

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

July 28, 2015

8:30 a.m. 1. **PUBLIC COMMENT**

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].** Patrick McLernon v. County of Inyo, William Kanayan as an individual, and dba William Kanayan Construction, and Does 1 to 25, inclusive; Inyo County Superior Court Case No. SICVCV 1558147.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)] -** CRYSTAL ALLEN, an individual v. COUNTY OF INYO, et al. a governmental entity; and DOES 1-50, Inyo County Superior Court Case No. SICVCV13-54820.
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].** Bishop Paiute Tribe v. Inyo County; WILLIAM LUTZE, Inyo County Sheriff; THOMAS HARDY, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT.
5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].-** Sprint Telephony PCS, LP et.al., v. State Board of Equalization et al., San Francisco Superior Court Case No. CGC-11-511398.
6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(4) –** decision whether to initiate litigation (two cases).

OPEN SESSION

10:00 a.m. **PLEDGE OF ALLEGIANCE**

7. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**
8. **PUBLIC COMMENT**

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

9. **Information Services –** Request Board authorize the issuance of RFP-ISI501 Audio Visual Design and Build for Board of Supervisors Chambers.

10. **Parks and Recreation** – Request approval of a resolution revising septic pump-out fees in the Campgrounds of Inyo County.
11. **Advertising County Resources** – Request Board approve the final payments to the following for 2014-15 Community Project Sponsorship Grant Projects: A) to the Lone Pine Chamber of Commerce, \$4,000 for the Summer Sierra Concert, \$4,250 for the Images of Inyo Photo Shoot Out Contest; B) \$3,750 to the Bishop Area Chamber of Commerce and Visitors Center for hosting the 2015 California High School State Rodeo Championship; C) \$888.94 to the Bishop Museum and Historical Society – Laws Museum; and D) \$3,000 to the Friends of the Mt. Whitney Fish Hatchery for the 2015 Independence Father's Day Fishing Derby.

COUNTY ADMINISTRATOR – SHERIFF

12. Request Board A) declare Joe Pecsí a sole source provider of consulting services for the update of the Inyo County Emergency Operations Plan and the Emergency Field Guide; B) approve a contract between the County of Inyo and Joe Pecsí, for the provision of consulting services in an amount not to exceed \$15,000, for the term of August 1, 2015 through March 31, 2016, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.

CLERK-RECORDER

13. Request approval of a \$13,738.50 payment to DFM Associates for the Annual DFM Associates Software License Maintenance and Support Fee, contingent upon the Board's adoption of a FY 2015-16 Budget.

HEALTH AND HUMAN SERVICES

14. **Social Services** – Request Board approve a resolution to affirm the commitment of Inyo County to prevent commercial exploitation of children and to work collaboratively with County partners to identify, protect and serve these children.

PUBLIC WORKS

15. Request Board authorize Griffiths Construction and their subcontractor, Pavement Recycling Systems to temporarily close Sunland Drive between U.S. Highway 395 and Gerkin Road to reconstruct the road's base section and to pave the road as a part of the South Bishop Improvement Project.
16. Request approval of a sole source Contract with the Controller of the State of California for the preparation of the annual Road Report for the fiscal year ending June 30, 2015, in an amount not to exceed \$4,000, contingent upon the Board adoption of a FY 2015-16 Budget; and designate and authorize the Road Commissioner to sign the Contract and transmit a signed copy to the Clerk of the Board for the Board's files.
17. Request Board approve temporary Road closures at the entrances to Barlow Lane, See Vee Lane, and Tu Su Lane adjacent to Highway 168, during a State of California sidewalk improvement project for one week at each location with the closures to occur one location at a time.
18. **PUBLIC WORKS** – Request approval of the Grant Agreement between the County of Inyo and the Federal Aviation Administration (FAA) for the grant offer for Airport Improvement Program Grant No. 3-06-0126-011-2015 for the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (design only) in the amount of \$150,000, contingent upon the Board adoption of future budgets; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained, and transmit a signed copy to the Clerk of the Board for the Board's files.

DEPARTMENTAL (To be considered at the Board's convenience)

19. **CLERK-RECORDER** – Request Board conduct a workshop on the Knight News Challenge Toolkit for Election Officials.

20. **WATER** – Request Board authorize A) the submittal of a grant application seeking \$286,050 in funds under the State of California Department of Water Resources, Proposition 84 Round Three Implementation Funding; and B) approve a payment to California Trout in an amount not to exceed \$2,860 for IM IRWMP Program Office.
21. **BOARD OF SUPERVISORS – Supervisors Griffiths and Kingsley – COUNTY ADMINISTRATOR – PLANNING – WATER- AGRICULTURAL COMMISSION** – Request Board review the Notice of Preparation of Environmental Impact Report for the Owens Lake Master Project; and authorize the Chairperson to sign correspondence in regards thereto.
22. **COUNTY ADMINISTRATION – Eastern California Museum** – Request Board A) declare as surplus County owned property, the double-wide trailer on the grounds of the Eastern California Museum (Registration No. CAL 312722 and CAL 312723); B) sell the surplus trailer to the Friends of the Eastern California Museum for a consideration of one dollar; C) approve the Agreement between the County of Inyo and the Friends of the Eastern California Museum (Friends) that stipulates that the Friends will repair and maintain the trailer, and in return the County will lease the current trailer space to the Friends at no cost to the Friends for a period of not less than 10 years; and authorize the Chairperson to sign.
23. **BOARD OF SUPERVISORS - Supervisor Tillemans** – Request Board consider and provide direction to staff regarding the request by the Big Pine Cemetery District to waive the gate and disposal fees for green waste disposal of diseased trees, at the Bishop-Sunland Landfill; and as may be appropriate, approve the necessary resolution.

TIMED ITEMS (Items will not be considered before scheduled time)

- 11:00 a.m. 24. **PLANNING** – Request approval of Addendum No. 2 to the Mitigated Negative Declaration for the Munro Valley Solar Project and direct the Planning Department to file an appropriate Notice of Determination; approve a modified Mitigation Monitoring Program which includes substitute biological mitigation measures; and approve modification to Renewable Energy Permit 2013-01, which incorporates substitute biological mitigation measures.
- 11:30 a.m. 25. **ASSESSOR** – Request Board enact an ordinance titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Exempting Low Value Personal Property from Property Taxation” which eliminate the assessment of vessels valued at \$1,300 or less.
26. **AGRICULTURAL COMMISSIONER** – Request Board A) conduct a **public hearing** for the proposed continuation of the assessments for the “Owens Valley Mosquito Abatement Program Assessment” and the “Mosquito Control and Disease Prevention Assessment” in order to receive public input on the proposed continuation of the assessments, the proposed assessment budget for Fiscal Year 2015/2016, the services and programs, the assessments fund, and any other issues related to the assessments; and B) approve a resolution approving the Engineer’s Report, confirming the diagram and assessments for FY 2015-2016 for the “Owens Valley Mosquito Abatement Program Assessment” and the “Mosquito Control and Disease Prevention Assessment,” and order the services and levy the assessments for FY 2015-2016 for both programs.

CORRESPONDENCE – ACTION (To be considered at the Board’s convenience)

27. **INYO COUNCIL FOR THE ARTS** – Request the closure of the Millpond Recreation Area to the public from Friday, September 18, 2015 at 6:00 a.m., through Sunday, September 20, 2015 at midnight, so that the Arts Council can hold the 24th Annual Millpond Music Festival.
28. **SOUTHERN INYO FIRE PROTECTION DISTRICT** – Request Board A) consolidate the District’s Special Election for a ballot measure imposing and levying a supplemental special emergency response services tax, with the Uniform District Election Law (UDL) Election to be held on November 3, 2015; and B) request the Auditor-Controller to prepare a fiscal impact statement for the District’s ballot measure.

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

29. **COUNTY DEPARTMENT REPORTS (Reports limited to two minutes)**
30. **PUBLIC COMMENT**

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

31. **SHERIFF** – Sheriff and Jail Overtime reports for the months of May and June, 2015.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
9

- Consent (checked), Departmental, Correspondence Action, Public Hearing, Scheduled Time for, Closed Session, Informational

FROM: County Administrator – Information Services

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Authorization to issue Request for Proposals for Board of Supervisor Chambers Audio-Visual equipment

DEPARTMENTAL RECOMMENDATION:

Request you Board authorize the Information Services Division to issue the RFP-IS1501 Audio Visual Design and Build for Board of Supervisors Chambers.

SUMMARY DISCUSSION:

In March 2016, the County of Inyo was awarded a grant from the Great Basin Air Pollution Control District to mitigate pollution generated, in part, by vehicles driving to and from Independence to attend Board meetings.

To provide an alternative to driving to Independence, a project with the goal to leverage technology to broadcast Board meetings in real-time over the Internet (webcast) as well as record and archive the Board proceedings for later viewing via the Internet was established.

Information Services is requesting issuance of an RFP as a first step towards acquiring and installing the appropriate audio-visual equipment required to meet the project goals.

ALTERNATIVES:

Your Board could choose to not issue the RFP; such as decision would be contrary to the project goals. Additionally, your Board could request that the RFP be revised.

OTHER AGENCY INVOLVEMENT:

No other agencies are directly affected by this effort.

FINANCING:

The cost of the project is requested in the Great Basin APC grant FY 2015-16 budget [610189-5265] (Prof. Services).

Table with 2 columns: Role (County Counsel, Auditor/Controller, Personnel Director) and Description/Approval. Includes handwritten signatures and dates.

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Handwritten signature of the Department Head

Date:

7/13/15



COUNTY OF INYO

REQUEST FOR PROPOSALS

RFP-IS1501

AUDIO AND VISUAL DESIGN AND BUILD FOR BOARD OF SUPERVISORS CHAMBERS

JULY 2015

SUBMIT PROPOSALS TO

**Inyo County Board Clerk
RFP-IS1501
P.O. Box Drawer N
Independence, CA 93526**

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SECTION 1: INTRODUCTION

1.1 Proposal Goals

General Summary

The County of Inyo seeks proposals from audio-visual specialists who design, provide and install integrated audio-visual solutions. The County of Inyo is specifically seeking proposals that meet the expectations of this project as described in further detail in section 2.

Technical Summary

The County of Inyo is seeking proposals for an integrated audio-visual solution suitable to support real-time, dynamic broadcasts of Board of Supervisor meetings using multiple, voice activated cameras; the system should require little to no human technical interactions during the broadcast under normal circumstances. Proposals shall include a recommended design that best meets the County's functional requirements as well as detailed component requirements, a project schedule including the date when the proposed solution can be delivered, and cost.

The County prefers solution delivery prior to October 2, 2015.

The County requests that all respondents propose a complete solution that clearly describes and defines required and optional hardware, software and implementation services.

1.2 About the Organization

The County of Inyo is a governmental organization

Inyo County, California was organized in 1866 from land set aside from Mono and Tulare Counties. The County was originally named Coso County, and the town of Independence is designated as the County seat. The County is characterized as rural and frontier, and is located in the central-eastern part of the state. Comprised of more than 10,142 square miles, Inyo County is geographically the second largest county in California. The governmental agency was organized, in part, to provide safety and services to its population.



According to census information, the population of Inyo County in 2013 was estimated to be 18,467 and showed an increase of 2.9% over the 2000 census. The census also reports a median household income of \$45,000 or 27% below that of the California median, and

a median value of owner-occupied homes of \$246,200 or 36% below that of the California median. Census data indicates 7,910 Inyo County households in 2012.

While the County seat is located in Independence, the population center of the county is approximately 45 miles to the north in Bishop, California. Bishop and its immediate suburbs host a population of approximately 12,000.

Services must be provided over a large area without benefit of abundant revenue

One can surmise from this data that Inyo County has a population density of less than 2 persons per square mile. Services must be provided over a large geographical area. The County has limited funds to provide services due to low tax revenues resulting from less than 2% of land in the county being privately owned, and corresponding low population, low income and low property values of the area.

The County budget is approximately \$90 million dollars with approximately \$51 million dollars comprising the General Fund.

The County of Inyo governmental organization is the county's largest single employer employing approximately 460 employees.

Inyo County is a slow growth area

Only approximately 2% of the land in Inyo County is privately held. The City of Los Angeles Department of Water and Power and the Federal Government own the larger balance of land in the county. The City of Los Angeles Department of Water and Power controls in excess of 227,000 acres of land in the Owens Valley. Lacking land available for expansion, very little growth in population and revenue is anticipated in the immediate future.

1.3 Issuing Agent

Project Sponsor

The County Administrator's Office is sponsoring this project. The County of Inyo Information Services Division is managing the project. Respondents are specifically instructed to NOT contact any elected officials or County employees for meetings, conferences or technical discussions related to the RFP. Unauthorized contact with elected officials or County personnel may result in rejection of the respondent's RFP response. All communications with the County regarding this RFP (other than the formal submittal) should be via email and directed to:

Brandon Shults, bshults@inyocounty.us

1.4 Current Environment

Board of Supervisors chambers are technologically outdated

While some attempts to upgrade the communications technology and capability of the Board of Supervisors chambers have taken place over the last several years, the Board chambers is configured with microphones that are always active and have only manually controlled volumes, overhead speakers of adequate quality and quantity, and two large screen video displays for in-room projection of Power Point presentations. No other audio-visual equipment is installed including any County controlled video equipment.

1.5 Technology Vision

Leverage Technology to Improve and Increase Government Communications and Transparency

In an effort to improve and increase communications and transparency, the County Administrator's Office wishes to implement appropriate technology in the Board chambers which will enable Board meetings to be streamed in real-time over the Internet. The technology should be such that the broadcast is dynamic using multiple, voice activated cameras and that little to no human technical interactions should be required during the broadcast under normal circumstances.

SECTION 2: FUNCTIONAL REQUIREMENTS

2.1 Overview

Project Goals

Successful implementation of a real-time (live) audio-visual streaming system in the County of Inyo Board of Supervisors chambers is the project goal.

In order to meet the goal, the Inyo County Administrator's Office is soliciting proposals from audio-visual specialists who design, provide and implement integrated audio-visual solutions.

The present expectation, which may be refined through further collaboration with the selected respondent, includes design, provision and build of the following:

- (1) Anticipated components:
 - a. Eight (8) stationary hi-definition cameras and microphones at the Supervisor's positions along the dais (see Exhibit A)
 - b. One (1) hi-definition camera and microphone at the Public Speaker podium
 - c. One (1) ceiling mounted, wide-angle, hi-definition camera

(2) Anticipated operation:

- a. The cameras will be connected as necessary to a video switcher.
- b. The cameras mounted along the dais will automatically switch to the person actively speaking. In the case there are no persons speaking, or more than one person is speaking, the wide-angle camera will be activated. Camera switching will be automated.
- c. The camera mounted at the podium will broadcast as a picture-in-picture overlay on top of the Supervisor's/wide-angle camera output.
- d. Microphones will connect to a rack mounted, multi-channel audio mixer with automatic and manual volume/gain controls. Voice activation of a microphone will, in turn, control camera activity.
- e. Video output will feed to:
 - i. The two (2) existing TV monitors in the chambers
 - ii. A County furnished computer that will be used to stream the audio/video feed to the internet
 - iii. The existing CCTV video feed
- f. Audio output will feed to:
 - i. The overhead loudspeakers in the chambers
 - ii. A County furnished computer that will be used to stream the audio/video feed to the internet
 - iii. The existing CCTV audio feed
- g. The system should accommodate Power Point presentations in that the Power Point presentation will supplant all other camera activity until the Power Point presentation concludes. Any audio associated with Power Point presentations will be subordinate to all other audio (persons speaking); a person speaking will, in fact, defeat/override any Power Point audio.

SECTION 3: PROPOSAL INSTRUCTIONS

3.1 General Conditions

Proposal Cost

Those submitting proposals do so entirely at their expense. There is no expressed or implied responsibility on the part of the County of Inyo to reimburse respondents for any expenses incurred for preparing or submitting proposals, providing additional information when requested by the County of Inyo, or participating in any selection interviews.

Basis of Selection

No commitment will be made to select a respondent's solution solely on the basis of price. The primary basis for selection will be the proposed solution's ability to meet the County's business needs; however, weight will also be given to overall acquisition and

operating cost, maintainability, and respondent's reputation and ability to be a good business partner.

Selection Criteria

The selection criteria listed below represent critical issues that will impact the success of the County of Inyo Audio-Visual Design and Build project. The respondent should make certain that their proposal addresses each of these issues.

1. Features: The respondent must address the general and specific requirements as defined in the Request for Proposals.
2. Comprehensive Services: The respondent must specify its ability to provide the wide range of products and services outlined in this Request for Proposal. The successful bidder must demonstrate its ability to consistently provide high quality services.
3. Cost: The respondent must provide the required systems and services at a cost that is economically feasible.
4. System Reliability: Robust and reliable technology is desired and critically important to the County.
5. Supportability: The respondent must document the proposed system so that it can be supported in the future.
6. Timing: The County is interested in working with a respondent able to provide the solution immediately following successful contract negotiations.
7. County Standard Contract: Respondent must agree to enter into County of Inyo Standard Contract - No. 113 (provided for reference as Exhibit B of this RFP).

Proposal Evaluation

The intention of the County of Inyo is to cost effectively acquire the audio-visual system necessary to stream Board meetings as anticipated. Responses to this RFP will be evaluated according to the following criteria:

- Quality, clarity and responsiveness of the proposal in conformance with the instructions, conditions and format as requested in this document;
- Functionality and technical requirements of the proposed solution;
- Cost

A team selected by the County of Inyo will evaluate all proposals deemed responsive to the request. The initial evaluation will consider the submitted responses only. The proposals will be ranked based on an analysis conducted by the evaluation team.

Discussions may take place with the finalists to clarify the proposal and obtain a best and final offer. Any award granted will be granted to the respondent proposing the best solution for the County as determined solely by the County.

Exceptions and Omissions

Should any omissions, discrepancies or ambiguities be discovered in this RFP, the County should be notified in writing (via email) immediately. All questions will be answered to the extent possible in an addendum released as soon as possible after the County receives the notification. Please note that all omissions, discrepancies, or ambiguities are not purposeful. Please direct all such notifications to:

Brandon Shults bshults@inyocounty.us

Additional Information

If additional information is required to complete the proposal, the respondent is cautioned that the opportunity to obtain additional information is limited to technical and/or procedural questions and should not be viewed as a sales presentation opportunity. Requests must be made in writing via email. Please direct all such requests to:

Brandon Shults bshults@inyocounty.us

Project Contact

Brandon Shults – Director, Information Services
County of Inyo
P.O. 477
Independence, CA. 93526

Phone: 760-878-0314
Fax: 760-872-2712
Email: bshults@inyocounty.us

Submissions

A hard copy of the proposal must be submitted.

If hard copy via U.S. Mail to: *

Inyo County Board Clerk
RFP-IS1501
P.O. Box Drawer N
Independence, CA 93526

If hard copy via non U.S. Mail: *

Inyo County Board Clerk
RFP-IS1501
224 North Edwards Street
Independence, CA 93526

*(US Post Office does not deliver to street addresses in Independence, CA)

Submissions must be received no later than 3:30 PM, Thursday, August 13, 2015. The County reserves the right to deem Respondent non-responsive if submissions are not received by the date and time stipulated.

Schedule

Proposals will be processed according to the following schedule of estimated target dates:

Issue RFP to potential bidders	07/22/15
Proposals Due	08/20/15
Selection of Finalists	08/21/15
Implementation Completed	October 2015

Proposal's Use / Respondent Guarantees

The respondent's response to this RFP acknowledges that the rights have been reserved to include any part or parts of the selected respondent's proposal in the final contract. Submission of any proposal indicates acceptance of the conditions contained in the RFP.

By submission of a proposal, the respondent certifies that:

The prices in this proposal have been arrived at independently and without consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such prices, with any vendor.

The respondent has not paid or agreed to pay any fee or commission, or any other item of value contingent on the award of this contract to any employee, official, or current contracting consultant of the County of Inyo.

All proposals submitted and the included pricing shall be valid for a period of 60 calendar days from the date of proposal opening.

Rights of County

The County, at its sole discretion, reserves the right to:

1. Reject any or all responses without cause.
2. Reject all responses and seek new responses when such action is judged to be in the best interest of the County.
3. Request and receive additional information as the County believes is necessary and to disqualify any company and reject any responses for failure to promptly provide such additional information.
4. To waive any informalities or incomplete responses and to disregard all non-conforming, non-responsive or conditional proposals.
5. Negotiate with any and all respondents.

Section 4: SUBMITTAL REQUIREMENTS

4.1 Proposal Format

To facilitate the analysis of responses to this RFP, respondents are required to prepare their proposals in accordance with the instructions outlined in this section. Respondents whose proposals deviate from these instructions may be considered non-responsive and be disqualified at the discretion of the County.

Respondents shall prepare proposals as simply as possible and provide a straightforward, concise description of its capabilities to satisfy the requirements of the RFP. Emphasis should be concentrated on accuracy, completeness, and clarity of content. All parts, pages, figures, and tables shall be numbered and clearly labeled. The proposal must be organized into the following sections:

<u>Section</u>	<u>Heading</u>
	Title Page
1.0	Proposed Design
2.0	Proposed Technology
3.0	Implementation Schedule
4.0	Cost Proposal

Requirements relative to each section of the RFP response are described below.

Proposal Section 1: Proposed Design

The County is interested in a highly automated audio-visual solution for streaming/broadcasting Board of Supervisor meetings. The intent is that rather than a single static camera, there will be multiple cameras activated automatically when voice is detected near a given camera. In Section 1, propose a design that will accommodate this goal.

Proposal Section 2: Proposed Technology

Based on its geographically remote location and organizational culture, the County is most interested in solutions that are robust and reliable. For each component proposed, indicate its specifications and its purpose in fulfilling the stated project goals.

Proposal Section 3: Implementation Schedule

Provide a project schedule detailing project milestones, resources and timings.

Proposal Section 4: Cost Proposal

Prepare a cost proposal that details, quantifies and totals all costs associated with successful completion of the project. The items described in the cost proposal should reconcile to the items and efforts described in Sections 1, 2 and 3 of the proposal.

The County realizes costs are based on some assumptions and pledges to work with all respondents during the negotiation process to arrive at a fair and equitable agreement. Respondents are encouraged to provide documentation about any assumption made while determining pricing.

AGREEMENT BETWEEN COUNTY OF INYO
AND _____
FOR THE PROVISION OF _____ **SERVICES**

INTRODUCTION

WHEREAS, the County of Inyo (hereinafter referred to as "County") has the need for the _____ services of _____ of _____ 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, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

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, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement.

