspection by a County for purposes of determining compliance with this Chapter.
20. Each permittee shall be responsible and liable for safety and security in and around the commercial cannabis operation, and shall provide adequate security on the premises, including, but not limited to, lighting and alarms, to insure the safety of persons and to protect the premises from theft and other crimes. Each permittee shall install and maintain in proper working order, video monitoring equipment capable of providing surveillance of both interior and exterior areas of the permitted establishment. Each permittee shall maintain such surveillance video tapes for a period of at least thirty (30) days and shall make such videotapes available to the County upon demand.
21. No weapons shall be permitted on the premises of any permittee without prior written approval from the Mono County Sheriff.
22. Each permittee shall notify the County immediately after discovering any of the following: diversion, theft, loss, or any criminal activity involving the

commercial cannabis operation; significant discrepancies identified during inventory; or any other breach of security.

23. Each permittee shall provide the Director with the name, telephone number, and e-mail address of a community relations contact to whom the public can provide notice of problems associated with the commercial cannabis operation. The permittee shall make a good faith effort to resolve problems without the need for intervention by the County.
24. Any new supervisors, employees or other persons otherwise engaged in the operation of the cannabis business must submit their information to the Director within ten (10) days prior to their new employment or engagement, including fingerprints and other necessary information for a criminal background check.
25. No property owner, supervisor, employee, or other persons otherwise engaged in the operation of the commercial cannabis operation may have been convicted of a felony or a drug related misdemeanor reclassified by Section 1170.18 of the California Penal Code (Proposition 47) within the past ten (10) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
26. A permittee shall not be delinquent in the payment of any applicable State and County taxes and fees.
27. The property owner(s) who own(s) the premises where the commercial cannabis operation is located must at all times have all necessary land use entitlements as required by the Mono County General Plan.
28. When applicable, the permittee must legally hold all required County licenses and all required State Licenses under the Medicinal and Adult-Use of Cannabis Regulatory and Safety Act (Business & Professions Code §§ 26000, *et seq.*), as it may be amended, and under all other applicable state laws.
29. A permittee shall comply with all applicable federal, state and local laws, ordinances and regulations, including without limitation, County building, land use and health codes.
30. The owner(s) shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Mono County Code, Mono County General Plan and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to the Mono County General Plan.

31. No permittee shall advertise operations without a valid permit, including a permittee whose permit has been revoked or suspended.

32. Each permittee shall operate at all times in a manner to prevent diversion of cannabis and shall at all times be in compliance with any track and trace program established by the State.

B. At any time between 8:00 a.m. and 8:00 p.m. and without notice, County officials may enter the premises for the purpose of observing compliance of the commercial cannabis operation with this Chapter, including access to and inspection of the commercial cannabis operation's records, books, accounts, financial data, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination.

C. The applicant and owner(s) agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee.

D. It is unlawful for any licensee, permittee, employee or authorized personnel to refuse to allow, impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

E. The applicant, owners(s) and property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.

5.60.130 Cultivation, testing, manufacturing, retail, waste, delivery and storage requirements.

A. Each permittee must follow all pesticide use, storage and disposal requirements of local, state and federal law, including but not limited to, those requirements set and enforced by the Inyo/Mono County Agricultural Commissioner's Office.

B. Each permittee must maintain all weighing devices in compliance with local, state or federal law, including but not limited to, those requirements set and enforced by the Inyo/Mono County Agricultural Commissioner's Office.

C. Each permittee must follow all local, state and federal requirements for waste disposal.

D. A Greenhouse requires a building permit.

E. A Hoop-House or similar such building must have an emergency escape opening

on one or more sides, be readily removable for seasonal variations, be constructed of somewhat flexible material, and have a cloth type membrane or other similar membrane not exceeding six mils (1/1000in.) covering the frame. Permanent or temporary service systems, such as electrical, plumbing, gas, or mechanical systems and permanent foundation/anchoring systems are not allowed without a building permit.

F. In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site unless all necessary permits have been obtained from the Mono County Health Department, and all other appropriate agencies.

G. All food products, food storage facilities, food-related utensils, equipment and materials shall be approved, used, managed and handled in accordance with Sections 113 700-114437 of the California Health and Safety Code, and California Retail Food Code. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases.

H. Baked products (e.g., brownies, bars, cookies, etc.), tinctures, and other nonrefrigerated type items may only be sold or distributed by a licensed Cannabis Retailer from a permanently constructed, fixed structure.