2. TERM.

The term of this Agreement shall be from _____ to _____ unless sooner terminated as provided below.

3. CONSIDERATION.

A. Compensation. County shall pay to Contractor the sum total of _____ Dollars and _____ cents (\$ _____) for performance of all of the services and completion of all of the work described in Attachment A.

B. Travel and Per Diem. Contractor will not be paid or reimbursed for travel expenses or per diem which Contractor incurs in providing services and work 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 all services and work to be performed under this Agreement shall not exceed _____ Dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit.

E. Billing and Payment. Contractor shall submit to the County, upon completion of all services and work set forth in Attachment A, an itemized statement of all services and work performed by Contractor pursuant to this Agreement. This statement will identify the date on which the services were performed and describe the nature of the services and work which was performed on each day. Upon receipt of the statement by the fifth (5th) day of the month, County shall make payment to Contractor on the last day of the month.

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 will 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. To facilitate this reporting, Contractor shall complete and submit to the County an Internal Revenue Service (IRS) Form W-9 upon executing this Agreement.

4. WORK SCHEDULE.

Contractor's obligation is to perform, in a timely manner, those services and work identified in Attachment A. It is understood by Contractor that the performance of these services and work will require a varied schedule. Contractor will arrange his/her own schedule, but will coordinate with County to insure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS.

A. 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 which 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.

B. Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Contractor also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration available at: <http://www.sam.gov>.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor, for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

7. COUNTY PROPERTY.

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, etc. provided to Contractor by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, which 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, video tapes, 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 which 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 California Worker's Compensation coverage and Employer's Liability coverage for not less than \$1,000,000 per occurrence for all employees engaged in services or operations under this Agreement. The County of Inyo, its agents, officers and employees shall be named as additional insured or a waiver of subrogation shall be provided.

9. INSURANCE.

For the duration of this Agreement Contractor shall procure and maintain insurance of the scope and amount specified in Attachment B and with the provisions specified in that attachment.

10. STATUS OF CONTRACTOR.

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as independent contractors, and not as agents, officers, or employees of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. Except as expressly provided in Attachment A, Contractor has no authority or responsibility to exercise any rights or power vested in the County. 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 or considered 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 as 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, or 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 which is caused in whole or in part by any act or omission of the Contractor, its agents, employees, supplier, or any one 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.

To the extent permitted by law, County shall defend, indemnify, and hold harmless Contractor, 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, or resulting from, the active negligence, or wrongful acts of County, its officers, or employees.

12. RECORDS AND AUDIT.

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, and municipal law, 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, microphotographs, 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, which 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, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age, or sex. 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. ASSIGNMENT.

This is an agreement for the services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any monies due or to become due under this Agreement without the prior written consent of County.

15. DEFAULT.

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

16. WAIVER OF DEFAULT.

Waiver of any default by either party to this Agreement shall not be deemed to be 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 twenty-three (23) below.

17. CONFIDENTIALITY.

Contractor agrees to comply with the 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 information and records. Disclosure of such confidential, privileged, or protected information shall be made by Contractor only with the express written consent of the County.

18. CONFLICTS.

Contractor agrees that it has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement.

19. POST AGREEMENT COVENANT.

Contractor agrees not to use any confidential, protected, or privileged information which 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 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.

20. 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.

21. FUNDING LIMITATION.

The ability of County to enter 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 cancel, reduce, or modify this Agreement, or any of its terms within ten (10) days of its notifying Contractor of the cancellation, reduction, or modification of available funding. Any reduction or modification of this Agreement made pursuant to this provision must comply with the requirements of paragraph twenty-three (23) (Amendment).

22. ATTORNEY'S FEES.

If either of the parties hereto brings an action or proceeding against the other, including, but not limited to, an action to enforce or declare the cancellation, termination, or revision of the Agreement, the prevailing party in such action or proceeding shall be entitled to receive from the other party all reasonable attorney's fees and costs incurred in connection therewith.

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 is in written form and executed with the same formalities as this Agreement, 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 either party during the terms 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 to, the respective parties as follows:

County of Inyo

_____ Department
Street
City and State

Contractor:

Name
Street
City and State

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 the same be in writing executed by the parties hereto.

AGREEMENT BETWEEN COUNTY OF INYO
AND _____
FOR THE PROVISION OF _____ SERVICES

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
DAY _____, _____.

COUNTY OF INYO

CONTRACTOR

By: _____

By: _____

Signature

Dated: _____

Type or Print Name

Dated: _____

APPROVED AS TO FORM AND LEGALITY:

County Counsel

APPROVED AS TO ACCOUNTING FORM:

County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

Personnel Services

APPROVED AS TO INSURANCE REQUIREMENTS:

County Risk Manager

ATTACHMENT A

AGREEMENT BETWEEN COUNTY OF INYO

AND _____
FOR THE PROVISION OF _____ **SERVICES**

TERM:

FROM: _____ **TO:** _____

SCOPE OF WORK:

ATTACHMENT B

AGREEMENT BETWEEN COUNTY OF INYO

AND _____
FOR THE PROVISION OF _____ **SERVICES**

TERM:

FROM: _____ **TO:** _____

SEE ATTACHED INSURANCE PROVISIONS

Specifications 2

Insurance Requirements for Professional Services

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury, with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$500,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

(Not required if consultant provides written verification it has no employees)

1. **Professional Liability (Errors and Omissions)** Insurance appropriate to the Consultant's profession, with limit no less than **\$1,000,000** per occurrence.

If the Consultant maintains higher limits than the minimums shown above, the Entity requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

1. **The Entity, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the Entity.**

Waiver of Subrogation

Consultant hereby grants to Entity a waiver of any right to subrogation which any insurer of said Consultant may acquire against the Entity by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Entity. The Entity may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Entity.

Claims Made Policies

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of the contract of work.**
3. If coverage is canceled or non-renewed, and not **replaced with another claims-made policy form with a Retroactive Date** prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of **five (5) years** after completion of contract work.

Verification of Coverage

Consultant shall furnish the Entity with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The Entity reserves the right to require complete,

certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

Special Risks or Circumstances

Entity reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 10

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Rick Benson, Assistant County Administrator

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT:

Consideration of a Resolution Revising Septic Pump-Out Fees in the Campgrounds of Inyo County.

DEPARTMENTAL RECOMMENDATION:

Request your Board approve a Resolution Revising Septic Pump-Out Fees in the Campgrounds of Inyo County.

SUMMARY DISCUSSION:

Section 12.16.190 of the Inyo County Code allows rates for use of county parks, campgrounds, boat launching facilities, group camps, and storage be set by a resolution of the Board of Supervisors. On January 6, 2015 your Board adopted Resolution 2015-03 establishing fees for all services within County parks.

In anticipation of the County acquiring equipment to provide this service, included was a \$25.00 fee for septic pump-out services. This fee was recommended based on estimated usage of the service. The equipment is now in place, however, campers are not availing themselves of the County service. It has been determined by County staff that the \$25.00 fee is not competitive. Therefore, it is recommended that the fee be reduced to \$15.00. This will improve the County's competitive position which is expected to increase utilization and allow for the recovery of the cost of the equipment.

ALTERNATIVES:

Your board could choose to not revise the fee. Without a revision it is anticipated that utilization will remain at low levels resulting in very low revenues.

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

The equipment has already been acquired. It is anticipated that lowering the fee will increase revenues.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) <i>Margaret Kemp-Williams</i> Approved: <input checked="" type="checkbox"/> Date <u>07/10/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Rick Benson

Date: 7/13/15

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF INYO, STATE OF CALIFORNIA, REVISING SEPTIC PUMP-
OUT FEES IN THE CAMPGROUNDS OF INYO COUNTY

WHEREAS, Government Code section 50402, authorizes the County of Inyo to establish fees for the use of County parks and campgrounds; and

WHEREAS, Government Code section 50402(a) specifically states a county may by resolution of its governing body establish a charge for use of or services provided in a park as long as no charge is imposed which exceeds the cost of the use or services; and

WHEREAS, Section 12.16.190 of the Inyo County Municipal Code allows rates for use of County of Inyo parks, campgrounds, boat launching facilities, group camps, and storage to be set by resolution of the Board of Supervisors; and

WHEREAS, Resolution 2015-03, establishing fees was adopted by the Board of Supervisors of the County of Inyo on January 6, 2015; and

WHEREAS, it is the recommendation of the Director of Parks and Recreation that the fee for RV Septic Pump-out be revised to \$15.00 for the service.

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

1. The rate of \$15.00 is hereby established as the fee for septic pump-out services in the campgrounds of Inyo County to take effect August 1, 2015, which fee shall supplant any and all prior fee schedules.
2. The rate, as herein specified, is effective until changed by resolution of this Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors, County of Inyo, State of California, this 28th day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Chairperson
INYO COUNTY BOARD OF SUPERVISORS

*ATTEST: Kevin Carunchio
Clerk of the Board*

by: _____
Patricia Gunsolley, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 11

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Jon Klusmire, Museum Services Administrator

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Final County of Inyo Community Project Sponsorship Grant presentations and payments to the Lone Pine Chamber of Commerce for the Sierra Summer Concert and Images of Inyo Photo Shoot Out Contest; the Bishop Chamber of Commerce for the California High School Rodeo Finals; Laws Railroad Museum for its LOCOMotive Geocache Event; Friends of the Mt. Whitney Fish Hatchery for the Independence Father's Day Fishing Derby.

DEPARTMENTAL RECOMMENDATION: Request your Board approve final payments to the Lone Pine Chamber of Commerce for \$4,000 for the Summer Sierra Concert; \$4,250 for the Images of Inyo Photo Shoot Out Contest; the Bishop Area Chamber of Commerce and Visitor's Bureau for \$3,750 for hosting the 2015 California High School State Championships; \$881.94 to the Bishop Museum and Historical Society -- Laws Museum; and \$ 3,000 to the Friends of the Mt. Whitney Fish Hatchery for the 2015 Independence Father's Day Fishing Derby. All are 2014-15 Community Project Sponsorship Grant projects funded from the 2014-2015 Advertising County Resources budget, 011400.

SUMMARY DISCUSSION: The Lone Pine Chamber of Commerce was awarded a FY 2014-15 County of Inyo Community Project Sponsorship Grant in the amount of \$8,000 in October of 2014 to help sponsor Sierra Summer Concert. This is the third year the chamber has hosted a musical event/concert. This year's music concert had both a DJ and a live band and was held June 28, at Diaz Lake. After contracts were finalized, half the grant funds (\$4,000) were disbursed to the Chamber. The event organizers have provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$4,000. The Chamber also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Lone Pine Chamber of Commerce was awarded a FY 2014-15 County of Inyo Community Project Sponsorship Grant in the amount of \$8,500 in October of 2014 to help sponsor the Images of Inyo County Photo Shoot Out Contest. This year, about 150 photos were submitted, and the quality was "excellent," the Chamber noted. All photos entered into the contest become the property of the Lone Pine Chamber, and can then be used by local groups or organizations in promotional efforts. The photos have been used to advertise Inyo County at Cal Expo and in (the Inyo County) Visitors Guide, and on Inyo County's theothersideofcalifornia web page. After contracts were finalized, half the grant funds (\$4,250) were disbursed to the Lone Pine Chamber of Commerce. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$4,250. The organizers also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Bishop Chamber of Commerce was awarded a FY 2014-15 County of Inyo Community Project Sponsorship Grant in the amount of \$7,500 in October of 2014 to help host the 2015 California High School Rodeo State Finals Championship. In June 2015, more than 200 high school rodeo athletes spent a week competing at the Tri-County Fairgrounds in front of their families, fans, friends and spectators. Once again, the Chamber, local businesses and the community provided outstanding support for the event in the form of volunteer hours, donations and creating an exceptional experience for the high school athletes and everyone else associated with this prestigious championship event. After contracts were finalized, half the grant funds (\$3,750) were disbursed to the Chamber. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for the remaining \$3,750 in grant funding. The Chamber also provided ample evidence that Inyo County was prominently mentioned as a sponsor of the event.

The Bishop Museum and Historical Society, Laws Museum was awarded a FY 2014-15 County of Inyo Community Project Sponsorship Grant in the amount of \$2,000 in October of 2014 to help sponsor the fourth annual LOCOMotive Geocache Event. The event attracted more than 90 people to the grounds of the Laws Museum. Attendees came from Nevada, Southern California, Fresno, Ridgecrest, Mono and Inyo counties. After contracts were finalized, half the grant funds (\$1,000) were disbursed to the Society. The Society has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$881.94 (this is less than the grant award because the

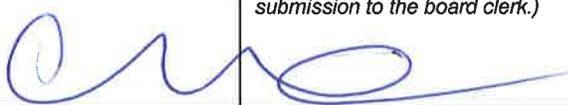
organizers are frugal). The Society also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Friends of the Mt. Whitney Fish Hatchery was awarded a FY 2014-15 County of Inyo Community Project Sponsorship Grant in the amount of \$6,000 in October of 2014 to help sponsor the Independence Father's Day Fishing Derby. The derby was held on June 20, 2015, and attracted anglers and families from Southern California, Central California, and Northern California, in addition to Inyo County residents. Participants landed planted trout, wild trout and blue gill. About 228 anglers registered for the derby, an increase of more than 50 percent compared to last year (146). Prizes were awarded in a variety of categories in both the Junior and Adult divisions. After contracts were finalized, half the grant funds (\$3,000) were disbursed to the Friends. The event organizers have provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$3,000. The Friends also provided ample evidence that Inyo County was prominently mentioned as a sponsor of the event.

ALTERNATIVES: The Board could deny the requests.

OTHER AGENCY INVOLVEMENT: County Administrator's Office, Auditor/Controller.

FINANCING: The Community Project Sponsorship Program is part of the Advertising County Resources budget and is financed from the General Fund. Funds for these grants have been budgeted in the FY 2014-15 Advertising County Resources Budget (011400), Professional Services (5265).

<u>APPROVALS</u>	
COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: <u>yes</u> Date <u>9/21/2015</u>
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 7/21/15
 (Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)



120 South Main Street • P.O. Box 749 • Lone Pine, CA 93545

Lone Pine
Chamber of Commerce

June 30, 2015

Inyo County Board of Supervisors
PO N
Independence, CA 93545

Dear Supervisors;

This is the final request for the grant money for the 2015 Sierra Summer Concert held at Diaz on June 28th.

I thank you for your financial help in getting this project off the ground and hopefully we can make it an annual event.

Again thank you for your participation in this project.

Sincerely,

Kathleen
Kathleen New
President/CEO

LONE PINE, CA
Sierra, Summer
CONCERT
 LIVE OUTDOOR MUSIC

SUNDAY • JUNE 28, 2015
2-3 DJ • 3-7pm CONCERT
DIAZ LAKE • Hwy 395 • Lone Pine, Ca

ENTERTAINMENT



WHISKEY
 TANGO

FREE
 SEATING
 760.876.4444

FOLLOW US ON   

LONEPINECHAMBER.ORG
 Sponsored in part by Inyo County



Sierra Summer LONE PINE, CA
CONCERT
LIVE OUTDOOR MUSIC

FREE CONCERT
760.876.4444

ENTERTAINMENT
WHISKEY TANGO

SUNDAY • JUNE 28, 2015
CONCERT 2-3pm
Lone Pine, Ca

Sierra Summer LONE PINE, CA
CONCERT
LIVE OUTDOOR MUSIC

FREE CONCERT
760.876.4444

ENTERTAINMENT
WHISKEY TANGO

SUNDAY • JUNE 28, 2015
DJ 2-3pm CONCERT 3-7pm
DIAZ LAKE • Hwy 395 • Lone Pine

www.LonePineChamber.org • sponsored by Lone Pine Chamber of Commerce

Sierra Summer LONE PINE, CA
CONCERT
LIVE OUTDOOR MUSIC

FREE CONCERT
760.876.4444

ENTERTAINMENT
WHISKEY TANGO

DJ 2-3pm CONCERT 3-7pm • DIAZ LAKE • Hwy 395 • Lone Pine, Ca

FOLLOW US ON

WWW.LONEPINECHAMBER.ORG
Sponsored in part by Inyo County

Sierra Summer LONE PINE, CA
CONCERT
LIVE OUTDOOR MUSIC

FREE CONCERT
760.876.4444

ENTERTAINMENT
WHISKEY TANGO

THIS WEEKEND
JUNE 28th
CONCERT 3-7pm
DIAZ LAKE • Hwy 395
Lone Pine, Ca

WWW.LONEPINECHAMBER.ORG
Sponsored in part by Inyo County

ON





120 South Main Street • P.O. Box 749 • Lone Pine, CA 93545

Lone Pine
Chamber of Commerce

June 30, 2015

Inyo Co. Board of Supervisors
PO Box N
Independence CA 93526

Dear Supervisors,

The Lone Pine Chamber of Commerce wants to thank you for your support of the Lone Pine Photo Shootout contest.

We now have some great pictures that we use in advertising Inyo County at Cal Expo and in our Visitor's Guide as well as in magazines advertising our area.

The final pictures are on display at the Lone Pine Visitors Center through October and it turns out this is a great venue for showing off Inyo County

Sincerely,


Kathleen New
President/CEO

PH. [760] 876.4444 • www.lonepinechamber.org
info@lonepinechamber.org

Give us your best shot!

Images can be purchased
thru the Lone Pine Chamber

Start shooting your way into
next years competition!



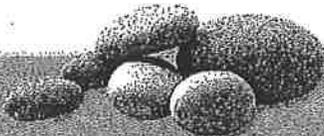
Deadline for 2016 submissions

JUNE 23rd, 2016

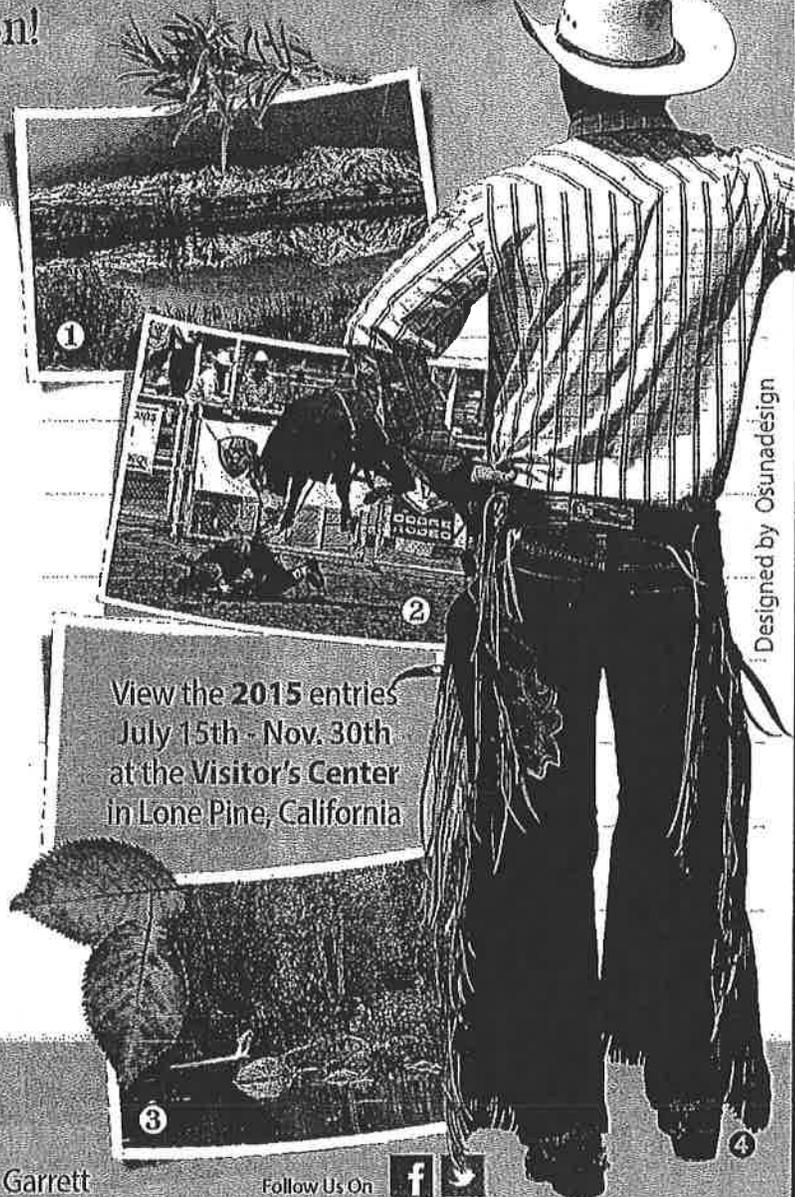
For rules & regulations:
www.lonepinechamber.org

 **760.876.4444**

Hosted by the
Lone Pine Chamber of Commerce
Sponsored by **Inyo County**



Photography by: 1. J. Winstead 2. Bror 3. Wold 4. R. Garrett



Designed by Osunadesign

Follow Us On  



BISHOP AREA CHAMBER OF COMMERCE & VISITORS BUREAU

June 30, 2015

Dear Mr. Klusmire and Inyo County Supervisors:

Please find enclosed final funding request related to Inyo County Community Project Sponsorship Grant Funding for the California High School Rodeo State Finals Championship.

This package contains completed reimbursement request forms, copies of all related invoices and written summary reports for the project. We're pleased to report the week-long event was quite successful and we're thankful for the continued support of Inyo County.

As you can see, BACCVB spent more than \$11,000 to fulfill our portion of the contract with CHSRA. We're certainly grateful for the generous contribution of co-sponsors such as McDonald's, Erick Schat's Bakery and Bishop hotels; otherwise the cost would have been much higher. We're also grateful for Inyo County's continued support of CHSRA. As you recall, our original request was for \$10,000 and in previous years, we have received the full amount. This year, we were awarded \$7,500 which leaves a gap of over \$3,500. We have heard that some of the 2015 CPSP grant funding may not have been utilized due to cancellation of event(s). If this is the case, would it be possible to consider reallocation of the unused funds to help offset more of BACCVB's CHSRA expense? We understand this is a unique request and appreciate your consideration of the matter.

Please do let me know when the final reimbursement request will be before the Board of Supervisors. I would like the opportunity to thank the Board as well as answer any questions that may arise.

As always, thank you for your continued support of the Bishop Area Chamber of Commerce and Visitors Bureau.

Sincerely,

Tawni Thomson
Executive Director
Bishop Area Chamber of Commerce & Visitors Bureau

VOICE 760-873-8405 FAX 760-873-6999



WWW.BISHOPVISITOR.COM

2015 CHSRA STATE FINALS RODEO

FINAL REPORT & REQUEST FOR REIMBURSEMENT OF PROJECT EXPENSES



The Bishop Area Chamber of Commerce & Visitors bureau is very proud to be part of such an amazing event, and we know you feel the same! For the past eleven years, California High School Rodeo has chosen Bishop as the site for their prestigious State Finals Championship, and thanks to our community's hard work and dedication, we have secured a contract extension through 2019!

The Bishop Chamber plays a vital role in bringing CHSRA to the "Other Side of California." Inyo County CPSP Grant Funding allows us to do an excellent job in fulfilling the contractual arrangement with CHSRA. Our organization is responsible for providing lodging for judges, hosting the welcome dinner, providing t-shirts & welcome gifts for contestants, plus coordinating all volunteer ticket sellers, check-in personnel and notary public service for those going on to the National Finals Rodeo.

2015 CHSRA State Finals Rodeo Highlights

- 272 Contestant Athletes, plus families, friends & fans spent the week in Inyo County.
- Welcome Dinner was a HUGE Success - we served over 800 people!
- Inyo County was recognized as a co-sponsor in several ways: local newspaper, local radio, at welcome barbecue, in rodeo program, and by logo placement on award trailers.
- Excellent support by volunteers for set-up, decorations, meal preparation, serving & clean-up, ticket sellers, check-in personnel and notary public service. 80+ volunteers provided 250 hours of volunteer service. Our volunteers are "priceless," but for the sake of demonstrating how Inyo County CPSP funds are leveraged, we estimate the value of the volunteer labor to be \$3,750 (at \$15/hr.).
- Generous discounts and donations provided by many co-sponsors helped to minimize event expenses. Most lodging for judges was donated by area hotels/motels; Erick Schat's Bakery provided bread and pastries for dinner, plus Queen's tea; all sodas, iced tea & lemonade were donated by local distributors; McDonald's provided salads; Vons contributed Ice Cream; Mammoth Brewing donated root beer for the floats. BP Distributing sold us the meat at cost. We estimate the total value of donations to be more than \$18,000 for 2015 – further demonstrating that Inyo County CPSP funds were matched with tremendous support from the local business community.

Our community solidly supports the CHSRA State Finals Rodeo and the Bishop Chamber is certainly thankful for Inyo County's continued support of the project.

Our community has done an excellent job of "rolling out the welcome mat" for these fine young athletes and their families and we are pleased to have the opportunity to continue to do so in the future.

Thank you for your continued support of this important project that is beneficial to our local economy and to the true community spirit of our region!

LOCOMotive #4 Geocache Event

We would like to thank the County of Inyo for funding this event through the Community Project Sponsorship Program.

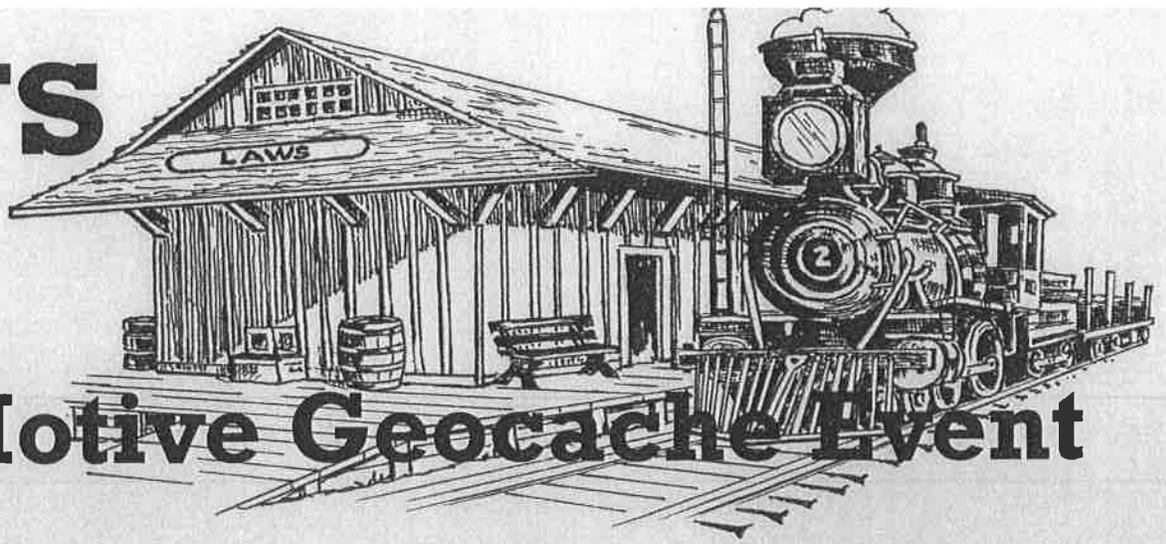
The LOCOMotive #4 Geocache Event was a great success. The Boy Scouts and the Girl Scouts hid seven geocaches on the Laws grounds and helped new and advanced geocachers find the caches. Display tables were set up to display sample geocaching containers, travel bugs and a display of puzzle geocaches for all to work on and to solve the puzzles. Many of the attendees brought photo albums of their geocaching adventures and were on hand to answer any questions that anyone had.

The event brought over 90 attendees from all over the country. Bishop 60, Ridgecrest 5, Big Pine 6, Nevada 9, Mono County 10, Southern California 7 and 2 avid Geocachers from Fresno who were on a geocaching vacation. Please see attached geocaching.com printout to see the comments of some of the attendees.

The highlight of the day was the geo raffle. We raffled 2 Garmin GPS units to the new and active geocachers. Laws gift certificates and other items were raffled off.

Many of the out of town attendees stayed after the event to tour the museum. One local geocacher gave demonstrations at the Stamp Mill. Everyone enjoyed the day and would like Laws to see LOCOMotive #5 next year.

Laws



LocoMotive Geocache Event

Free Admission

May 16, 2015

Great Family Fun

11:00 AM—4:00 PM

Learn the Art of Geocaching

Local Geocachers will be available for demonstrations

Network with Fellow Geocachers

Please bring your favorite geocaching photos to share

Bring a Picnic

Community Food Booth Available on Site

Geo-raffles - 2:00 pm

Chance to win a Garmin GPS

Geocaching.com GC5PN6M

Call 760-873- 4676 for information



**Sponsored & Funded by
The County of Inyo**

Friends of the Mt. Whitney Fish Hatchery
P. O. Box 482
Independence, CA 93526

July 20, 2015

Board of Supervisors
County of Inyo
PO Box N
Independence, California 93526

Subject: Final Report for the Father's Day Weekend Fishing Derby
Community Project Sponsorship Grant

Dear Board of Supervisors,

The annual Independence Fishing Derby took place on Saturday, June 20, 2015 and participants of all ages had a wonderful day fishing in and around the Independence area, followed by the weigh-in and awarding of prizes at Dehy Park. Out of the many participants, 228 of them weighed in and registered to win prizes. Categories included heaviest fish, heaviest stringer, largest wild trout, and largest bluegill and blind bogey (adult and junior divisions).

Visitors to Inyo County came from southern California (including Fontana, Temecula, Yorba Linda, Torrance, San Diego, and Huntington Beach), central California (including Bakersfield and Fresno) and northern California (including San Francisco) as well as out of state participants. Locals from the Owens Valley also participated.

The Derby Committee (several community members) worked with Friends of the Mt. Whitney Fish Hatchery to plan, promote, buy and collect awards and run the derby weigh-in, exhibiting good teamwork. The Committee sent mass email messages via the derby database and interfaced with the public to answer questions and provide maps and fishing guides, as well as manage the financial accounting for the event. The Independence Fishing Derby has a Facebook page that is utilized by many participants.

The Mt. Whitney Fish Hatchery and Committee worked with the Department of Fish and Wildlife to open the event to a wide variety of fish, encouraging contestants to use multiple fisheries available to our area with great success.

Fishing enthusiasts of all ages came to enjoy a great day of Eastern Sierra fishing, many of whom were previous participants of the Independence Fishing Derby. It was an enjoyable, family event and we look forward to next year's Independence Fishing Derby! The Friends of the Mt. Whitney Fish Hatchery and Independence Fishing Derby Committee thank the County of Inyo for sponsorship of this event.

Sincerely,



Ted Pederson
On behalf of the Independence
Fishing Derby Committee

Visit Independence, CA on
Father's Day Weekend for
the Annual

INDEPENDENCE FISHING DERBY

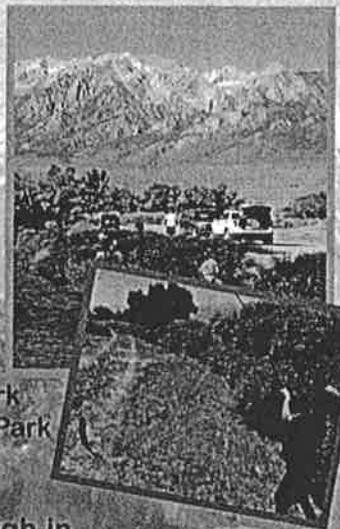
Saturday, June 20, 2015

Weigh-In from 10:30 a.m. - 3:00 pm at Dehy Park
Awarding of Prizes begins at 4:00 p.m. at Dehy Park

This is a FREE Blind Bogey Event...
Prizes, Silent Auction & Live Music at the Weigh-In
Fishing Fun for the Whole Family!!

Sponsored by
COUNTY OF INYO
Friends of the M.L. Whitney Fish Hatchery

For more information, contact
(760)878-2037, (760)614-0044, or kellyreade@gmail.com





AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

12

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator
Sheriff

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Declare consultant, Joe Pecs, a Sole Source Provider and request Board Approve the contract between the County of Inyo and Joe Pecs for the provision of consulting services to update the Inyo County Emergency Operations Plan (EOP) and Emergency Field Guide

DEPARTMENTAL RECOMMENDATION:

Request your Board:

1. Declare Joe Pecs a sole source provider of consulting services for the update of the Inyo County Emergency Operations Plan and the Emergency Field Guide; and,
2. Approve the contract between the County of Inyo and Joe Pecs, for the provision of consulting services, in an amount not to exceed \$15,000, for the term of August 1, 2015 through March 31, 2016; and,
3. Authorize the Board Chairperson to sign the contract, contingent upon obtaining the appropriate signatures and future adoption of the Inyo County Fiscal Year 2015/2016 budget.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

The State of California mandates that all counties develop and maintain an Emergency Operations Plan (EOP) for their responsible jurisdiction. Keeping the EOP up to date is the responsibility of the Sheriff's Office, in coordination with the County Administrator's Office, whom the Board has appointed as the Director of Emergency Services for the County of Inyo. Updating the EOP is not only important for the purpose of preparation in the event of a disaster, but it is also important to comply with these mandates to retain our eligibility to receive California Disaster Assistance Act (CDAA) and Federal Emergency Management Agency (FEMA) disaster relief funding, as well as remain eligible to apply for the numerous State and Federal emergency preparedness grants that several departments within the County apply for each year.

We are asking your Board to Sole Source the consultant, Joe Pecs, as the contractor for this project. Mr. Pecs is the same consultant that updated the Inyo County EOP in 2011 and he had worked side by side with Walt Matell, the initial developer of the County EOP in 2007. Mr. Matell has since retired and his services are unavailable. In addition to being the retired Chief of Police for the City of Bishop, Mr. Pecs has a tremendous amount of experience and knowledge as an emergency responder and as a training consultant in National Incident Management Systems (NIMS) compliancy courses. Mr. Pecs already has much of the field and research work completed for the EOP project due to the work he did previously for the County. Sending this project out as a Request for Proposal would add many unnecessary billable consulting hours for work that has been previously completed. This project would cost the County much more than the proposed \$15,000 that Mr. Pecs has quoted.

It is for the following reasons that staff believe this contract for consulting services complies with the Sole Source criteria set forth in the Inyo County Purchasing Policy. These findings will allow your Board to approve Mr. Peci as a Sole Source provider and approve his contract for consulting services for the EOP update project.

IV. PROCUREMENT OF SERVICES – (Service Contracts-Independent Contractors)

I. Sole Source Request for Independent Contractors

2. Justification for Requesting Sole Source:

- a. Capability of proposed contractor that is critical to the specific effort and makes the contractor clearly unique compared to other contractors in the same general field.
- b. Prior experience of a highly specialized nature that contractor has that is vital to the proposed effort.
- d. Proposed Contractor has a substantial investment that would have to be duplicated at the County's expense by another contractor entering the field.

ALTERNATIVES:

Your Board could choose not to approve this contract, but this would not be in the best interest of the County. Doing so could jeopardize the County's eligibility for disaster relief and grant funding.

OTHER AGENCY INVOLVEMENT:

FINANCING:

The EOP update project is a state-approved project that was built into the 2014 Homeland Security Grant application. Funds for this contract have been included in the Fiscal Year 2015/2016 Budget #623714, Object Code #5265-Professional Services.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date: <u>7-23-15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date: <u>7/23/15</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 7/23/15

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF INYO
AND JOE PECSI
FOR THE PROVISION OF CONSULTING SERVICES**

TERM:

FROM: August 1, 2015

TO: March 31, 2016

SCOPE OF WORK:

CONTRACTOR, under the direction of the Inyo County Administrator and the Inyo County Sheriff, shall update the County of Inyo Emergency Operations Plan (EOP) and the Inyo County Emergency Field Guide and shall include all set-up, printing and shipping charges for said documents. **CONTRACTOR** shall follow the approved California Office of Emergency Services (CalOES) "Emergency Operations Plan Crosswalk for Plan Review (Revised March 1, 2007)" (Included as Exhibit A).

CONTRACTOR shall provide the following:

- 1) Review all 52 elements for CalOES compliance.
- 2) Identify any elements that need to be brought into compliance from the 2011 versions of the Inyo County EOP and Field Guide.
- 3) Bring all 52 elements into compliance by:
 - a. Adding or changing SEMS/NIMS elements and/or language;
 - b. Coordinating with the County Administrator and the Sheriff, or their designees, any/all required updates regarding: training, records, personnel, equipment, and facilities;
 - c. Direct communication with the County Administrator and the Sheriff, or their designees, regarding policies and procedural changes if any are required.

Task 1,2,3 (a,b,c): **ESTIMATED BUDGET \$9000**

- 4) Complete the EOP update project no later than March 31, 2016, and provide the following printed and electronic materials, shipped directly to the County Administrators Office in Independence, CA:
 - a. 150 copies of the Inyo County EOP, with the same specifications as the 2011 Inyo County Emergency Operations Plan (which is included as Exhibit B). Each EOP will be three (3) hole punched and inserted into a three-ring binder with sectional dividers, a printed cover and spine included;
 - b. 250 copies of the spiral bound Inyo County Emergency Field (pocket) Guide, with the same specifications as the 2011 Inyo County Emergency Field Guide (which is included as Exhibit C);
 - c. One (1) master disc with the PDF version of the EOP for copying and distribution.
 - d. One (1) master disc with the EOP and Field Guide in a workable format for future revisions.

Task 4(a,b,c,d): **ESTIMATED BUDGET \$5500**

CONTRACTOR shall comply with all applicable provisions of the California Emergency Management Agency FY 2014 Homeland Security Grant Assurances and federally required contract provisions per 44 CFR, Part 13, Subpart C, Section 13.36 (i) – Contract Provisions both included herein as part of Exhibit A-1.

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF INYO
AND JOE PECSI
FOR THE PROVISION OF CONSULTING SERVICES**

TERM:

FROM: August 1, 2015 TO: March 31, 2016

SCHEDULE OF TRAVEL AND PER DIEM PAYMENT:

CONTRACTOR shall be reimbursed for mileage expense only in accordance with Section 3. Paragraph B. of this agreement and in accordance with provisions outlined in the County's travel policy.

Mileage Reimbursement: **ESTIMATED BUDGET \$500**



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk=s Use Only: AGENDA NUMBER 13

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kammi Foote, Clerk-Recorder and Registrar of Voters

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Approval of annual payment to DFM Associates for Software License Maintenance and Support Fee

DEPARTMENTAL RECOMMENDATION:

Request Board approve payment to DFM Associates in an amount of \$13,738.80 for the annual DFM Associates Software License Maintenance and Support Fee, contingent upon the Board's adoption of 2015-2016 Budget.

SUMMARY DISCUSSION:

On April 24, 2007 the Inyo County Board of Supervisors declared DFM Associates as the sole source provider for voter registration software and approved a contract between the County of Inyo and DFM Associates for use of their EMS voter registration system.

According to the Article 9 of the contract, "After the expiration of the initial term, this Agreement will automatically continue with respect to such Specified DFM Software or such Specified Consulting Services on a year to year basis, unless either party gives the other written notice..." I am requesting that your Board authorize this payment to comply with the Inyo County Purchasing Policy. If approved, it will allow me to continue the lease with DFM Associates for the term of July 1, 2015 – June 30, 2016.

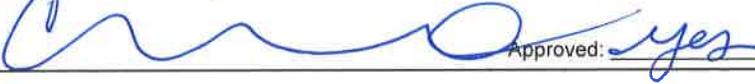
ALTERNATIVES:

The DFM system is used to electronically manage voter registration and election administration in Inyo County. The Board can deny the approval of this payment, which would result in the discontinuation of the DFM Associates Voter Registration and Elections Management System and the inability to electronically manage the voter registration database or provide election related services as required by State and Federal law.

FINANCING:

Approval of this payment will not result in a net increase to county cost in the 2014-2015 fiscal year. The payment will be made from the Elections Budget - General Operating Expenses (011000-5311), contingent upon the adoption of the 2015-16 fiscal year budget.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date: <u>07/13/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i>  Approved: <u>yes</u> Date: <u>7/20/08</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date:

7/20/2015

**DFM Associates**10 Chrysler, Suite A
Irvine, CA 92618

949-859-8700

949-859-9512 Fax #

Invoice

Date	Invoice #
7/1/2015	39740

Bill ToCounty of Inyo
Kammi Foote, County-Clerk-Recorder
P.O. Drawer F
Independence, CA 93526**Ship To**County of Inyo
Kammi Foote
County Clerk -Recorder
P.O. Drawer F
Indwpendence, CA 93526

P.O. Number		Terms	Ship	S.O. No.	
		Net 30			
Quantity	Item Code	Description	U/M	Price Each	Amount
12	CA - Inyo	EIMS Monthly Lease		1,144.90	13,738.80
		Annual invoices requested per Kammi Foote in e-mail dated 6/6/13			
		For the months of July 2015 - June 2016			
		Sales Tax Inyo County Combined		8.00%	0.00
				Total	\$13,738.80



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
14

- Consent Hearing
 Scheduled Time for
 Departmental
 Correspondence Action
 Closed Session
 Public
 Informational

FROM: HEALTH & HUMAN SERVICES, Social Services

FOR THE BOARD MEETING OF: July, 28, 2015

SUBJECT: Resolution Committing to Preventing Sexual Exploitation of Children

DEPARTMENTAL RECOMMENDATION:

Request Board adopt a Resolution to Affirm the Commitment of Inyo County to Prevent Commercial Exploitation of Children and to Work Collaboratively with County Partners to Identify, Protect and Serve These Children.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

The California State Association of Counties (CSAC) is asking each of California's counties to adopt this Resolution. The issue of child sex trafficking has had heightened awareness in California for the last couple of years, particularly since three (3) of the top thirteen (13) highest trafficking areas in the United States are located in California: San Francisco, Los Angeles and San Diego. Through the Department's Child Welfare Services, we have ensured that our staff are alerted to this issue, especially as it relates to the Highway 395 corridor connecting Southern California urban areas with Reno, Nevada. To date, no children involved in sex trafficking have been identified through our Inyo County programs. Nevertheless, this is a critical issue and is important for our local partners to be aware of. If Board adopts this Resolution, the Department will be distributing copies of this Resolution to local law enforcement partners.

ALTERNATIVES:

Board could choose not to adopt this Resolution with no immediately known impact.

OTHER AGENCY INVOLVEMENT:

CSAC, local law enforcement partners

FINANCING:

No funding is involved in this requested action.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: <u>Mark W. Yoo</u> Date: <u>07/17/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> N/A Approved: _____ Date: _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> N/A Approved: _____ Date: _____
BUDGET OFFICER:	BUDGET AND RELATED ITEMS <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i> N/A Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE: Jean Turner Date: 7-21-15
(Not to be signed until all approvals are received)

Resolution No. 2015- _____
A Resolution of the
Board of Supervisors, County of Inyo, State of California

***TO PREVENT COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN
OUR COUNTY AND TO WORK COLLABORATIVELY WITH ALL COUNTY
PARTNERS TO IDENTIFY, PROTECT, AND SERVE THESE VULNERABLE
CHILDREN AND YOUTH***

IN THE MATTER OF the epidemic of Commercial Sexual Exploitation of Children (CSEC) in the State of California:

WHEREAS, the Inyo County Board of Supervisors (Board of Supervisors) recognizes that the commercial sexual exploitation of children is a pressing national, state, and local issue, and

WHEREAS, the FBI estimates that 100,000 children in the United States are sold for sex each year, including child sex trafficking, child sex tourism, and child pornography, and

WHEREAS, three of the top 13 highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas, and

WHEREAS, county law enforcement, child welfare services, behavioral health, the courts, and community-based organizations report increasing numbers of exploited underage victims, and

WHEREAS, counties have led the effort to address the unique needs of CSEC youth, including working with law enforcement and the courts to divert suspected exploited children, and

WHEREAS, county law enforcement, child welfare services, behavioral health, the courts, and community-based organizations continue to grapple with identifying and assisting CSEC youth but have also made significant gains in meeting the unique needs of these traumatized children, and

WHEREAS, the need for intensive services tailored to minors who have been ensnared in the illegal sex trafficking trade remains critical,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS TO AFFIRM THE COUNTY'S COMMITMENT TO DEVELOPING AND SUPPORTING STRATEGIES TO PREVENT, REDUCE, AND SERVE THE VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND WORK TO ELIMINATE SEX TRAFFICKING IN CALIFORNIA.

PASSED AND ADOPTED this ____ day of December, 2014, by the Board of Supervisors of Inyo County by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dated: _____

Rick Pucci, Chairperson
Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

Patricia Gunsolley, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

For Clerk's Use
Only:

AGENDA NUMBER

15

FROM: Public Works Department

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Request to temporarily close Sunland Drive between U.S. 395 and Gerkin Road for road reconstruction and paving during the South Bishop Improvement Project.