I. A Cannabis retailer shall not hold or maintain a permit as a food services establishment or cottage food establishment from the County.

J. Cannabis retailing by means of a Self-service display is prohibited.

K. A Cannabis retailer holding an A-permit may not use in its name any words or phrases implying health or therapeutic benefits, including but not limited to “health,” “wellness” or “clinic”.

L. A permit shall not be issued for a Cannabis retailer that shares an entryway with a holder of a license to sell tobacco or alcohol; a purveyor of food products; or a pharmacy.

M. No Cannabis product shall be smoked, ingested or otherwise consumed in or at the Retail facility and all persons and employees shall at all times comply with the Mono County Smoking and Tobacco Policy (see Chapter 7.92 of the Mono County Code).

N. No live music, shows, dancing or other entertainment other than recorded background music shall occur at a Cannabis retailer.

O. No Cannabis retailer shall: (1) honor or accept a price reduction instrument in any transaction related to the sale of Cannabis or Cannabis products to a consumer; (2) sell or offer for sale Cannabis or Cannabis products through any multi-package discount or otherwise provide to a consumer any Cannabis or Cannabis products for less than the Listed price in exchange for the purchase of any other Cannabis or Cannabis product; (3) sell, sell at a discount, offer for sale, or otherwise provide any product other than Cannabis or Cannabis products in exchange for the purchase of Cannabis or Cannabis products; or (4) otherwise sell, offer for sale, or provide

Cannabis or Cannabis products for less than the Listed price. In addition, Cannabis retailers must sell, offer for sale, or provide Cannabis or Cannabis products for the same listed price every day of the week in a given week.

P. Cannabis retailers shall ensure that all cannabis and cannabis products at the Retail shop are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with state and local regulations.

Q. Drive through or walk-up window services in conjunction with Cannabis retail are prohibited.

R. Cannabis retailers must operate in a permanently constructed, fixed structure. Cannabis retailing is not permitted from a vehicle or non-permanent structure. Deliveries of cannabis from a Retailer to a consumer is prohibited. For example, Cannabis retailing by persons on foot or from vehicles or at festivals or fairs is not allowed.

S. Cannabis Retailers are prohibited from selling and advertising for sale the following:

- a. Any Cannabis or Cannabis Product that is Attractive to Children or Youth.
- b. Any Cannabis or Cannabis Product whose Packaging or Labeling is Attractive to Children or Youth.
- c. Synthetic cannabinoid containing products.
- d. Flavored Cannabis Products.
- e. Cannabis or Cannabis Products that contain any noncannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include, but are not limited to, nicotine, caffeine and alcohol [excepting a minimum of alcohol that is residual from manufacturing or required solvents for the cannabis containing product if the product's Packaging, Labeling and Marketing make no other reference to alcoholic content].
- f. Any Cannabis Product that would otherwise be classified as a potentially hazardous food (as defined in the Health and Safety Code 113871), including a food that requires time or temperature control to limit pathogenic microorganism growth or toxin formation.
- g. Any Cannabis-infused beverages, powders, gels or other concentrates with instructions for the preparation of Cannabis-infused beverages.
- h. Any Cannabis product that the County determines is easily confused with a commercially available food without Cannabis.

T. Every Cannabis retailer shall maintain on the Premises the original Labeling and Packaging provided by the Manufacturer for all Cannabis Products that are sold or offered for sale by the establishment separately from the original Packaging designed for retail sale to the consumer. The original Labeling and Packaging from which the contents are sold separately shall

be maintained during such time as the contents of the package are offered for sale and may be disposed of upon the sale of the entire contents of such package.

U. Cannabis retailers shall operate only in accordance with the operating plans reviewed and approved by the County. The County shall limit the hours of operation for a retail facility to begin no earlier than 8:00 a.m. and to end no later than 8:00 p.m.

V. Extraction equipment used in Manufacturing facilities shall be listed or otherwise certified by an approved third-party testing agency or licensed professional engineer and approved for the intended use by the County Building Official and local Fire District Chief.

W. All employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.

X. Testing facilities shall adopt standard operating procedures using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test cannabis and cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.

Y. Testing facilities shall notify the County within 24 hours of conducting a test if a sample that was cultivated, manufactured, or supplied by a cannabis business located in Mono County is found to contain levels of a contaminant not allowed by the State that could be injurious to human health if consumed.