DEPARTMENTAL RECOMMENDATIONS: Request that the Board allow Griffiths Construction and their subcontractor, Pavement Recycling Systems to temporarily close Sunland Drive between U.S. 395 and Gerkin Road to reconstruct the road's base section and to pave the road as a part of the South Bishop Improvement Project.

CAO RECOMMENDATION:

SUMMARY DISCUSSION: Construction on the South Bishop Improvement Project is scheduled to begin on August 3rd, 2015. This project consists of pulverizing the existing pavement to create new base material, compacting the new base material, placing new asphalt for traffic and bike lanes, and striping and signing the new road. Since the project occurs so close to U.S. 395 it is recommend that the south bound right turn lane and the north bound center lane of U.S. 395 as well the aforementioned portion of Sunland Drive be closed during certain construction activities. Public Works has already obtained the permits and permission from Caltrans for the closures on the state highway. The public will be notified a week in advance of any closures. The Fire Department as well as the Sherrif's Office will also be notified.

ALTERNATIVES:

The Board could choose not to allow the temporary closure of the streets. Non-closure could jeopardize the safety of the contractor, the subcontractor, the public, and any County employees working on the project.

OTHER AGENCY INVOLVEMENT:

County counsel to review and approve agenda request.

FINANCING: There is no financial impact from the temporary closure of the road.

APPROVALS

COUNTY COUNSEL:

AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)

Margaret Kemp-Williams

Approved: Yes

Date 07/17/15

AUDITOR/CONTROLLER

ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)

Approved: _____

Date _____

PERSONNEL DIRECTOR

PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

Approved: _____

Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Art Q...

Date:

7/20/15



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
10

- Consent Departmental Correspondence Action
- Public Hearing Schedule time for Closed Session Informational

FROM: PUBLIC WORKS/ROAD DEPARTMENT

FOR THE BOARD MEETING OF: July ²⁸ 21, 2015

SUBJECT: Contract for Services to Prepare the Annual Road Report

DEPARTMENTAL RECOMMENDATIONS:

1. Request your Board approve the sole source contract with the Controller of the State of California for the preparation of the annual Road Report for the fiscal year ending June 30, 2015, in an amount not-to-exceed \$4,000.00, and
2. Designate the Road Commissioner to sign the Road Report per State Law, and
3. Authorize the Road Commissioner to sign the contract, contingent upon the Board's adoption of the fiscal year 2015/16 budget.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

The Streets and Highways Code Section 2151 requires that the Road Department submit an Annual Road Report (Report) each year, which documents how the County expended the funds deposited in the Road Fund from the previous fiscal year. A representative from the State of California typically prepares the Report for several Counties throughout the State and has prepared the Report for Inyo County for many years. Consequently, they are most familiar with the requirements of the State and warrant consideration as a sole source provider of this service. Additionally, although the contract amount is set as NTE \$4,000, the actual amount charged has been less than that in the recent past, and was only \$3823.84 last year.

ALTERNATIVES:

The Board could deny the contract with the Controller of the State of California and direct the Road Department to submit an RFP to outside agencies to prepare the document. This alternative is not recommended, as the State of California has prepared the Road Report at a reasonable cost to the County in the past years. Your Board could authorize the Road Commissioner to sign the agreement annually.

OTHER AGENCY INVOLVEMENT:

County Counsel, Auditor's office

FINANCING:

The Road Department has identified funds for this contract in Budget Unit 034600, Object Code 5265, Professional & Special Services.

APPROVALS

COUNTY COUNSEL:

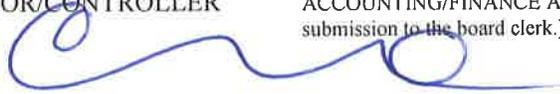
AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)



Approved: Yes Date 7/20/15

AUDITOR/CONTROLLER

ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)



Approved: yes Date 7/20/15

PERSONNEL DIRECTOR

PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 7/21/15



BETTY T. YEE
California State Controller

**CONTRACT FOR SERVICES TO PREPARE
THE ANNUAL ROAD REPORT**

This contract is executed in triplicate, between the Office of the State Controller, Division of Audits, and Inyo County.

Whereas Section 2151 of the California *Streets and Highways Code* requires counties to file an Annual Road Report,

Whereas Section 2151 of the California *Streets and Highways Code* requires this Report to be filed with the Controller on or before October 1 of each year; and

Whereas the Controller is able to furnish and the county wishes to receive the services of the Controller to prepare its report; now therefore, in consideration of the following promises and conditions, the parties hereby agree that:

- I. For the fiscal year ended June 30, 2015, the Controller shall assist in the preparation of the county's report.
- II. The report shall be in the form prescribed by the Controller.
- III. It shall include a statement of all revenues and expenditures concerning county roads, and shall be prepared from the county's records made available to the Controller.
- IV. The report will be prepared from the county's unaudited records, and no determination shall be made at time of preparation regarding the accuracy of the records or the legality of the expenditures reported herein. The county understands that the report is subject to subsequent review by the Controller and exceptions may be taken at the time regarding the legality of expenditures contained in the report or the accuracy of the records from which the report was prepared.
- V. The Controller will furnish sufficient personnel to complete the report on or before October 1, 2015, except that the Controller is excused from such date if the county's accounting records and personnel are not ready for the preparation of the report at the time scheduled by the Controller and the county or if circumstances beyond the control of the parties prevent completion.
- VI. The county will designate a management-level individual to be responsible and accountable for overseeing the non-audit service.
- VII. The county will establish and monitor the performance of the non-audit service to ensure that it meets management's objectives.
- VIII. The county will make any decision that involves management functions related to the non-audit service and accepts full responsibility for such decisions.

- IX. The county will evaluate the adequacy of the services performed and any findings that result.
- X. This contract is subject to the Controller's charges for services rendered, and such charges shall be computed in accordance with Sections 8755 and 8755.1 of the State Administrative Manual. Charges shall include both direct and indirect costs, and shall be expressed in dollars per unit time whenever possible.
- XI. Except as provided in paragraph XII, the aggregate cost of services provided under this agreement shall not exceed \$4000.
- XII. If unforeseen circumstances develop during the course of the Controller's preparation of the report and additional time is needed to complete preparation, the parties will confer; and if it is agreed that the preparation of the report is to continue, the Controller is to be compensated for any additional time required. In any case, the Controller shall be compensated for services rendered prior to the development of such unforeseen circumstances.
- XIII. Upon completion of the report, the Controller will furnish one copy to the county and will retain one copy.
- XIV. The county will pay the Controller for services rendered in a timely manner (including additional time pursuant to Paragraph XII) and hereby warrants that funds are available from which payment may be made.
- XV. Either party may terminate this contract by giving seven days written notice. Notice may be served in person or by mail on the officer at the following address and is effective upon receipt. During the seven-day period, the Controller may continue with the preparation of the report then in progress.

Mike Spalj, Chief
 Local Government Audits Bureau
 Division of Audits
 Post Office Box 942850
 Sacramento, CA 94250-5874

Inyo County

BETTY T. YEE
 STATE CONTROLLER

By: _____
 Signature

By: _____

Printed Name:

JEFFREY V. BROWNFIELD
 Chief, Division of Audits

 Title:

Date: _____

Address:

Date: _____

Sole Source Justification Form

Sole Source: A unique service or item that is only available from a single source or one source is the only practical way to respond to overriding circumstances. The lack of planning is not an overriding circumstance.

This is a sole source because:

- There is only one known source because:
 - This is a sole provider of a licensed, copyrighted, or patented good or service.
 - This is a sole provider of items compatible with existing equipment or systems.
 - This is a sole provider of factory-authorized warranty service.
 - This is a sole provider of goods or services that perform the intended function or meet the specialized needs of the Authority (Please detail in an attachment).
- One source is the only practical way to respond to overriding circumstances that make compliance with competitive procedures under the Authority's policies not in the best interest of the Authority (Please detail in an attachment).

Please attach a memorandum to explain why the goods or services are not available elsewhere include names and phone numbers of firms contacted.

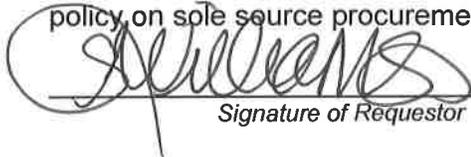
- Other brands/manufacturers considered
- Other suppliers considered
- Other (i.e., emergency)

Describe the item or service, its function and the total cost estimate (if practical, separate labor and materials) in the space below or in a separate attached label: Description of Item or Service.

The Streets and Highways Code Section 2151 requires the Road Department submit an Annual Road Report each year. The State Controller's Office has prepared the Road Report for many years and are familiar with the requirements and has consistently prepared it for less than contracted.

DEPARTMENT CONTACT PERSON & TITLE Twila Koepf	
DEPARTMENT NAME Inyo County Road Department	PHONE 760-878-0202
REQUESTED SUPPLIER/CONSULTANT NAME Local Government Audits Bureau, Division of Audits	CONTACT Jeffrey V. Brownfield
PO Box 942850 Sacramento, CA 94250-5874	SUPPLIER CONTACT'S PHONE NUMBER 916-445-2636

By signing below, Requestor acknowledges that he/she has read and understands the Authority's policy on sole source procurements.



Signature of Requestor

7/13/15

Date

President/CEO Approval

Date



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

17

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Public Works

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Implementation of temporary Road closures.

DEPARTMENTAL RECOMMENDATION:

- 1) The Public Works Department requests your Board approve temporary Road closures during a State of California side walk improvement project at the following locations ;
 - a) The entrances to Barlow Lane, See Vee Lane and Tu Su Lane adjacent to Highway 168. The State of California is asking for Closures on these three locations for a period of one week at each location. Closures will occur at one location at a time.

CAO RECOMMENDATION:

N/A

SUMMARY DISCUSSION:

The State of California has obtained an encroachment permit, #E15-18, for this project. The State of California has proposed a start date of December 2015 or January 2016. They will not have closure dates until the contract is awarded and a scope of work and schedules are established. Inyo County Public Works Department has requested a minimum of 2 months notice on the exact dates of these closures if approved by the Board.

ALTERNATIVES:

Not approving this would greatly inhibit construction on this project

FINANCING:

N/A

OTHER AGENCY INVOLVEMENT:

Notification to Inyo County Sheriff office
Notification to Road Department

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date <u>07/05/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>7/6/2015</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: <u>W/A</u> Date _____

DEPARTMENT HEAD SIGNATURE:  _____ Date: 7/7/15
(Not to be signed until all approvals are received)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Schedule time for
 Closed Session
 Informational

For Clerk's Use Only:
AGENDA NUMBER
18

FROM: Public Works Department

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Approval of Federal Aviation Administration (FAA) Grant Offer for Airport Improvement Program (AIP) Grant No. 3-06-0126-011-2015 (hereinafter "Grant Agreement") for the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (Design Only).

DEPARTMENTAL RECOMMENDATIONS:

1. Approve Grant Agreement for the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (Design Only) in the amount of \$150,000.00, contingent upon the following:
 - a) Review and approval of the Grant Agreement by County Counsel;
 - b) All appropriate signatures being obtained;
 - c) Adoption of the fiscal year 2015-2016 and future budgets; and,
2. Authorize the Public Works Director to sign the Grant Agreement on behalf of the County.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

The FAA has approved the grant application for the Lone Pine Airport - Rehabilitation of Airfield Lighting Project (Design Only).

This project is the design phase to conduct engineering surveys and prepare plans, specifications, and estimates for the replacement of existing Runway 16-34 and Taxiways A and B edge lights, signs, and visual aids. Additional design work will include a new segmented circle and lighted wind cone, new Rwy 16-34 Precision Approach Path Indicator (PAPI), new rotating beacon, and new airport lighting system vault. Anticipated benefits of this work will be increased airport operational safety and lower airfield lighting maintenance costs.

The scope of work for the project includes, but is not limited to, the following items:

1. Perform a survey of existing Lone Pine Airport airfield lighting, signing, and visual aid features; and,
2. Prepare design plans, specifications, estimates, and final bid package documents in order to receive bids for constructing the work.

The funds for the design of the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (Design Only) will be provided from the subject FAA Grant Offer for Airport Improvement Program (AIP) Grant No. 3-06-0126-011-2015, by a California Division of Aeronautics (CDA) matching grant; and by the County, as shown below:

FAA Grant (90% of total project cost)	\$150,000.00
CDA Matching Grant (4.5% of total project cost)	\$7,500.00
County (5.5% of total project cost)	\$9,167.00
Total Project Cost	\$166,667.00

July 28, 2015

Agenda Request Form: Lone Pine / Death Valley Airport – Rehabilitation of Airfield Lighting Project

Page 2 of 2

Project costs will be funded through the Public Works Department Budget Unit 150502, Lone Pine *Airport Improvement Projects*, with object codes for expenditures and revenues as shown below:

Funding Source	Expenditure Object Code	Revenue Object Code
FAA Grant	5265	4555
CDA Matching Grant	5265	4498
County	5700	4998

The FAA requires that the Grant Agreement be accepted and signed by a representative of the county and submitted to the FAA on or before August 7, 2015 so that the FAA can process it before the end of the federal fiscal year on September 30, 2015. Therefore, the Public Works Department requests that your Board tentatively approve the Grant Agreement, contingent upon review by County Counsel, and authorize the Public Works Director to sign the Agreement.

ALTERNATIVES:

Your Board could choose not to approve the Grant Agreement. This alternative is not recommended because funds are available now but will expire at the end of the federal fiscal year. Additionally, the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (Design Only) will improve aircraft operational safety at the airport.

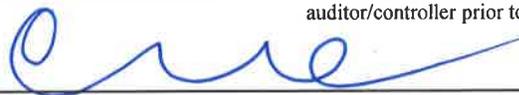
OTHER AGENCY INVOLVEMENT:

County Counsel
Auditor's Office

FINANCING:

Up to 90% of the project cost will be reimbursed by the FAA grant, and, if approved, up to 4.5% will be reimbursed by a CDA grant. However, CDA matching grant funds are limited, and are distributed on a first-come first-served basis, and it is unknown at this time whether CDA funds will be available. The remaining costs will be funded by an in-kind match from the Public Works Department. The FAA and CDA grants require reimbursement to local agencies upon submittal of progress invoices for expenditures actually made. Therefore, this grant will require a temporary loan.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)
	Approved: <u>Yes</u> Date <u>7/24/15</u>
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)
	Approved: <u>Yes</u> Date <u>7/24/2015</u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)
	Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 7/22/15



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports Division
Western-Pacific Region
California

FAA LAX ADO
15000 Aviation Boulevard
Room 3000
Lawndale, CA 90261

July 7, 2015

Mr. Clint Quilter
Public Works Director
168 N. Edwards Street
Drawer Q
Independence, CA 93526

Dear Mr. Quilter:

We are enclosing the original and two copies of the Grant Offer for Airport Improvement Program (AIP) Project No. 3-06-0126-011-2015 at Lone Pine Airport in Lone Pine, California. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than August 7, 2015, in order for the grant to be valid. The date of the attorney's signature must be on or after the date of the sponsor's authorized representative's signature.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. After you properly execute the grant agreement:
 - Return the executed Grant Agreement marked "Original" to our office via US mail or commercial courier.
 - Retain the copy marked "Sponsor" for your records.
 - Forward the copy marked "State" to your associated State Aviation Official
- e. Because time is now critical for entering the executed grant into the FAA system, we request you send a copy of the signed agreement to our office by facsimile or email (pdf document) prior to sending the hardcopy document through U.S. mail or commercial courier.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Please note Grant Condition No. 4 requires you to complete the project without undue delay. We will be paying close attention to your progress to ensure proper stewardship of these Federal funds. **You are expected to submit payment requests for reimbursement of allowable incurred project expenses in**

accordance with project progress. Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status which will impact future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the final closeout report documentation as required by your Region/Airports District Office.

Manson Wong, (310) 725-7253, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Patrick Lammerding
Assistant Manager
Los Angeles Airports District Office



U.S. Department of Transportation
Federal Aviation Administration

GRANT AGREEMENT
PART I – OFFER

Date of Offer July 7, 2015

Airport/Planning Area Lone Pine Airport

AIP Grant Number 3-06-0126-011-2015

DUNS Number 008909830

TO: County of Inyo
(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated December 24, 2014, for a grant of Federal funds for a project at or associated with the Lone Pine Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Lone Pine Airport (herein called the "Project") consisting of the following:

Rehabilitation of Airfield Lighting Project (Design-Only) which includes removal and replacement of Runway 16-34 edge lighting, exit, parallel Taxiway 'B' and long access Taxiway A lighting and signing, segmented circle, lighted wind cone, rotating beacon, PAPI and lighting system vault.

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated April 3, 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is **\$150,000.**

For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b), the following amounts are being specified for this purpose:

\$0 or planning
\$150,000 for airport development or noise program implementation
 \$0 for land acquisition.

2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before August 7, 2015, or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
8. **United States Not Liable for Damage or Injury.** The United States is not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **System for Award Management (SAM) Registration And Universal Identifier.**
- A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the

SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).

10. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

11. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.

By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.

12. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

13. Financial Reporting and Payment Requirements. The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

14. Buy American. Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

15. Maximum Obligation Increase For Nonprimary Airports. In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- A. May not be increased for a planning project;
- B. May be increased by not more than 15 percent for development projects;

- C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.

16. Suspension or Debarment. The Sponsor must inform the FAA when the Sponsor suspends or debars a contractor, person, or entity.

17. Ban on Texting While Driving.

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

18. Trafficking in Persons.

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
1. Is determined to have violated the Prohibitions; or
 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
 - a. Associated with performance under this agreement; or
 - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 49 CFR Part 29.

19. Exhibit "A" Property Map. The Exhibit "A" Property Map dated March 25, 1998, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

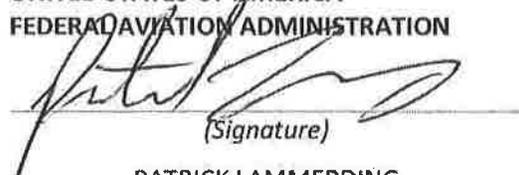
20. Lighting. The Sponsor must operate and maintain the lighting system during the useful life of the system in

accordance with applicable FAA standards.

- 21. **Plans and Specifications Prior to Bidding.** The Sponsor agrees that it will submit plans and specifications for FAA review and approval prior to advertising for bids.
- 22. **Design Grant.** This grant agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided federal funding to complete the design for the project, and the Sponsor has not completed the design within four (4) years from the execution of this grant agreement, the FAA may suspend or terminate grants related to the design.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION



(Signature)

PATRICK LAMMERDING

(Typed Name)

ASSISTANT MANAGER

LOS ANGELES AIRPORTS DISTRICT OFFICE

(Title)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____,

County of Inyo
(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor's Designated Official Representative)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of _____. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ (location) this _____ day of _____,

By:

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
19

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Clerk-Recorder & Registrar of Voters

FOR THE BOARD MEETING OF:

SUBJECT: Workshop on Knight News Challenge Toolkit for Election Officials

DEPARTMENTAL RECOMMENDATION: Conduct a workshop on the Knight News Challenge Toolkit for Election Officials

SUMMARY DISCUSSION:

On Feb. 25 the Knight News Challenge opened a grant opportunity, in collaboration between Knight Foundation, the Democracy Fund, Hewlett Foundation, and Rita Allen Foundation, with ideas to answer this question:

How might we better inform voters and increase civic participation before, during and after elections?

As with past challenges put forth by this organization, the grant process was opened up for innovative ideas from anyone, including journalists, civic technologists, academics, students, startups, nonprofits, governments and individuals ranging from more transparency to money and politics, to making voting easy, efficient and fair, to converting election participation into longer-term civic engagement -- on the local, state or national level.

This News Challenge had up to \$3 million at stake, with winners receiving funding of anywhere from a few thousand to several hundred thousand dollars.

The challenge follows a mid-term election that had a record low turn-out of 36% nationwide. The goal of the News Challenge was to find organizations and people who had ideas that boost this turn-out through new and innovative means.

Inyo County partnered with Cook County Illinois, Hillsborough County Florida, the Center for Civic Design and the Center for Technology and Civic Life to submit one of the 1056 grant applications and we won! Over the next several months, we will be collaboratively developing and testing the Toolkit for Election Officials and will release the finished toolkit for all elections officials to use in the fall of 2016.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:



Date: 7/22/15

Democratizing Democracy

Local election officials are a trusted source of nonpartisan civic information for voters, candidates, and the media.

They are often under-resourced so they can't find and use the best communication tools.

1/3

**Civic
Engagement
Toolkit**



Gathering information

<http://bit.ly/2016toolkit>

Toolkit ideas are being collected from across the Nation

Testing tools

<http://bit.ly/2016toolkit>

Testing begins this fall.

Affordable

Usable

Customizable

Helpful

Tools

- Local election website template
- Civic icons and illustrations
- Election resource allocation calculator

The Civic Engagement Toolkit:

Tested resources that any election official can use.

Looking forward to 2016 and beyond!



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
20

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Water Department

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Department of Water Resources Grant and Cal Trout Program Services Payment

DEPARTMENTAL RECOMMENDATION:

Request Board Authorize the Water Department to A) submit a grant application seeking \$286,050 in funds under the State of California Department of Water Resources, Proposition 84 Round Three Implementation Funding; and B) approve a payment to California Trout in an amount not to exceed \$2,860 for IM IRWMP Program Office

SUMMARY DISCUSSION:

Proposition 84 Grant Proposal

Under the proposal: Reclaimed Water for Restoration and Community Projects in Big Pine (RWRCP), the County of Inyo will contract with a wastewater consultant to conduct a feasibility study to determine if the development of a wastewater reclamation facility in the town of Big Pine, California, to produce and distribute non-potable recycled water, is feasible. The RWRCP was approved by the members of the Inyo Mono Integrated Regional Management Program on May 27, 2015, and would be one of seven submitted in a package proposal sent to the California Department of Water Resources on August 7, 2015. The RWRCP proposal requests up to \$286,050 in Proposition 84 funding be used for a study and plan.

The feasibility study will investigate a number of projects that could be supplied recycled water. Prospective water recipients include the Big Pine Paiute Tribe, Los Angeles Department of Water and Power, and the Big Pine Community Service District. Possible uses include using recycled water for landscape, agriculture, and environmental restoration that would otherwise be supplied with potable water. A feasibility study will look at the potential for supplying these alternative uses. The Study will consider the quantity and quality of effluent available, reuse regulations, public health, and the level of treatment required. The feasibility study will present draft alternatives that will be reviewed by project proponents. Alternatives deemed feasible and having the support of a project proponent would be the subject of an improvement plan, which will include obtaining all permits, and completing all documents required by the California Department of Public Health for the distribution and use of recycled water. Once the improvement plan is complete, then construction and improvement funding will be the responsibility of water recipients.

If the Inyo Mono Integrated Water Management Plan (IRWMP) proposal for Round Three Implementation Funding is approved, the County would contract with Desert Mountain Resource Conservation and Development Council (DMRCDC). DMRCDC would serve as fiscal agent for the IRWMP and as Grantee for the State of California Department of Water Resources, Proposition 84 funds. The County would subcontract with a wastewater engineering firm to conduct the feasibility study/improvement plan/CEQA and NEPA.

The County, as a DMRCDC subcontractor, will be accepting responsibility for completion of the funded project and compliance with all subcontractor obligations, including administration, project reports, CEQA documentation for proposed projects; permits, licenses, and approvals for the projects. The County will be accepting responsibility for the grant funds, completion of the funded projects, and compliance with all grant obligations. The County would be responsible for recruitment, management, and administration of a subcontractor to complete the feasibility study, improvement plan, and CEQA/NEPA. The County will be responsible for paying the subcontractor, invoicing DMRCDC, preparing progress reports, and producing final reports. The County will convene stakeholder and public meetings as needed and serve as a conduit between these parties and the consultant.

In addition to subcontracting with a wastewater engineering consultant, we anticipate a number of County departments, including Planning, Public Works, and Environmental Health will participate in the planning and implementation of the project.

California Trout Payment

On May 27, 2015, the Inyo Mono Integrated Regional Water Management Group (IRWVG) agreed that each of the project proponent organizations would provide one percent of their grant request to the Program Office in the form of a check to California Trout to support California Trout's proposal coordination efforts. California Trout is coordinating the development of the Inyo Mono Integrated Regional Water Management Group's third round implementation grant submission. California Trout's services include working with Inyo County and other project proponents to develop proposals that fully comply with the California Department of Water Resources (DWR) guidelines. California Trout will bundle these proposals into one grant package and submit this to the DWR.

This cost will be included in the County's budget for their Reclaimed Water for Restoration and Community Projects in Big Pine proposal, and is reimbursable by DWR as part of the grant. The one-percent payment is due the California Trout office in Mammoth Lakes by August 1.

ALTERNATIVES:

Not approve the grant application.

OTHER AGENCY INVOLVEMENT:

FINANCING:

If the Inyo Mono Integrated Water Management Plan (IRWMP) proposal for Round Three Implementation Funding is approved, the County would contract with Desert Mountain Resource Conservation and Development Council (DMRCDC). DMRCDC would serve as fiscal agent for the IRWMP and as Grantee for the State of California Department of Water Resources, Proposition 84 funds. Because the service area for this project is a designated disadvantaged community, the requirement for 25% matching funds will be waived. The grant is structured on a reimbursement basis with 10% of the reimbursable funds withheld until the project is complete, and all grant obligations are satisfied. The County will be required to finance the grant on a reimbursable basis for invoicing occurring not less than once a month.

APPROVALS

<p>COUNTY COUNSEL:</p> <p>N/A</p>	<p>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i></p> <p>Approved: _____ Date _____</p>
<p>AUDITOR/CONTROLLER:</p> <p>N/A</p>	<p>ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i></p> <p>Approved: _____ Date _____</p>
<p>PERSONNEL DIRECTOR:</p> <p>N/A</p>	<p>PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i></p> <p>Approved: _____ Date _____</p>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 7/23/2015



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

21

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Supervisors Griffiths and Kingsley, County Administrator, Planning Department, Water Department, and Agricultural Commissioner

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Notice of Preparation of Environmental Impact Report for the Owens Lake Master Project

DEPARTMENTAL RECOMMENDATION: Review the Notice of Preparation of Environmental Impact Report for the Owens Lake Master Project and authorize the Chair to sign correspondence in regards thereto.

SUMMARY DISCUSSION: The Los Angeles Department of Water and Power (DWP) is working on a Master Project for the Owens Lake following many years of dust mitigation efforts. The Project is intended to provide a framework for the future of the Lakebed, including potential solar energy development, water conservation, habitat enhancement, and further dust mitigation.¹ County representatives have been participating on the Project's Planning Committee, including the Water Department Director, Planning Director, Agricultural Commissioner, and Supervisors Kingsley and Griffiths.²

DWP recently issued a Notice of Preparation (NOP) of Environmental Impact Report for the Master Project (refer to Attachment 2) and held two public meetings, one on July 15 in Bishop and the second July 22 in Lone Pine. Staff has prepared draft correspondence (refer to Attachment 1) to respond to the NOP for the Board's consideration raising issues in regards to hydrology, planning and land use, agricultural resources, and others. Comments are due August 7, 2015.

OTHER AGENCY INVOLVEMENT: Owens Lakebed Planning Committee and interested organization and individuals – DWP; Great Basin Unified Air Pollution Control District; State Lands Commission; California Department of Fish and Wildlife; Inyo County Water Department, Inyo and Mono County Agriculture Department, and other County Departments; numerous tribes, business, community, agricultural, conservation, and other groups.

ALTERNATIVES: The Board could direct changes to the correspondence and/or delay finalizing the correspondence until August 5. The Board could consider not sending correspondence; this is not recommended due to the importance of the Master Project to the County.

FINANCING: Resources from the County's general fund and Water Department budget are utilized to monitor DWP's activities and participate in related planning efforts.

¹ Refer to <https://owenslakebed.pubspsvr.com/default.aspx> for more information regarding the Master Project.
² Refer to <http://inyoplanning.org/projects.htm> regarding the County's previous input regarding the planning process.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 7/21/15

Attachment 1 – Draft Correspondence
Attachment 2 – Notice of Preparation

July 28, 2015

Ms. Julie Van Wagner
City of Los Angeles Department of Water and Power
111 North Hope Street, Room 1044
Los Angeles, CA 90012

RE: Notice of Preparation of Environmental Impact Report for Owens Lake Master Project

To Whom it May Concern:

On behalf of the Inyo County Board of Supervisors, I wish to relay the Department of Water and Power (DWP) and the City of Los Angeles our continued support for dust mitigation efforts on Owens Lake. Based upon our review of the draft Master Project and the Notice of Preparation (NOP) of Environmental Impact Report (EIR), we offer the following:

1. As we have discussed over the past five years, the Master Project should include a goal to work to provide water for areas of the Owens Valley that historically received water that has been diverted to the Lake. The EIR should evaluate the potential hydrological, biological, and agricultural effects of water being diverted to the Lake from the Owens Valley, particularly in light of the present drought and continuing efforts to diminish water supplies to in-Valley uses in favor of the Lake.
2. The EIR should address the County's planning and land use regulations applicable to the Lake and the Master Project, specifically the General Plan, Zoning Ordinance, Inyo/Los Angeles Long-Term Water Agreement (LTWA), Renewable Energy Ordinance, the County's recent Renewable Energy General Plan Amendment (REGPA), the County's ongoing efforts for the Owens Valley Solar Energy Study (OVSES), and other relevant planning policies and regulations within and adjacent to the Project boundary. We suggest that planning and land use be a separate chapter of the EIR and offer County staff resources to assist in developing the impact analysis. The EIR should also address how the groundwater development portion of the Project is affected by any Groundwater Sustainability Plan that may be developed pursuant to the Sustainable Groundwater Management Act of 2014.
3. The EIR should clarify and quantify the project objectives. A project objective is to reduce water use from the Los Angeles Aqueduct by at least 50 percent, but it is not clear what amount of water is to be reduced by 50 percent. It is also not clear whether the use of groundwater to "offset water from the Los Angeles Aqueduct" is considered to be a reduction in water use that would be accounted toward meeting the goal of a 50 percent or greater reduction in water from the Aqueduct.
4. The Master Project should include a groundwater monitoring, management, and mitigation plan that has been agreed upon by the County and DWP. Components of this plan should be protection for non-DWP groundwater users, protection of groundwater dependent resources, specification of each condition that would be considered a significant impact, management of groundwater pumping to avoid significant impacts, on-site mitigation for property owners should unforeseen impacts occur, open and timely sharing of relevant data, regular reporting,

and ongoing adaptive management of pumping based upon analysis of accumulated monitoring data. The agreed upon plan should be analyzed and implementing through the EIR.

5. DWP and the County must reach a mutually acceptable resolution of the dispute resolution proceeding filed on December 21, 2011 by DWP. In that dispute, DWP contends that groundwater pumping to supply water for dust control on Owens Lake is exempt from the provisions of the LTWA. The County's position is that such pumping is subject to the Water Agreement. In a letter of January 21, 2014, the County has proposed that this dispute be resolved by recognizing the positions of both parties, and acknowledge that groundwater pumping pursuant to the plan outlined in the previous comment and implemented through the Master Project EIR would not be subject to the Water Agreement, provided that DWP and the County agree that any other groundwater pumping by DWP in Inyo County, whether for the purpose of supplying water for dust control on Owens Lake or for other purposes, would be subject to the Water Agreement.
6. The Master Project should address public services, utilities, and infrastructure to provide for development of Master Project components. As we have indicated throughout the Master Project planning process, we are concerned that the Project will result in significant burdens to County services and infrastructure – and related potentially significant effects on the environment – and that appropriate funding mechanisms should be provided to offset these impacts. The EIR should address the Project's effects on public services, utilities, and infrastructure, and in particular County roads, Owens Valley Mosquito Abatement Program, emergency evacuation/response (including search and rescue and police and fire services), and other impacts that may be induced by the Project.
7. The EIR should evaluate the Project's potential effects in regards to population and housing, and any related service/infrastructure impacts.
8. The EIR should evaluate the Project's potential effects on mineral resources, including the need for mineral resources to implement dust control measures, as well as effects on mineral resource extraction operations on the Lakebed and in the vicinity.
9. The EIR should evaluate the Project's effects in regards to invasive species.
10. The EIR should evaluate the projects potential effects to the public with regard to vectors (such as mosquitos), as well as nuisance biting insects.
11. Given the long-term nature of the Project, the EIR should take care in evaluating potential cumulative, induced, and indirect effects. Of note, the analysis should include potential renewable energy development (particularly with respect to the Desert Renewable Energy Conservation Plan, DWP's Solar Ranch, the REGPA, and OVSES), other water extraction activities in the vicinity, and the Olanca-Cartago Four-Lane project.

Thank you for the opportunity to provide input into the scope of the EIR. We look forward to continue working with you as we move forward with this important planning effort for Owens Lake, and commend the City's diligence and hard work. Please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,

Matt Kingsley
Chairperson, Inyo County Board of Supervisors

cc: Board of Supervisors
County Administrative Officer
County Counsel
Planning Department
Water Department
Agricultural Commissioner
Public Works Department
Honorable Mayor of the City of Los Angeles, Eric Garcetti
Marcie Edwards, DWP General Manager
Great Basin Unified Air Pollution Control District
State Lands Commission

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
MICHAEL F. FLEMING
CHRISTINA E. NOONAN
BARBARA E. MOSCHOS, *Secretary*

MARCIÉ L. EDWARDS
General Manager

Notice of Preparation of an Environmental Impact Report Notice of Public Meeting

Date: June 23, 2015

To: Agencies, Organizations, and Interested Parties

Subject: Notice of Preparation of an Environmental Impact Report and
Notice of Public Meetings for the Owens Lake Master Project

This Notice of Preparation (NOP) has been prepared to notify agencies and interested parties that the Los Angeles Department of Water and Power (LADWP), as the Lead Agency, is beginning preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for the proposed Owens Lake Master Project (Master Project or proposed Project).

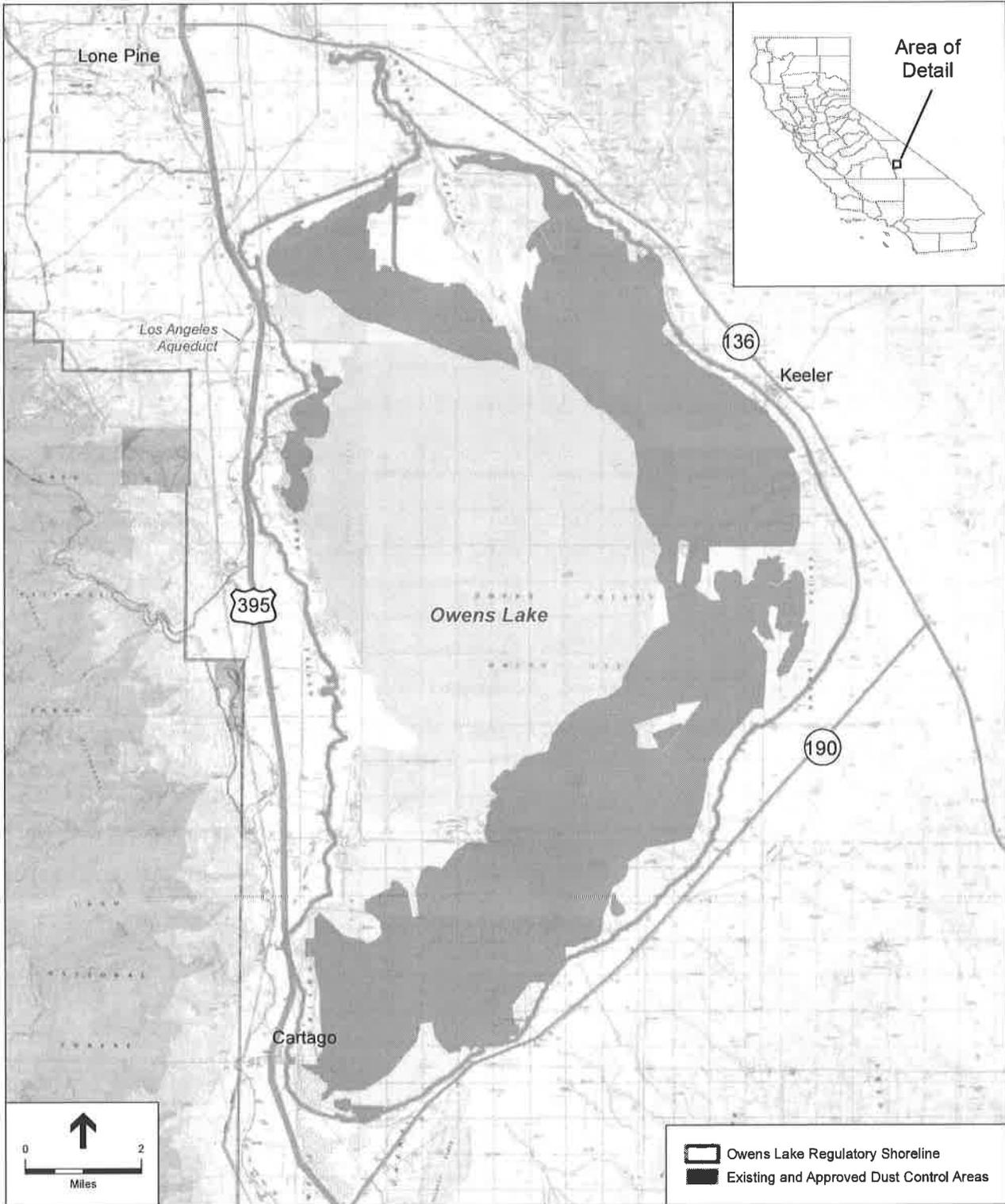
The LADWP is soliciting the views of interested persons and agencies as to the scope and content of the environmental information to be evaluated in the EIR. In accordance with the CEQA, the LADWP requests that agencies review the Project description provided in this NOP and provide comments on environmental issues related to the statutory responsibilities of the agency. The EIR will be used by the LADWP when considering approval of the proposed Project and by other Responsible and Trustee Agencies to support their discretionary actions related to the Project.

Project Location

The proposed Project would be located at the 110 square mile dry Owens Lake in Inyo County, California, approximately 5 miles south of the community of Lone Pine and approximately 61 miles south of the city of Bishop. Owens Lake is bounded by State Route (SR) 136 to the north and east, SR 190 to the south, and U.S. Highway (U.S.) 395 to the west. The proposed Project location is shown on Figure 1.

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

111 N. Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles, CA 90051-5700
Telephone: (213) 367-4211 www.LADWP.com



Note: An additional 4.8 square miles of dust control may be required.
 The locations of these areas are not known at this time.

Owens Lake Master Project NOP . 130500.03

Figure 1
 Project Location

Project Overview

The LADWP is currently managing the implementation of the Owens Lake Dust Mitigation Program (OLDMP) to reduce emissions of particulate matter less than or equal to 10 microns in diameter (PM10) to meet state and federal air quality standards. The OLDMP is operated in compliance with agreements with the Great Basin Unified Air Pollution Control District (GBUAPCD) under the authority of California Health and Safety Code Section 42316, legal settlement agreements with GBUAPCD, lease agreements for use of state lands (administered by the California State Lands Commission), and other regulatory approvals. For over 12 years, the LADWP has primarily relied on shallow flooding at Owens Lake to control PM10, which has resulted in the use of as much as 80,500 acre-feet of water from the Los Angeles Aqueduct each year for dust control. As part of the Master Project, the LADWP intends to use less aqueduct water for dust suppression at Owens Lake. In doing so, the LADWP can enhance water supply reliability by making aqueduct water available for other beneficial uses.

A total of 48.6 square miles is currently required to be managed for dust control at Owens Lake including existing and approved projects (see Figure 1). In accordance with the 2014 Stipulated Judgment (Stipulated Judgment in the matter of City of Los Angeles v. California Air Resources Board, et al., Case No. 34-2013-80001451-CU-WM-GDS) between the LADWP and the GBUAPCD, the LADWP's responsibility for dust control is limited to a maximum of 53.4 square miles at Owens Lake. At its discretion, the LADWP has proposed the Master Project, which includes modification of existing water-based dust control measures (DCMs), while also planning for the potential need to control dust on an additional 4.8 square miles at Owens Lake.

The proposed Project would modify the design and operation of DCMs, such as shallow flooding, to reduce the amount of aqueduct water applied to the lakebed. As water-based DCMs are modified to water-efficient or waterless DCMs, habitat that has been created by years of water-based DCMs and supports a variety of shorebirds, waterfowl, and meadow species would be maintained with application of the Habitat Suitability Model (HSM) developed for Owens Lake. In addition, in order to further conserve the amount of aqueduct water used for dust suppression on the lakebed, the LADWP is evaluating the use of groundwater beneath Owens Lake for dust suppression.

The Master Project includes all dust control areas (DCAs) that are now part of the OLDMP, previously known as Phases 1 through 10. This approach allows for integrated

management of dust and habitat on the lakebed. The Master Project also would support issuance of a master lease from the California State Lands Commission (CSLC) that would allow flexibility in implementing and managing dust control methods.

Project Objectives

The primary and fundamental objective of the Master Project is to develop and implement a flexible, adaptive management approach that reduces water use from the Los Angeles Aqueduct while ensuring that dust control measures at Owens Lake reduce emissions in accordance with applicable laws and lakewide total habitat value is maintained. The Master Project strives to reduce water use from the Los Angeles Aqueduct by at least 50 percent through the strategic use of waterless or water-efficient dust control measures. The Master Project also strives to identify a sustainable amount of groundwater that can be used for dust management at Owens Lake to supplement or offset water from the Los Angeles Aqueduct.

Habitat Suitability Model

The Owens Lake HSM was developed as a tool to quantify, track, and maintain habitat value at Owens Lake. In general, habitat suitability models estimate the ability for a given habitat to support a selected species or species guild, which is a group of species with similar habitat requirements. At Owens Lake, species have been organized into the following guilds: diving waterbirds, breeding waterfowl, migrating waterfowl, breeding shorebirds, migrating shorebirds, and alkali meadow species.

The HSM calculates habitat value for each guild based on multiple parameters believed to be most important to describe habitat, such as water availability, water depth, and salinity. The HSM calculates an indexed value for each guild for each DCA, ranging from 0.0 (low or non-suitable habitat) to 1.0 (highly suitable habitat). The indexed value is multiplied by the acreage of each DCA to produce habitat value-acres for each guild. The HSM parameters can be met by the design and management of DCMs at Owens Lake. As DCM modifications are implemented for the Master Project, the HSM would be used to predict future habitat value for each DCA design and to ensure that lakewide habitat value-acres for each guild would be maintained over time. Implementation of a monitoring plan and adaptive management process also would ensure no net loss of habitat value-acres in the long term.

Project Components

Dust Control

The Master Project proposes implementation of DCMs on up to 53.4 square miles of the lakebed. Currently, dust control is being implemented through existing or approved projects on 48.6 square miles of the lakebed (Figure 1). In addition, DCMs may be applied to 4.8 square miles of the lakebed, in locations to be determined although anticipated to be adjacent to existing DCAs. The Master Project would modify up to 38 square miles of the lakebed to waterless, water-efficient, or hybrid DCMs. All DCMs implemented on the lakebed must be approved by the GBUAPCD. Best Available Control Measures (BACM) are DCMs that, according to guidance by the U.S. Environmental Protection Agency (USEPA), are technology-based and can help ensure that the federal standard for PM10 will be attained as expeditiously as practicable. There are several DCMs currently designated as BACM for Owens Lake, including Shallow Flood, Managed Vegetation, and Gravel. **Table 1** includes a list of dust control methods including BACM that, as (or if) approved by the GBUAPCD, may be implemented at Owens Lake. Over the course of the Master Project, water-intensive shallow flood areas would be modified to DCMs that maintain lakewide total habitat value and reduce water use. In some cases, shallow flood may be converted to multiple DCMs within one DCA, creating hybrid DCMs. Hybrid DCMs blend individual DCMs to achieve required dust control while also optimizing habitat conditions for wildlife guilds at Owens Lake.