5.60.140 Packaging and labeling requirements.

A. Permittees shall comply with state law and regulations pertaining to packaging and labeling requirements, including but not limited to, those provisions found in Section 26120 of the Business and Professions Code.

B. No Cannabis business or Cannabis or Cannabis product brand identification, including logos, trademarks or names, may be used or licensed for use on clothing, toys, games, or game equipment, or other items that are typically marketed primarily to or used primarily by persons under the age of 21, or that are attractive to children or youth.

C. Edible cannabis products shall be designed, produced, manufactured, distributed, packaged and sold in accordance with section 26130 of the California Business and Professions Code.

D. In the event that cannabis is no longer a Schedule I controlled substance under federal law, the label prescribed in subdivision C shall no longer require a statement that cannabis is a Schedule I controlled substance.

5.60.150 Suspension or revocation of Cannabis Operation Permit.

Any of the following shall be grounds for suspension or revocation of a Cannabis Operation Permit, based on substantial evidence and following notice and hearing pursuant to Section 5.60.160 of this Chapter.

1. Failure to comply with one or more of the terms and conditions of the Cannabis Operation Permit described this Chapter.
2. The Cannabis Operation Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant.
3. Any act or omission by a permittee in contravention of the provisions of this Chapter.
4. Any act or omission by a permittee in contravention of State law, or the Mono County Code or General Plan.
5. Any act or omission by a permittee that results in the suspension or revocation of the Conditional Use Permit issued under Chapter 13 of the Mono County General Plan
6. Any act or omission by a permittee that results in the denial, revocation or suspension of that permittee's state License.
7. Failure to pay applicable state or County taxes or fees.
8. Conduct of the commercial cannabis operations in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance as directed by the County.

5.60.160 Procedure for suspension or revocation.

A. If the Director determines that grounds for suspension or revocation of the Cannabis Operation Permit exist pursuant to Section 5.60.150 of this Chapter, he or she shall issue a written Notice of Intention to suspend or revoke the permit, as the case may be. The Notice of Intention shall be served on the permittee, as reported on the permit, and on the property owner, as reported on the latest equalized assessment roll. The Notice of Intention shall be served in accordance with the requirements set forth in Section 5.60.170 of this Chapter. The Notice of Intention shall describe the property, the intention to revoke or suspend the permit, the grounds for suspension or revocation, the action necessary to correct or abate the violation and the time limit for compliance.

B. If the violation has not been corrected within the period specified in the Notice of

Intention, the Director may issue a Notice of Suspension or Revocation, as applicable. The Notice of Suspension or Revocation shall be served in the same manner as described above for service of the Notice of Intention.

C. The permittee and/or owner shall have ten (10) calendar days from postmark date of the Notice of Revocation or Suspension to submit a written request to the Department for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the Cannabis Operation Permit and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Approving Authority may suspend or revoke the permit in accordance with the Notice of Intention.

D. Upon receipt of a timely written request for a hearing, the Director shall set a date for a hearing to be held as soon as reasonably practicable. Notice of the hearing, including the time, date, and location of the hearing, shall be served in accordance with the requirements set forth in Section 5.60.170 of this Chapter.

E. Hearing by the Hearing Officer:

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the Cannabis Operation Permit.
2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
4. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
5. The hearing shall follow the procedures set forth in subsection 1.12.050(E)-(L) of the Mono County Code, except that the Notice of Intention shall be the same as the "NOV" and the Notice of Suspension or Revocation shall be the same as the Administrative Citation, as used in those subsections.
6. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.

F. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.

G. If neither permittee nor owner, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

5.60.170 Service requirements.

Wherever this Chapter requires the County to serve notice to an applicant, permittee, or property owner such notice shall be given, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the premises on the date of the mailing of notice. Service shall be deemed complete upon mailing.

5.60.180 Enforcement and penalties.

The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

A. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

B. In addition, any provision in this Chapter may be enforced by administrative citation pursuant to Chapter 1.12 of the Mono County Code.

C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of the County, create a cause of action for penalty pursuant to Chapter 7.20 of the Mono County Code, and any other action authorized by law.

D. Each and every violation of this Chapter shall constitute a separate violation per day and shall be subject to all remedies and enforcement measures authorized by the Mono County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, restitution, and any other relief or remedy available at law or in equity. The County, including the Office of the District Attorney and the Office of the County Counsel, may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis operator or persons related thereto, or associated with, the commercial cannabis activity.

5.60.190 Operative date.

Placeholder

5.60.200 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections.

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