Method	Description	Waterless or Water-Efficient
Shallow Flood	Shallow flooding consists of releasing water and allowing it to spread, thereby wetting the surface to suppress windborne dust. There are 4 types of Shallow Flood at present on the lakebed: Pond, Lateral, Brine, and Tillage with BACM Back-up which is explained in detail below.	
Shallow Flood – Tillage with BACM Back-up (TwB2)	TwB2 involves roughening of the land surface so that sand motion and dust emissions are suppressed. Roughening can be achieved by a tractor-drawn tillage implement, such as a disk, plow, or rotary hoe. TwB2 must include available water supply and sufficient irrigation infrastructure to re-wet	X

TABLE 1—DUST CONTROL METHODS AT OWENS LAKE		
Method	Description	Waterless or Water-Efficient
	the surface when necessary, which is why it is included within the shallow flood category.	
Irrigated Vegetation	Managed and other irrigated vegetation involves planting irrigated fields of saltgrass and other species native to the Owens Valley which are tolerant of high salt concentrations and drought conditions common on the lakebed. The vegetation cover reduces sand motion and soil erosion to control dust.	
Gravel Cover	This DCM involves covering surfaces with a 2 inch layer of gravel to control PM10 emissions. Gravel is placed on a permeable geotextile fabric for stability.	X
Tillage	Tillage involves the same processes as TwB2 except that portable irrigation equipment would be used for maintenance re-wetting.	X
Engineered Roughness Elements	Using engineered roughness elements involves non-erodible elements (unlike TwB2 or tillage) that create surface roughness and reduce wind erosion, such as sand fences or straw bales.	X
Soil Binders	Soil binders control dust through the application of various substances, usually in solution or emulsion. The applied substances confer stability by binding soil particles into aggregates and/or by hardening surfaces to render them more wind resistant.	X
Concrete Block Mats	Concrete block mats involve covering the surface of the lakebed with flexible concrete block mats. To form the mat, individual concrete blocks are tied together with a high strength polypropylene geogrid or cable systems. The bottom layer is permeable non-woven fabric.	X
Alternative Dust Control Measures	DCMs may need to be implemented to avoid ground disturbance in some DCAs. This may include vegetation, hydroseeding, surface saturation through natural spring flow, soil binders, and/or engineered roughness elements.	X
Note: Dust control methods may be implemented at Owens Lake as (or if) approved by the Great Basin Unified Air Pollution Control District.		

The process of modifying DCMs would be completed through a stepwise approach. There would be approximately 5 steps, and each step would involve modification of 6 to 7 square miles. Each step would take approximately 3 years to complete, and implementation of these steps could overlap.

As the DCAs are modified from water-based to waterless, water-efficient, or hybrid DCMs, lakewide total habitat values would be maintained through implementation of the HSM. The HSM would be used as the basis for design of DCA modifications and the selection of DCAs to include in each step. With implementation of each step, habitat value may increase or decrease locally; however, application of the HSM would ensure that the existing total acreage of habitat value on the entirety of the lakebed is maintained. Adaptive management would be used to address issues related to the maintenance of habitat value.

Groundwater

The Master Project would evaluate adding groundwater to the portfolio of water supplies available for dust management at Owens Lake. Preliminary groundwater model simulations suggest that groundwater may be sustainably pumped from aquifers beneath and around Owens Lake. The LADWP is currently implementing additional studies to determine the viability and sustainability of such potential groundwater production. Data collected from monitoring wells and aquifer tests will help to refine the preliminary estimates of groundwater production. The LADWP is also in the process of developing resource protection criteria and protocols for the protection of groundwater-dependent resources, which include alkali meadow vegetation, seeps and springs, non-LADWP wells, land subsidence, and air quality.

The Master Project proposes to include the installation of groundwater wells at various locations around the lakebed. Wells would be located adjacent to DCAs, or as close as possible to DCAs, to eliminate or minimize the need for conveyance facilities. Groundwater production and well development would proceed according to an adaptive management strategy and the resource protection criteria and protocols for groundwater-dependent resources to avoid adverse impacts.

Public Access and Recreation

As a condition of its leases with the CSLC, the LADWP allows limited public access to Owens Lake. Members of the public are able to use the roads constructed by the LADWP to access areas of Owens Lake that would otherwise be inaccessible. Accordingly, the Master Project proposes new amenities and facilities that would

enhance public access and recreational opportunities, including new public viewing areas, informational kiosks, and scenic driving loops.

New public viewing areas would be incorporated into the designs of modified DCAs. The public viewing areas may include informational signage, viewing platforms, shade structures, or vehicle turnouts. Specific locations would be determined during Project design. In addition to the public viewing areas, informational kiosks would be installed around the lakebed. Potential locations include existing entry points at Sulfate Road, the Dirty Socks access road, Lake Minerals/Willow Dip Road, or at Boulder Creek. Kiosks also may be installed at existing visitor overlooks and viewing areas.

The Master Project also proposes identification of up to 3 scenic driving loops around the lakebed. The driving loops would provide a self-guided tour using existing roadways.

Potential Environmental Impacts

In accordance with Section 15126 of the CEQA Guidelines, the EIR will assess the physical changes to the environment that would likely result from construction and operation of the Master Project, including direct, indirect, and cumulative impacts, as well as growth-inducing effects. In accordance with CEQA Guidelines Section 15063 (a), the LADWP has determined that an EIR will clearly be required to satisfy environmental review for the Master Project, and therefore no Initial Study is required. The EIR will analyze all environmental resources required by the CEQA, and will identify mitigation measures if necessary to reduce potentially significant impacts of the proposed Project. The EIR also will discuss alternatives to the proposed Project, including the no project alternative [CEQA Guidelines Section 15126.6 (e)]. The alternatives discussion in the EIR will evaluate alternatives considered as a means for lessening or avoiding any potentially significant environmental impacts of the proposed Project.

The probable environmental effects to be analyzed in the EIR will include, but are not limited to, the following:

Aesthetics

The aesthetic quality of the Owens Lake vicinity is defined by vast areas of desert playa surrounded by the Sierra Nevada to the west, Inyo Mountains to the east, and Coso Range rising to the south. The proposed Project vicinity includes a middle brine pool, alkali meadows, the Owens River delta, and the existing dust control system--managed

vegetation, shallow flooding, tilled lands, and an internal roadway network. The proposed Project would alter the visual character of the lakebed and surrounding area by modifying the existing condition on the lakebed to include a variety of dust control methods. The EIR will evaluate the potential for the proposed Project to impact aesthetic resources, including visual character, scenic vistas, and new sources of light and glare.

Air Quality

Construction of the proposed Project would generate emissions from construction equipment exhaust, earth movement, construction workers' commutes, and material hauling. The EIR will estimate construction related emissions and long-term operational emissions of the proposed Project. The proposed Project is located within the jurisdiction of the GBUAPCD, which has been designated by the state and USEPA as a non-attainment area for the state and federal 24 hour average PM10 standards. The EIR will analyze consistency with GBUAPCD policies and attainment levels.

Biological Resources

Use of water and vegetation for dust control has resulted in the use of the lakebed by many wildlife species, including invertebrates and birds, primarily waterfowl, avocets, sandpipers, plovers, and gulls. The EIR will evaluate the potential for the proposed Project to impact biological resources, such as sensitive species, wetlands, and critical habitats, and will evaluate the Project's consistency with local ordinances, and state and federal regulations governing biological resources.

Cultural Resources

Prehistoric and historic cultural resources have been previously identified on Owens Lake. Construction of the proposed Project may include earthwork in areas or at depths not previously disturbed, which could potentially uncover previously unknown archaeological or paleontological resources. Historic resources also may exist in the area. The EIR will assess the potential effects of the proposed Project on cultural resources.

Greenhouse Gas Emissions

Construction activities would require operation of equipment and vehicles that emit greenhouse gases (GHGs). The EIR will quantify GHG emissions associated with Project construction and operation in terms of carbon dioxide equivalent (CO₂e)

emissions and compare Project emissions to regional thresholds of significance. The analysis will consider the collective size of Project facilities with respect to levels of CO₂e emissions and the energy efficiency parameters of the proposed Project.

Hydrology, Groundwater, and Water Quality

The EIR will identify surface water resources in the vicinity of Owens Lake and will evaluate potential impacts posed by the proposed Project during construction and operation. The LADWP proposes use of groundwater to supply part of the water demand for the dust mitigation component of the Project. The EIR will describe the potential groundwater production capacities and evaluate potential impacts to groundwater-dependent resources associated with extraction activities at the lakebed. Cumulative impacts of operating the groundwater component of the proposed Project will include an assessment of incremental impacts to groundwater when considered together with operation of neighboring groundwater wells. The EIR also will describe potential impacts associated with storm water runoff.

Transportation and Traffic

Construction of the proposed Project may temporarily add vehicle trips to local transportation corridors, including material haul trips and construction worker commutes. The EIR will evaluate the impact of the proposed Project on traffic and circulation in the vicinity of Owens Lake and local and regional roadways.

The environmental effects to other resources included in Appendices F and G of the CEQA Guidelines will be considered in the EIR. The level of detail of the analysis will be commensurate with the significance of impacts as determined for each resource.

Notice of Public Meeting

Two public meetings will be held to solicit input regarding the scope and content of the environmental information to be included in the EIR. Agency representatives and members of the public interested in the Project are welcome to attend. The meetings will be:

July 15, 2015
3:00 to 5:00 p.m.
LADWP
Multi-Purpose Room
300 Mandich Street
Bishop, California 93514

Owens Lake Master Project Notice
Page 11 of 11
June 23, 2015

July 22, 2015
6:00 to 8:00 p.m.
Statham Hall
138 Jackson Street
Lone Pine, California 93545

Public Review Period

The LADWP invites the views of your agency regarding the scope and content of the environmental information to be included in the EIR, relevant to your agency's statutory responsibilities in connection with the proposed Project. Responsible and Trustee Agencies may need to use the EIR when considering permits or other discretionary approvals your agency may issue for the proposed Project.

To provide greater opportunity for input on the scope of the EIR, this NOP is being circulated an additional 15 days beyond the 30-day comment period required by the CEQA Guidelines, for a total of 45 days. Your comments must be received by 5:00 p.m. on **August 7, 2015**. Please indicate a contact name and return address in your comments, and submit your comments to:

Ms. Julie Van Wagner
Los Angeles Department of Water and Power
111 North Hope Street, Room 1044
Los Angeles, California 90012
Julie.VanWagner@ladwp.com

Please check the LADWP project website page, <http://www.ladwp.com/envnotices>, for copies of this NOP and to confirm the meeting time and date. If you require additional information regarding this notice, please contact Ms. Julie Van Wagner at (213) 367-5295 or Julie.VanWagner@ladwp.com.

Sincerely,


Charles C. Holloway
Manager of Environmental Planning and Assessment



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 22

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Jon Klusmire, Eastern California Museum

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Declare as surplus the double-wide trailer on the Eastern California Museum grounds, transfer ownership of the trailer to the Friends of the Eastern California Museum for one dollar, and lease the current trailer space to the Friends for 10 years.

DEPARTMENTAL RECOMMENDATION: Declare as "surplus County owned property" the double-wide trailer on the grounds of the Eastern California Museum (California Trailer Registration Numbers CAL 312722 and CAL 312723); sell the surplus trailer to the Friends of the Eastern California Museum for a consideration of one dollar (\$1); approve the agreement between Inyo County and the Friends of the Eastern California Museum that stipulates the Friends will repair and maintain the trailer, and in return the County will lease the current trailer space to the Friends at no cost to the Friends for not less than 10 years.

SUMMARY DISCUSSION: The County of Inyo owns and operates the Eastern California Museum, located at 155 N. Grant Street in Independence. As part of the employment agreement with a former Museum Director, the County allowed him to place a double-wide trailer on the Museum grounds to serve as his home. The County purchased the trailer in 2006 after the director resigned and moved.

Since the utilities have been shut off (lights, heat, water) the trailer has only been used to store non-critical museum equipment and supplies – wood, bookcases, current financial documents, tools, etc. The trailer would require some basic repairs and maintenance before it can be used as a secure and more usable storage space.

The Friends of the Eastern California Museum, a non-profit organization whose mission is to support the Eastern California Museum, have an assortment of supplies and equipment used to support the Museum stored in numerous locations, including private homes. The Friends have offered to buy the trailer and perform repairs and maintenance that will allow them to store their supplies in the trailer, and also provide storage space for Museum equipment and supplies. Museum artifacts would not be stored in the trailer. However, putting non-archival items in the trailer would free up existing storage space in the Museum that could be used to more appropriately store the Museum's many artifacts.

The trailer has fallen into disrepair and is not being fully utilized. At this point repairs and maintenance would be costly. Therefore, it is recommended that your Board declare the trailer to be "surplus property." This will allow the County to sell and transfer ownership of the trailer to the Friends for a consideration of one dollar (\$1.00). The Friends will then repair the trailer and use it for storage.

In return for the Friends repairing and maintaining the trailer, providing some storage space for the Museum, and meeting all terms of the attached agreement, the county will lease the space the trailer sits on to the Friends for no less than ten (10) years from the date of the execution of this agreement.

At its July 9, 2015 meeting, the Board of Directors of the Friends of the Eastern California Museum voted unanimously to accept the terms and conditions of the attached MOU.

ALTERNATIVES: The Board could deny the request, which would result in the County retaining ownership and the liability for an aging trailer that is not being put to a beneficial use.

OTHER AGENCY INVOLVEMENT: County Counsel, County Administrator.

FINANCING: The County will not incur any costs to execute the agreement and complete the surplus property sale, and would net \$1.

APPROVALS

COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>Yes</u> Date <u>7/21/15</u>
AUDITOR/CONTROLLER: N/A	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 7-22-15

**AGREEMENT
BETWEEN THE COUNTY OF INYO AND
THE FRIENDS OF THE EASTERN CALIFORNIA MUSEUM**

This Agreement is entered into by and between Inyo County, a California political subdivision, on behalf of Eastern California Museum, and the Friends of the Eastern California Museum, on the date first written below.

WHEREAS, Inyo County owns the Eastern California Museum which is located at 155 N. Grant Street, Independence, California; and

WHEREAS, the Eastern California Museum is the repository of many important artifacts, exhibits and archives preserving the culture and history of the Owens Valley; and

WHEREAS, the Friends of the Eastern California Museum have supplies and other items which they use in support of the Eastern California Museum; and

WHEREAS, the County owns a double-wide trailer, Trailer Registration Numbers CAL 312722 and CAL 312723, located on the western portion of the Eastern California Museum property in need of repair that could be used for storage for both the Eastern California Museum and the Friends of the Eastern California Museum; and

WHEREAS, the Inyo County Board of Supervisors have declared the double-wide trailer to be surplus county property; and

WHEREAS, the Friends of the Eastern California Museum seek to purchase the double-wide trailer; and

WHEREAS, the Inyo County Board of Supervisors agreed to sell and transfer the double-wide trailer for a consideration of one dollar (\$1.00) to the Friends of the Eastern California Museum in support of museum activities; and

WHEREAS, the Friends of the Eastern California Museum have generously offered to assist in the repair of the trailer so that both parties may use the trailer in the future for storage in support of the Eastern California Museum; and

WHEREAS, the Eastern California Museum, with thanks and appreciation desires to accept assistance of the Friends of the Eastern California Museum to repair the trailer and agrees that once the trailer is repaired, to share the trailer for storage in support of museum activities.

NOW, THEREFORE, IT IS AGREED by and between the County of Inyo, Eastern California Museum and the Friends of the Eastern California Museum that:

1. The recitals are incorporated herein by this reference as though set forth fully.
2. Inyo County sells to the Friends of the Eastern California Museum and the Friends of the Eastern California Museum accepts the double-wide trailer for the consideration of one dollar (\$1.00).
3. Inyo County leases for a period of no less than ten (10) years from the date of the execution of this Agreement to the Friends of the Eastern California Museum the space where the double-trailer currently sits. Inyo County leases the space for the consideration of the Friends of the Eastern California Museum bearing the cost of repairing and maintaining the double-trailer. If the double-trailer no longer occupies the space for a period exceeding ten (10) days for any reason whatsoever, the lease will terminate immediately following the tenth (10th) day.
4. Inyo County permits the Friends of the Eastern California Museum to retain the double-wide trailer at its current location of the western portion of the Eastern California Museum property at 155 N. Grant Street, Independence, California so long as this Agreement is in effect or unless the lease terminates, whichever is sooner.
5. Inyo County will not request, demand, or otherwise cause the double-wide trailer to be removed or demolished so long as this Agreement is in effect or unless the lease terminates, whichever is sooner.
6. The Friends of the Eastern California Museum will work with and receive approval from the Director of the Eastern California Museum for all repair activities of the trailer and for authorization for storage at the trailer.
7. The Friends of the Eastern California Museum or their contractor shall maintain insurance, including but not limited to General Liability in an amount of no less than \$1,000,000.00, and provide proof of such insurance to the Inyo County Risk Manager, which insurance shall be approved prior to restoration activities occurring.
8. By agreeing to assist in restoration and use of the trailer, the Friends of the Eastern California Museum agree to defend, indemnify, and hold harmless the County of Inyo for any costs or liability arising from Friends of the Eastern California Museum activities and use of the trailer.
9. This Agreement shall continue until terminated by either party by providing a thirty (30) day notice to the other party or by mutual agreement of the parties.

Dated: _____, 2015

County of Inyo

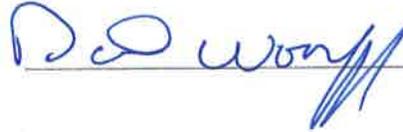
Matt Kingsley
Chair

ATTEST: Kevin Carunchio
Clerk of the Board

BY: _____
Patricia Gunsolley,
Assistant Clerk of the Board

Dated: 7/22/_____, 2015

Friends of Eastern California Museum





AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

23

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Supervisor Mark Tillemans

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Consideration and Direction to staff regarding a request from the Big Pine Cemetery District to waive green waste gate fees for the disposal of diseased trees that are being removed from the Cemetery.

DEPARTMENTAL RECOMMENDATION: - Request Board consider and provide direction to staff regarding the request by the Big Pine Cemetery District to waive the gate and disposal fees for green waste disposal at the Bishop-Sunland Landfill; and directing staff, as may be appropriate, to prepare a resolution setting the waiver as policy for your Board's consideration at the August 4, 2015 Board of Supervisors Meeting.

SUMMARY DISCUSSION: - The Big Pine Cemetery District is required to remove several diseased Juniper trees at the Cemetery in order to control the spread of the disease. The District has requested a waiver of the green waste gate and disposal fees for disposing of the trees at the Bishop-Sunland Landfill. The trees in their diseased state also pose significant danger to the people who visit and work at the Cemetery.

County Municipal Code Section 7.10.080 D provides, "In the event of a declared local, state or federal state of emergency, or to alleviate threats to the public health and safety, the Board of Supervisors may by resolution waive solid waste disposal fees for classes of persons affected by the emergency or threat to public health or safety."

Because of the existence of ongoing proclamations for local emergencies, including current drought conditions, and due to the District's status of the Cemetery, your Board could make the findings to waive the fees for the disposal of the trees in order to protect the public health and safety of the users of the Cemetery.

Last year, your Board set a limit of \$500 for the waiver of fees for the Friends of the Mt. Whitney Fish Hatchery and the Bishop VFW. This request is similar to those requests and the removal of diseased trees that are a danger to the public meets the burden for waiver of fees identified in County Municipal Code Section 7.10.080. Therefore, it is staff's recommendation that your Board consider authorizing the waiver of the disposal fees as requested, limiting the dollar amount of the waiver to \$500. A resolution that waives the fees for the Big Pine Cemetery District to dispose of green waste, for an amount not-to-exceed \$500 for a 30-day period is attached in the event that your Board chooses to waive the solid waste fees for the removal of dying and diseased trees in the Big Pine Cemetery.

ALTERNATIVES: - Staff awaits your Board direction on this request.

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: There is a minimal amount of revenues that would be lost as a result of the waiver of fees.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

Mark Tillemans

Date: 7/23/15

Resolution No. 2015-__

A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA, WAIVING SOLID WASTE DISPOSAL AND GATE FEES AT BISHOP-SUNLAND LANDFILL FOR GREEN AND WOOD WASTE IN AN AMOUNT NOT TO EXCEED \$500 FOR A 30 DAY PERIOD

WHEREAS the Big Pine Cemetery District has a long history of providing services to the citizen's and residents of Inyo County; and

WHEREAS, the Big Pine Cemetery District is a historic landmark and an asset to the community of Big Pine; and

WHEREAS, it would benefit public health and safety to remove trees dying from drought and disease and the subsequent disposal of the green and wood waste debris from the Big Pine Cemetery; and

WHEREAS, waving disposal fees for placing green and wood waste at the Bishop-Sunland Landfill for a thirty day period, would encourage the timely and appropriate disposition of this debris; and

WHEREAS, waiving disposal fees for green and wood waste will additionally serve to help promote health and safety at the Big Pine Cemetery by reducing the possible spread of vegetative diseases; and

WHEREAS, all green and wood waste that can be chipped will be placed in the green waste brush pile; and

NOW, THEREFORE, BE IT RESOLVED that the Inyo County Board of Supervisors, pursuant to Section 7.10.080 of the Inyo County Code, hereby waives gate and waste disposal fees for the Big Pine Cemetery District for the disposal of segregated green and wood waste at the Bishop-Sunland Landfill for a thirty day period, starting on July 28, 2015, for a total of up to \$500 in disposal fees.

PASSED AND ADOPTED on this 28th day of July, 2015, by the Inyo County Board of Supervisors, County of Inyo, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson, Inyo County Board of Supervisor

Attest: *KEVIN D. CARUNCHIO*
Clerk of the Board

by: _____
Patricia Gunsolley, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 24
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- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Planning Department

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: APPROVAL OF ADDENDUM NO. 2 TO THE MITIGATED NEGATIVE DECLARATION--MUNRO VALLEY SOLAR, LLC—GENERAL PLAN AMENDMENT NO. 2013-01, ZONE RECLASSIFICATION NO. 2013-01, RENEWABLE ENERGY DEVELOPMENT AGREEMENT NO. 2013-01, TENTATIVE PARCEL MAP NO. 404 AND TENTATIVE PARCEL MAP FOR APN 033-460-08; APPROVAL OF MODIFIED MITIGATION MONITORING PROGRAM WHICH INCLUDES SUBSTITUTE BIOLOGICAL MITIGATION MEASURES; AND APPROVAL OF MODIFIED RENEWABLE ENERGY PERMIT 2013-01 WHICH INCORPORATES SUBSTITUTE BIOLOGICAL MITIGATION MEASURES.

DEPARTMENTAL RECOMMENDATION: Approve Addendum No. 2 to the Mitigated Negative Declaration (Attachment 1 hereto), and direct the Planning Department to file an appropriate Notice of Determination. Approve a modified Mitigation Monitoring Program. Approve modification of Renewable Energy Permit 2013-01.

SUMMARY DISCUSSION: Munro Valley Solar, LLC submitted applications to the County of Inyo ("County") for a renewable energy permit (REP) and related applications for other permits and/or actions necessary to construct and operate a 4.0 megawatt solar photovoltaic generating facility over two separate privately owned parcels located in Olancho, California. The County prepared an Initial Study and Draft Mitigated Negative Declaration ("MND") for the project pursuant to the California Environmental Quality Act ("CEQA"). The County approved the project, including the REP and a Mitigation Monitoring Program (MMP) in late 2014.¹

Regarding the potential impact of the project on biological resources, the Initial Study found that with the incorporation of mitigation the project would not result in potentially significant effects. The Initial Study described mitigation for Mohave Ground Squirrel (MGS) that would be implemented as follows:

A biological study was conducted for the project and observed no sensitive plant or animal species at the project site; however, the project site presents appropriate habitat for the Mojave Ground Squirrel (MGS)... To mitigate any potential impacts to these species, the applicant intends to implement construction monitoring...and preserve off-site habitat at a ratio of at least 1:1. Additionally, the applicant will incorporate best management construction and operation practices to mitigate any potential impacts to wildlife.

A requirement to obtain an Incidental Take Permit was incorporated into the MMP (adopted by your Board of Supervisors on December 9th, 2014) and into the REP for the project in response to the California Department of Fish and Wildlife (CDFW) comment letter on the Initial Study received by the Planning Department, dated January 9th, 2014.

¹ Refer to <http://inyoplanning.org/projects/MunroValley/Index.htm> for more information regarding the project.

In accordance with the requirements of the Initial Study, the MND, the REP, and the mitigation for potential biological resource impacts, the applicant indicates that it has been working with CDFW to obtain the ITP, but that CDFW has proposed conditions that are unworkable, infeasible, and not proportional. According to the applicant, the measures proposed by CDFW as a condition of obtaining an ITP for the first five years of the Project's operation would be a minimum of almost \$600,000, and the project would not be able to obtain permanent financing and would not be able to be built (refer to Attachment 2 to Addendum No. 2 to the MND). The applicant reports that CDFW has informed the applicant that there is no legal requirement that the applicant obtain an ITP from CDFW.

The applicant originally proposed to install a wildlife friendly fence, allowing MGS to enter the site, thus increasing the risk that a MGS could be accidentally taken during operations. Amongst the new mitigation measures proposed by the applicant is the elimination of the use of a wildlife friendly fence and substitution of a permanent, exclusion fence, the completion of pre-clearance surveys by qualified biologists to clear any MGS from the site if any exist there, and a requirement that a biological monitor be present during project construction. In addition, the applicant proposes to implement an off-site conservation easement protecting 17.90 acres of suitable habitat at a ratio of 1:1.

The applicant has caused to be prepared a report by H.T. Harvey Associates dated July 2015 (refer to Attachment 1 of Addendum No. 2 to the MND) to evaluate these actions, which found that given the "*...low habitat suitability within the East Site, absence of captures within the West Site during trapping, and implementation of avoidance and minimization measures, incidental take of individual Mohave ground squirrels should be avoided during the life of the Project.*" In regard to the Applicant's proposed substitute mitigation measures, the report concluded the following: "*The Project's conservation strategy will fully mitigate all impacts to state-listed species as a result of the Project....Implementation of avoidance and minimization measures ... during the construction and operation of the facility, including the construction of the exclusion fence, should avoid take of Mohave ground squirrels.*"

The applicant is requesting your Board to approve Amendment 1 to the REP (Attachment 3 hereto) which deletes the ITP requirement and includes new mitigation measures in place of the ITP. Also, the applicant is requesting your Board to approve a modified Mitigation Monitoring Program which deletes the ITP requirement and includes new mitigation measures in place of the ITP. Addendum No. 2 to the MND discusses the new mitigation measures that are proposed to replace the requirement that the applicant obtain an ITP from CDFW and addresses the environmental impacts of the deletion of the ITP requirement and of the new mitigation measures which would be substituted for the ITP requirement.

ALTERNATIVES: The Board could not approve the modifications to the mitigation measures; the applicant has indicated that the ITP requirements being imposed by CDFW render the project infeasible, and thus, this alternative could result in the project not being realized. The Board could also modify the proposed changes to the mitigation measures; if the Board so wishes, additional expert input may be necessary.

OTHER AGENCY INVOLVEMENT: The California Department of Fish and Wildlife.

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date <u>07/23/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 7/23/15
 (Not to be signed until all approvals are received)

Attachments:

- 1) Addendum No. 2 to the Mitigated Negative Declaration for Munro Valley Solar, LLC—General Plan Amendment No. 2013-01, Zone Reclassification No. 2013-01, Renewable Energy Development Agreement No. 2013-01, Tentative Parcel Map No. 404 and Tentative Parcel Map for APN 033-460-08
- 2) Modified Mitigation Monitoring Program
- 3) Amendment Number 1 to the Renewable Energy Development Permit issued by the County of Inyo to Munro Valley Solar, LLC for its solar photovoltaic electric generating facility in Olancha

ADDENDUM NO. 2 TO THE MITIGATED NEGATIVE DECLARATION

**Munro Valley Solar, LLC—General Plan Amendment No. 2013-01, Zone
Reclassification No. 2013-01, Renewable Energy Development Agreement No.
2013-01, Tentative Parcel Map No. 404 and Tentative Parcel Map for
APN 033-460-08**

(SCH No. 2013121062, Adopted December 9, 2014)

County of Inyo Planning Department

July 2015

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OF MITIGATION MEASURES.....Page 4**

**LEGAL AND FACTUAL BASIS FOR DECISION TO PREPARE AN
ADDENDUM AND NOT A SUBSEQUENT MND OR EIR.....Page 9**

BACKGROUND

Munro Valley Solar, LLC submitted applications to the County of Inyo ("County") for a renewable energy permit (REP) and related applications for other permits and/or actions necessary to construct and operate a 4.0 megawatt solar photovoltaic generating facility over two separate privately owned parcels located in Olancho, California. The County prepared an Initial Study and Draft Mitigated Negative Declaration ("MND") for the project pursuant to the California Environmental Quality Act ("CEQA").

Regarding the potential impact of the project on biological resources, the Initial Study found that with the incorporation of mitigation the project would not result in potentially significant effects. The Initial Study described mitigation for Mohave Ground Squirrel (MGS) that would be implemented as follows:

A biological study was conducted for the project and observed no sensitive plant or animal species at the project site; however, the project site presents appropriate habitat for the Mojave Ground Squirrel.... To mitigate any potential impacts to these species, the applicant intends to implement construction monitoring...and preserve off-site habitat at a ratio of at least 1:1. Additionally, the applicant will incorporate best management construction and operation practices to mitigate any potential impacts to wildlife.

The California Department of Fish and Wildlife (CDFW) submitted a letter dated January 9, 2014 which contained the following comment concerning the provisions of the MND that addressed mitigation measures for the MGS:

The site presents suitable habitat for...Mohave ground squirrel (MGS) (State threatened)...in addition, burrows potentially associated with MGS were observed on both parcels. The IS/MND acknowledges that take from Project implementation may occur if burrows are crushed during grading and other construction activities. CDFW does not concur with the statement that impacts to MGS...would be less than significant after implementing the proposed mitigation measures of preserving off-site habitat at a ratio of 1:1. If "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of MGS...cannot be avoided either during construction or over the life of the Project, please be advised that an Incidental Take Permit (ITP) would be warranted. Issuance of an ITP is subject to CEQA documentation; therefore, CDFW recommends that the CEQA document identify and analyze potentially significant impacts, propose measures to mitigate impacts to less than significant levels, and include a mitigation monitoring and reporting program. If the proposed Project could impact CESA-listed species, early consultation is encouraged. CDFW is available to discuss ways to avoid, minimize, and mitigate potential Project impacts....

On September 14, 2014, the Inyo County Planning Commission conditionally approved the renewable energy permit for the project and considered and recommended that the Inyo County

Board of Supervisors adopt the MND. On November 12, 2014, the Inyo County Board of Supervisors adopted Resolution No. 2014-54 adopting the MND and approving General Plan Amendment No. 2013-01/Munro Valley Solar, LLC. On December 9, 2014, the Board of Supervisors adopted Resolution No. 2014-58 amending Resolution No. 2014-54 to make it consistent with the Board's directions to enhance certain mitigation and include a Mitigation Monitoring Program (MMP). In the final environmental documents, the mitigation for biological resources was in part modified to indicate as follows:

The Developer shall obtain an Incidental Take Permit (ITP) for Mojave Ground Squirrel and comply with the mitigation requirements set forth by CDFW for impacts to the Mojave Ground Squirrel. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible.

The Renewable Energy Permit (REP) for the project includes the following condition:

*8.7. California Department of Fish & Wildlife. DEVELOPER shall comply with the California Endangered Species Act (CESA) permitting process....
DEVELOPER shall obtain an Incidental Take Permit for Mojave Ground Squirrel and comply with the mitigation requirements set forth by CDFW for impacts to the Mojave Ground Squirrel. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible....*

NEW INFORMATION

In accordance with the requirements of the Initial Study, the MND, the REP, and the mitigation for potential biological resource impacts, the applicant indicates that it has been working with CDFW to obtain the ITP, but that CDFW has proposed conditions that are unworkable, infeasible, and not proportional. According to the applicant, the measures proposed by CDFW as a condition of obtaining an ITP for the first five years of the Project's operation would be a minimum of almost \$600,000, and the project would not be able to obtain permanent financing and would not be able to be built (See Attachment 1 hereto).

The applicant originally proposed to install a wildlife friendly fence, allowing MGS to enter the site, thus increasing the risk that a MGS could be accidentally taken during operations. The applicant now proposes to eliminate the use of a wildlife friendly fence and permanently use an exclusion fence, complete pre-clearance surveys by qualified biologists to clear any MGS from the site if any exist there, provide a biological monitor during construction, and implement other measures so as to avoid take of the MGS. In addition, the applicant proposes to implement an off-site conservation easement protecting 17.90 acres (ac) of suitable habitat at a ratio of 1:1.

The applicant has caused to be prepared a report by H.T. Harvey Associates dated July 2015 to evaluate these actions (See Attachment 2 hereto.). The report states in pertinent part:

The Project would result in the loss of 17.90 ac of habitat suitable for occupancy by Mohave ground squirrels within the 111,690 acre Coso Range-Olancha Core Area, which is one of four core areas that support relatively abundant and

widespread populations of Mohave ground squirrel (Leitner 2008).... Given the moderate suitability of habitat within the West Site and along the distribution line corridor, and the Mohave ground squirrel captured during the protocol-level surveys north of the distribution line, there is potential for the species to occur within these areas of the Project Site during construction or operation of the facility.... Based upon published home range estimates, the low habitat suitability within the East Site, absence of captures within the West Site during trapping, and implementation of avoidance and minimization measures, incidental take of individual Mohave ground squirrels should be avoided during the life of the Project.

The Project incorporates important monitoring and conservation measures designed to avoid the take of a Mohave ground squirrel (as defined in California Fish and Game Code Section 86) during construction and operation of the Project. As the result of these protective measures, take of a Mohave ground squirrel should be avoided. In addition, alteration of habitat would be mitigated as concluded in the MND by establishment of a conservation easement protecting 17.90 ac of suitable habitat at (a ratio of 1:1 [1.0 ac of offsite habitat supporting Mohave ground squirrels preserved for each acre of suitable habitat affected by the Project]). Such mitigation would result in permanent protection of habitat for the State-listed threatened Mohave ground squirrel within the framework of a regional strategy to conserve the species in the Mojave Desert. The Project's conservation strategy will fully mitigate all impacts to state-listed species as a result of the Project.... Implementation of avoidance and minimization measures ...during the construction and operation of the facility, including the construction of the exclusion fence, should avoid take of Mohave ground squirrels.

LEGAL AND FACTUAL BASIS FOR SUBSTITUTION OF MITIGATION MEASURES

According to *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, an agency may substitute mitigation measures, but must provide a legitimate reason why the measure is impractical or unworkable and support that reason with substantial evidence. The applicant has submitted substantial evidence indicating that the mitigation measure from the adopted MND is impractical and unworkable. Therefore, it is appropriate to substitute the mitigation measure for MGS with the following:

General Avoidance and Minimization Measures

- Exclusion fencing will be installed around the entirety of the East and West sites before the start of ground-disturbing activities to exclude special-status animals, including Mohave ground squirrel (MGS), from the Project Site. The exclusion fence would be constructed with durable materials suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. The fence would be designed to prevent passage of special-status reptiles and mammals through the

fence. The fence will be buried at least 12 inches below grade. All fence construction will be monitored by a qualified biologist to ensure that no animals are harmed. Following installation, the fence will be inspected bi-weekly during construction and quarterly after commercial operation and after all major rainfall events. Any damage to the fence will be repaired immediately.

- A biological monitor will be present during construction of the Project. The monitor will be responsible for ensuring that impacts on the MGS are avoided to the fullest extent possible. To assist the biological monitor, Project work areas will be clearly demarcated on Project plan sets, and the allowed work limits will be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits.
- The biologist(s) will be given the authority to stop any work that would result in the take of MGS. If the biologist(s) exercises this authority, the California Department of Fish and Wildlife (CDFW) will be notified by telephone and electronic mail within one working day.
- When monitoring is required on the Project Site, the biological monitor will inspect areas under vehicles and equipment, in and around stockpiled materials, and any other locations where listed species could take refuge to ensure that individuals of any such species are relocated out of harm's way (by a Qualified biologist approved to handle the species) before construction activities begin for the day.
- If at any time a MGS is discovered in the construction area by the biological monitor or anyone else (including during preconstruction surveys), the protocol outlined below will be followed:
 - All work that could result in direct injury, disturbance, or harassment of the individual animal will immediately cease.
 - The foreman and biological monitor will be immediately notified.
 - The biological monitor will allow the animal to disperse on its own outside the construction area. The animal will be monitored until it is determined that the animal is not immediately imperiled by predators or other dangers.
 - The biological monitor will document each event in which construction activities are affected by the presence of listed species and the outcome of the interaction on the individual animal.
- Vehicles and equipment will be parked on existing roads and previously disturbed areas to the extent practicable.
- Speed limit signs restricting the speed limit to 15 miles per hour (mph) will be installed before site disturbance or construction begins. To minimize disturbance of areas outside the construction zone, all Project-related vehicle traffic will be

restricted to established roads, construction areas, and other designated areas. To the extent possible, these areas will be established in locations disturbed by previous activities to prevent further impacts. Also, these areas will be included in preconstruction surveys. Off-road traffic outside of designated traffic areas will be prohibited.

- Measures will be implemented to suppress dust during all construction activities, as needed through the use of water trucks, 15 mph speed limits, and installation of an aggregate base on all roads.
- No firearms will be allowed on the Project Site, unless otherwise approved for security personnel or permitted by law.
- To prevent harassment or mortality of MGS by domestic dogs or cats (*Felis domesticus*), pets will not be permitted to enter the Project Site. Trained scent detection dogs used for environmental compliance monitoring are not considered pets.
- All food-related trash items, including wrappers, cans, bottles, and food scraps, will be disposed of in tightly covered and secured trash containers, the contents of which will be removed from the Project Site on a regular basis. Food items may attract ravens, coyotes, and domestic dogs, consequently exposing special-status animals to increased risk of predation. No deliberate feeding of wildlife will be allowed.
- Chemicals, fuels, lubricants, and biocides will be used only in compliance with all local, State, and federal regulations, to minimize the possibility of contaminating habitat or poisoning predators directly or indirectly. Users of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and State and federal legislation.
- No rodenticides will be used on the Project Site, to avoid the potential for poisoning MGS and indirectly poisoning native predators and scavengers.
- No pest rodent trapping (live or lethal) will be permitted on the Project Site, unless conducted by a qualified, CDFW-approved biologist.
- A Worker Environmental Awareness Program (WEAP) will be presented to Project personnel by a qualified biologist(s) engaged by the Project Applicant. This program will consist of either a video presentation or a “tailgate” training session for all personnel who work on aspects of the Project that occur in or near natural habitats on the Project Site. Printed training materials and briefings will include a discussion of the MGS. Information will cover basic species biology, general behavior, local distribution, sensitivity to human activities, and legal protection, as well as the penalties for violating State or federal laws, impact

avoidance methods, reporting requirements, and the contact information for the person to be notified if sensitive species are discovered on the Project Site. Also, maps showing the locations of special-status wildlife or other construction limitations will be provided to the biological monitors and construction crews before construction activities begin. As part of the training, contractors and heavy equipment operators will be provided with literature and photographs or illustrations of the MGS so they will be able to identify and avoid harming them during construction.

- Information about the ban on rodenticides and pest rodent traps, and their potential effects on sensitive wildlife species in the region, will be provided to workers in the WEAP. A copy of the WEAP will be posted in the office trailer, or other worker meeting place on the Project Site.
- The biological monitor will maintain a construction-monitoring notebook on site throughout the construction period. The notebook will include this report and attachments, and a list of signatures of all personnel who have successfully completed the WEAP.
- All steep-walled holes or trenches deeper than six inches will be covered at the close of each working day using plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Excavations will also be inspected for trapped special-status animals each morning before construction activities begin and immediately before the excavation is covered at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for trapped special-status animals or other wildlife. Any individuals discovered will be allowed to escape before construction or other Project activities resume.
- Qualified biologists approved to handle MGS will conduct a preconstruction biological clearance survey in all activity areas to minimize impacts on special-status plants or wildlife species. Clearance surveys would provide 100% coverage of the Project Site, with a focus on locating all MGS above and below ground. This survey would be performed within the array fence alignment immediately prior to installation of the exclusion fence at the East and West sites and along the road right-of-way, plus a 30-foot buffer of the ground disturbance area. Following exclusion fence construction, the two fenced Arrays would be surveyed for MGS to ensure that the site is not occupied. Clearance surveys would consist of at least two consecutive surveys performed by walking transects less than or equal to 15 feet. In areas of dense vegetation or when conditions limit the ability to locate MGS, transects would be reduced in width accordingly. The use of specialized equipment (e.g., fiber optics, remotely operated cameras) may be necessary to thoroughly inspect all potential burrows.

- If a MGS is occupying the burrow it shall be allowed to escape out of harm's way. If the individual does not relocate on its own, all activities within 200 feet of the burrow shall cease and CDFW consulted to ensure take is avoided.

MGS Avoidance and Minimization Measures and Compensatory Mitigation Measure

- Preconstruction surveys for MGS will be conducted at most 48 hours before construction that occurs between February 15 and November 15, and at most two weeks before construction that occurs between November 16 and February 14. Following confirmation that burrows are unoccupied, all potential MGS burrows in the construction zone will be excavated by a qualified biologist at the time of the survey.
- Because MGS are attracted to cavities and dens, these animals could enter objects such as pipes and become trapped, or could be injured when the pipes are moved. Therefore, all construction pipes, culverts, or similar structures stored overnight at the Project Site for one or more nights will be either securely capped before storage or thoroughly inspected by the biological monitor for these animals before the pipe is subsequently moved, buried, capped, or otherwise used. If a MGS discovered inside a pipe by the biological monitor or anyone else, that section of pipe will not be moved until CDFW has been consulted.
- To mitigate Project impacts on potential habitat, the Project Applicant will within 180 days from commercial operation, either (1) pay into an existing mitigation bank, benefiting MGS or (2) acquire 17.90 ac of habitat of equal or better quality than the affected habitat (a ratio of 1:1 [1.0 ac of offsite habitat preserved for each acre of suitable habitat affected by the Project within the West Site and distribution line corridor]). If option 2 is pursued, a conservation land proposal will be submitted to Inyo County for consultation with CDFW and the County's approval. A conservation easement will be established for the land. If option 1 is pursued, the Project Applicant may pay into a MGS habitat mitigation bank for compensation at a ratio of 1:1. Selected conservation lands will be relatively flat, with perennial plant cover ranging from 10 to 20% (Zembal and Gall 1980), and will support several plant species necessary for MGS survival, such as herbaceous annuals, winterfat, spiny hopsage, creosote bush, and burrobrush (Best 1995). Land selected for the conservation easement must be habitat of equal or better quality than the affected habitat.

Reporting Requirements

- Within 2 months following completion of the estimated four-month construction period, the Project Applicant will provide Inyo County and CDFW with a construction status report that will include, at a minimum, a general description of the status of the Project Site, a description of the status of avoidance and minimization measures; an assessment of the effectiveness of the avoidance and minimization measures; and a summary of preconstruction survey results.

The above-referenced mitigation measures are similar to those identified in the MND circulated for public review, and are designed to avoid take of MGS, and the conservation strategy will fully mitigate all impacts to state-listed species. These mitigation measures will enhance the project's approach to MGS and will not result in increased impacts relative to those analyzed in the MND.

The adopted MMP indicates that the mitigation for MGS will be implemented prior to issuance of a building permit. As the substituted mitigation measures will be implanted throughout project implementation, the MMP will be modified to require monitoring during construction and operation. Additionally, the REP conditions for MGS will be replaced with those above.

LEGAL AND FACTUAL BASIS FOR DECISION TO PREPARE AN ADDENDUM AND NOT A SUBSEQUENT MND OR EIR

The County is the CEQA lead agency and was responsible for preparing the MND. Therefore, the County is the appropriate agency to evaluate the potential environmental effects of the new information provided by the H.T. Harvey Associates Study.

The CEQA Guidelines specifically allow the preparation of an addendum to a negative declaration. CEQA Guidelines §15164(b) provides as follows:

An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

With respect to the evaluation of new information in to determine whether a subsequent EIR (or other CEQA document) should be prepared, CEQA Guidelines §15162(a) states:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The applicant proposes to substitute the adopted mitigation measure for MGS with several new mitigation measures which are similar to those described in the publicly circulated MND. The new mitigation measures enhance the mitigation to avoid take of the MSG and provide for appropriate treatment of MGS during construction and operation. The H.T. Harvey Report indicates that the Project's conservation strategy will fully mitigate all impacts to state-listed species as a result of the Project. This conclusion is consistent with the adopted MND. No substantial changes to the project are proposed that would increase severity of previously identified significant effects, and no significant changes to the setting have occurred. The new information provided to substitute the mitigation measures does not involve significant new environmental effects or project an increase in the severity of potential effects. Therefore, adoption of this Addendum is adequate to comply with CEQA.

Attachments:

1) Biological Study of Potential Impacts of the Munro Valley Solar Project on Mojave Ground Squirrel, prepared by H.T. Harvey and Associates, July 2015

2) Declaration of Thomas Melone, July 13, 2015

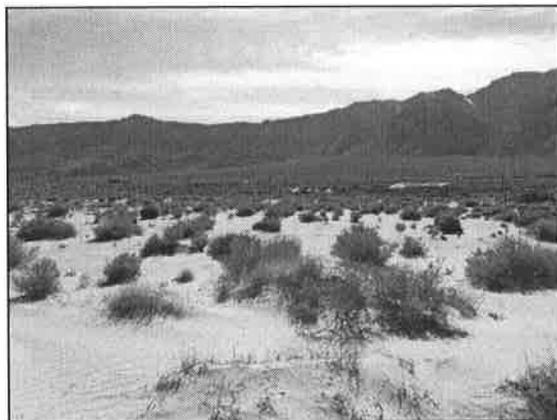


Munro Valley Solar Project

Prepared for:

Ecos Energy

222 South 9th Street, Suite 1600
Minneapolis, MN 55402



Prepared by:

H. T. Harvey & Associates

File No. 3459-07



July 2015



Executive Summary

Introduction

Munro Valley Solar, LLC (Project Applicant or Developer), proposes to construct a 4-megawatt (alternating current) solar photovoltaic energy facility, the Munro Valley Solar Project (Project), on an approximately 35.87-acre (ac) Project Site southwest of the community of Olancho, in unincorporated Inyo County, California. The Project includes a 20-ac West Site, a 10-ac East Site, and a 4400-foot-long utility and access roadway corridor connecting the two sites, and would comprise two solar arrays, related structures, electrical equipment, and utility infrastructure upgrades required to interconnect the Project to the Los Angeles Department of Water and Power (LADWP) transmission network. The total development footprint of these project features within the Project Site (collectively referred to as the Project Impact Area) is 27.90 acres. All of the Project features would be constructed under a single action, as described below.

The West Site and the distribution line corridor constitute moderately suitable habitat for the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*). During the protocol-level surveys, the Mohave ground squirrel was captured north of the distribution line. During the protocol-level surveys, however, no evidence of the Mohave ground squirrel was identified on the West Site. Habitats within portions of the East Site are of low quality for Mohave ground squirrels due to degraded conditions, the absence of important forage such as winterfat (*Krascheninnikovia lanata*), spiny hopsage, creosote bush (*Larrea tridentata*), and burrobrush (*Ambrosia dumosa*), and the lack of suitable soil integrity required for Mohave ground squirrel burrow structure. Therefore, no trapping grids were established on the East Site due to the degraded condition of habitat and the limited evidence of burrowing mammals.

The Project incorporates important monitoring and conservation measures designed to avoid the take of a Mohave ground squirrel (as defined in California Fish and Game Code Section 86) during construction and operation of the Project. As the result of these protective measures, take of a Mohave ground squirrel should be avoided.

In addition, alteration of habitat would be mitigated as concluded in the MND by establishment of a conservation easement protecting 17.90 ac of suitable habitat (a ratio of 1:1 [1.0 ac of offsite habitat supporting Mohave ground squirrels preserved for each acre of suitable habitat affected by the Project]). Such mitigation would result in permanent protection of habitat for the State-listed threatened Mohave ground squirrel within the framework of a regional strategy to conserve the species in the Mojave Desert. The Project's conservation strategy will fully mitigate all impacts to state-listed species as a result of the Project.

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Section 2.0 Overview and Purpose

The Mohave ground squirrel (*Xerospermophilus mohavensis*) is the only species listed under the California Endangered Species Act which has a potential for occurring on portions of the Project Site based on known species distributions and habitat characteristics on the site, which are moderately suitable for this species on the West Site and within the distribution corridor, and not suitable within the East Site. The Mohave ground squirrel is known to occur in the immediate vicinity of the distribution line corridor, but has not been detected on the Project site.

This report contains the results of recently conducted, project-specific protocol surveys for Mohave ground squirrel, information on the known regional distributions of the species, details of the avoidance and mitigation measures that will be implemented to ensure construction and operation of the proposed Project does not result in take of this species, compensatory measures to mitigate for alteration of habitat, an assessment of potential impacts to this species, and an analysis of cumulative impacts to this species.

2.1 California Environment Quality Act Lead Agency Contact

Elaine Kabala, Associate Planner
Inyo County Planning Department
P.O. Drawer L
168 N. Edwards Street
Independence, CA 93526

2.2 Environmental Impact Assessment History

Inyo County is the agency responsible for complying with the California Environmental Quality Act (CEQA). A National Environmental Policy Act (NEPA) Environmental Assessment/Finding of No Significant Impact (EA/FONSI) is being prepared by the U.S. Bureau of Land Management (BLM) for issuance of a right-of-way permit on federal land.

Section 3.0 Project Location

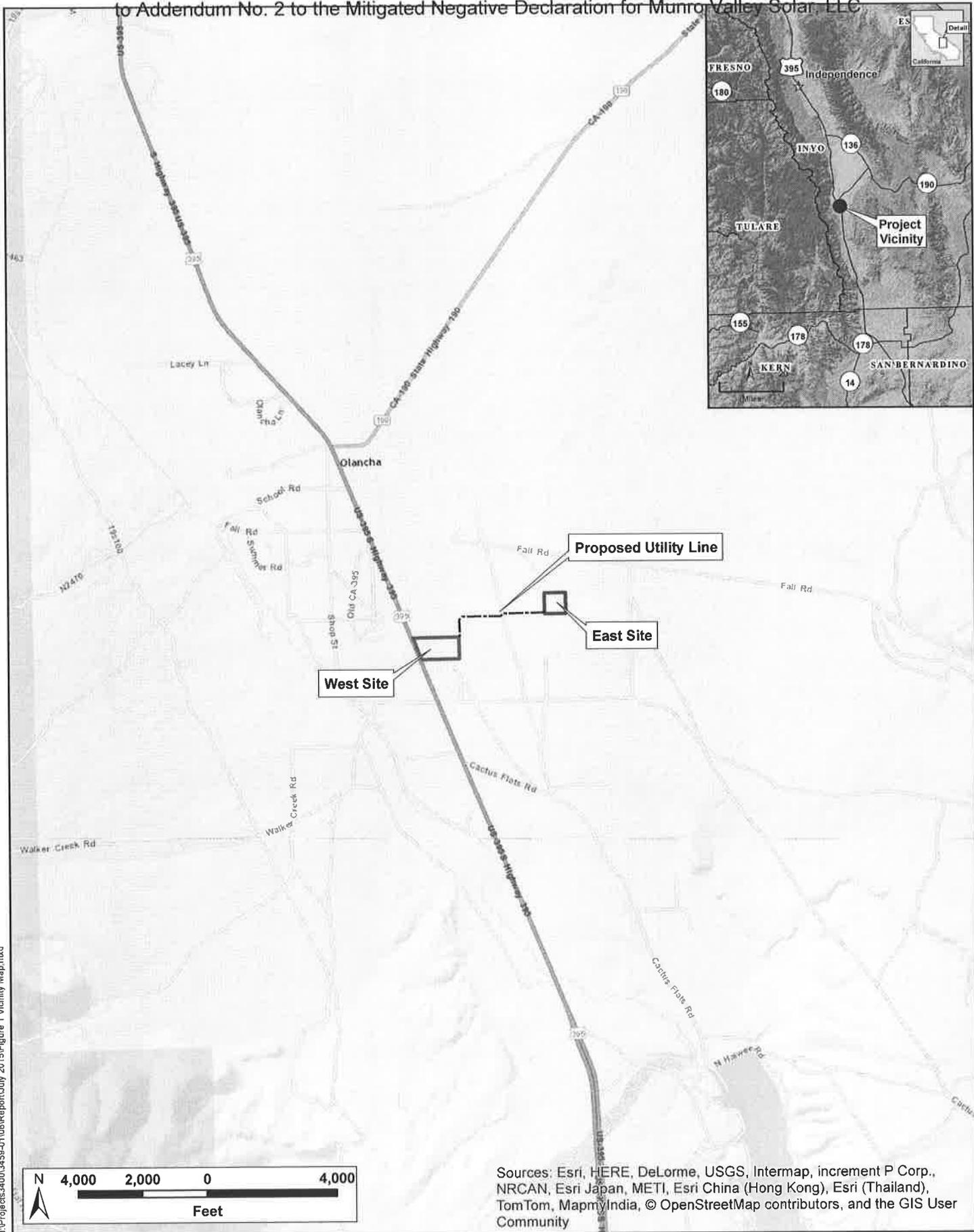
The Project Site is located on the Owens Valley floor, south of Owens Lake, on gently sloping (1%) terrain. The site is situated in the U.S. Geological Survey (USGS) Vermillion Canyon quadrangle, at elevations of approximately 3688–3691 feet (ft) (Figure 1).

The Project consists of two solar photovoltaic (PV) arrays linked by a distribution line corridor. The Project Site is located within the boundary of the unincorporated community of Olancho, in Inyo County (Figure 1). The main components of the Project are:

- The West Site is located within the land use planning boundary for the community of Olancho. The site is located immediately east of US 395, approximately 0.27 miles north of Walker Creek Road. This 20.02-acre (ac) site is identified as Assessor's Parcel Number (APN) 033-400-02-00 (Figure 2). The Project Impact Area within the West Site is 14.91 acres.
- The East Site is located approximately 0.58 mi east of Olancho and approximately 0.23 mi south of Fall Road. The East Site is 10.00 ac and is located in the southwestern corner of a 160-ac parcel (APN 033-060-19-00) (Figure 2). The Project Impact Area within the East Site is 10.00 acres
- A new road and an overhead or underground electrical distribution line (distribution line) would be constructed within a proposed 4400-ft-long right-of-way connecting the West and East Sites (Figure 2). The Project Impact Area within the distribution line corridor is 2.99 acres

The land surrounding the Project Site is primarily under private ownership; however, a 3,470-square-ft (0.08 ac) portion of the right-of-way connecting the two solar arrays (West Site and East Site) would cross federal land managed by the BLM, located within parcel APN 033-100-13-00. Project Applicant has received a right of way permit with the BLM.

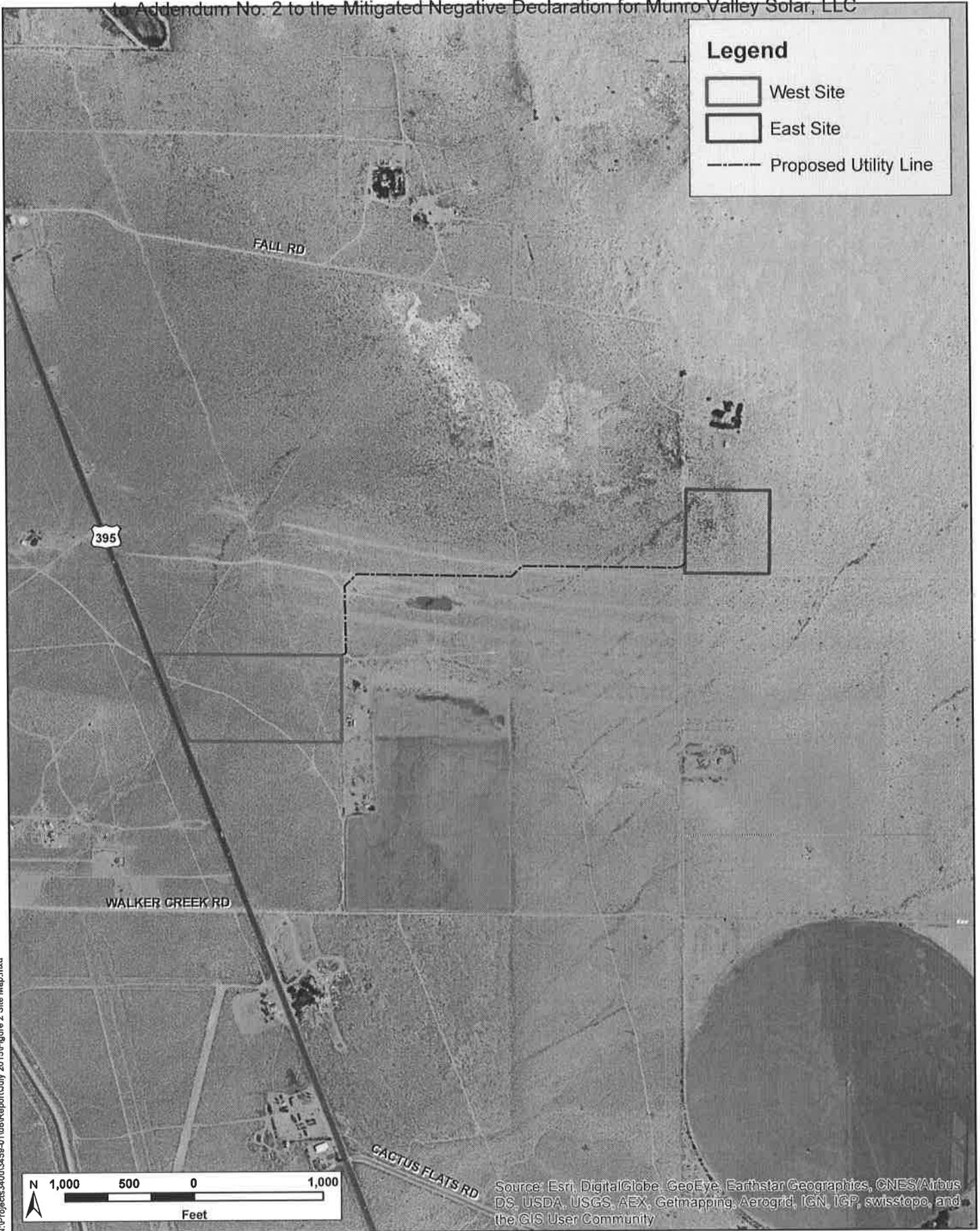
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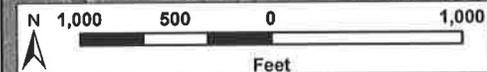
N:\Projects\40013459-01\06\Report\July 2015\Figure 1 Vicinity Map.mxd

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community





N:\Projects\4001\459-01\06\Report\July 2015\Figure 2 Site Map.mxd



H. T. HARVEY & ASSOCIATES

Ecological Consultants

Figure 2: Project Site Map
Munro Valley Solar Project (3459-06)

July 2015

Section 4.0 Project Description

4.1 Introduction/Overview

Mohave ground squirrels were observed within 63 feet of the northern boundary of the distribution corridor right-of-way during protocol-level surveys (HTH 2014). The Mohave ground squirrel is the only species listed under CESA whose known geographic range overlaps the Project vicinity, and for which there is potentially suitable habitat within the Project boundary.

For purposes of this report, the “Permitted Project” consists of two solar arrays and the distribution corridor right-of-way connecting the sites, with a combined total Project Impact Area of 27.90 ac (14.91 acres within the West Site; 10.00 acres within the East Site; 2.99 acres within the distribution line corridor).

This report provides an overview of the proposed Project with sufficient detail to determine the extent of potential impacts to Mohave ground squirrels that may result from construction and operation of the facility. The report also includes sufficient detail to enable evaluation of proposed avoidance measures and best management practices designed to minimize potential impacts to Mohave ground squirrels and avoid take, along with compensatory measures to mitigate for alteration of unoccupied vegetated areas that will be impacted by the project.

The following subsections describe proposed project related activities associated with construction, operation, and decommissioning of the facility. Subsequent sections describe existing environmental conditions, the potential for take of Mohave ground squirrels, descriptions of avoidance and minimization measures and conservation measures that will be incorporated into the Project to avoid, minimize, and compensate for Project potential impacts

4.2 Construction Design

The Project proposed by Project Applicant involves constructing a 4-megawatt (MW-AC) solar energy generating facility consisting of three components: two linked solar photovoltaic (PV) panel arrays and a distribution line. Electricity generated by the facility would be purchased by the Los Angeles Department of Water and Power (LADWP).

Construction of the facility would occur over an approximately 4-month period. Work hours will not be limited by time of day and depending on the time of year temporary lighting may be used during construction. During Project operation permanent lighting would be restricted to the inverter/transformer skids in each array. All permanent lighting would be hooded and downcast to prevent glare.

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Construction of the Project will require approximately 1,200 personal vehicle trips to and from the site made primarily by a peak construction work force of 30 individuals. In addition materials and equipment would be supplied to the site on approximately 20 tractor-trailer loads. Small vehicles would be parked either on the roads within the arrays or on the shoulder within the road right-of way connecting the two arrays. The 20 tractor-trailer loads of equipment, delivered as the supplies are needed over the 4-month construction period, would not result in the need for a storage or laydown area because the delivered material would be unloaded and distributed at the point of use as deliveries arrive.

The first ground-disturbing activity during construction would be the installation of a permanent wildlife exclusion perimeter fence to exclude wildlife, including Mohave ground squirrel, from the active construction area of both the East and West sites. (Figure 2). During construction, all vegetation within the Project Site would remain intact to the extent feasible. Grading will only be performed during preparation of the access road and will not be necessary elsewhere on the Project Site. Materials will be unloaded and transported via lightweight overland vehicles such as small ATVs, handcarts, and/or hand carried by two person teams to the ultimate point of delivery on the site.

The West Site would be comprised of an up to 3.0-MW-AC electrical generation solar PV array consisting of approximately 14,000 320-watt (or similar) PV modules installed on ground-mounted supports. A network of underground cables would transmit electricity from the array to the point of interconnection with the LADWP utility distribution circuit, located within the West Site.

On the East Site, the balance of the 4.0-MW-AC electrical generation array would be constructed, also using 320-watt (or similar) PV modules on ground-mounted supports. Electricity generated by the East Site array would be gathered through a network of underground cables and transmitted, via an approximately 4,400-foot-long medium-voltage overhead distribution line, to the point of interconnection with the LADWP utility distribution circuit, located on the West Site. All underground cables associated with the project would be encased in polyvinyl chloride (PVC) pipe (or similar material) to prevent chewing of the cables by rodents or other wildlife, including Mohave ground squirrels.

Both arrays would include a 20-ft internal access road that would bisect the arrays, allowing access to the inverter/transformer skids located in each array. A California Department of Forestry and Fire Protection truck turnaround spur and two parking stalls for each array are included in the access road design.

PV modules within the arrays would be mounted on a fixed-tilt system. The modules would be fixed at an angle between 20° and 25°, tilted to the south, and would not move. The mounting system for the fixed-tilt module includes posts driven into the ground, with table frames bolted at the top of the posts. The modules are mechanically fastened to the tables.

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Depending on soil and hydrologic conditions, posts would be driven up to 8 ft deep into the soil. If the results of geotechnical investigations indicate that driven steel posts do not provide an optimal foundation, other embedded foundation designs may be used. The PV modules would be electrically connected by wire harnesses and combiner boxes, which would collect electricity from several rows of modules and convey it to a Power Conversion System (PCS) via underground direct current (DC) cables. Inverter hardware would be located in each PCS, to convert the DC input into power grid-quality alternating current (AC) electrical output. A transformer would then step up the voltage for conveyance of the power via underground lines to the PV combining switchgear (PVCS). High-capacity collection system lines would then connect the power output from the PVCS to the LADWP distribution circuit on the West Site.

A new road and an overhead 21-kilovolt (kV) or 34.5-kV distribution line would be constructed along a 4400-ft-long right-of-way connecting the West and East Sites. An approximately 2,980-ft-long segment of the line would be constructed along an existing dirt access road on APN 033-400-12 (a privately owned parcel immediately east of the West Site); the remaining approximately 1,320-ft-long segment would be constructed in an access easement on the southernmost portion of APN 033-460-08 (a privately owned parcel immediately west of the East Site). The transition between these two distribution line segments requires the line to cross an approximately 100-ft-long BLM right-of-way.

The new road would conform to the Inyo County Road Department's *County Standard Specification and Standard Plans* (Inyo County 2001). Road construction would involve scarifying and compacting the top 12 inches of soil to 95% compaction along the right-of-way. Class 2 AB aggregate, compacted to 90% per geotechnical recommendations, would be used during construction of the road within the right-of-way. The new right-of-way would have a maximum grade of approximately 1%.

Based on the final electrical interconnection design, the right-of-way would contain an overhead interconnection distribution line comprised of Class 2 power line poles and associated medium-voltage wires. The overhead distribution line would be installed approximately 10 ft south of the gravel road's surface edge.

4.3 Operation and Maintenance

The Project design does not include construction of an Operations and Maintenance (O&M) building on the Project Site but may in the future. O&M activities would be undertaken by approximately one or two staff members from the local area, who would visit the facility one or two times per week. O&M activities would include meter reading, production reporting, equipment inspection and testing, equipment repair, and similar activities. General site maintenance activities would include vegetation management, road maintenance, and general upkeep of the facility. In addition, operations staff would be occasionally be on the site at night conducting occasional routine or emergency maintenance. Security personnel would also occasionally be on the site at night. As no permanent buildings are required, a septic system is not included in the Project design.

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The PV panels will be washed periodically by O&M personnel during Project operation. For the most part, solar panels would be washed annually; however, unanticipated events such as dust storms or extended periods of no rain may lead to additional cleanings. Occasional repair or replacement of Project components will also be needed; however, infrastructure replacement is expected to be rare: inverters may require replacement every 10 years, whereas PV panels generally last 30 to 40 years.

The road within the connecting right-of-way and the roads inside the arrays would be graded to match the existing terrain and to minimize the need for maintenance, but occasional repairs would likely be required. All road maintenance activities would comply with local ordinances and practices related to the maintenance of rural roads. Construction of roads with Class 2 AB aggregate compacted to 90% and a speed limit of 15 miles-per-hour (mph) would minimize fugitive dust emissions and reduce collision risk to wildlife.

4.4 Waste and Hazardous Materials

Construction activities would generate waste that will require offsite disposal. Nonhazardous waste generated during construction, such as common household trash, cardboard, wood pallets, copper wire, scrap metal, wooden wire spools, erosion control materials (such as straw bales and silt fencing), and packaging materials for equipment and parts, would be collected in trash bins, picked up, and disposed of or recycled by a local waste disposal or recycling company.

No hazardous waste is expected to be generated during construction; however, construction equipment uses various hazardous materials (diesel fuel, oil, solvents, etc.). All fuels, fluids, and components with hazardous materials/wastes would be handled in accordance with applicable regulations. All such materials would be kept in segregated storage, using secondary containment as necessary. Project Applicant would maintain all necessary records of storage and inspection, and provide for proper offsite disposal.

The hazardous materials that would be stored in small quantities on the Project Site during construction and operations are listed in Table 1. These materials would be stored in appropriate containers in an enclosed and secured location, such as portable outdoor hazardous materials storage cabinets equipped with secondary containment to prevent contact with rainwater. The portable hazardous materials storage cabinets may be moved with each block of development, as deemed necessary.

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Table 1. Hazardous Materials That May Be Stored on the Project Site

Product	Use
Diesel fuel	Vehicle maintenance
Gasoline fuel	Vehicle maintenance
30W motor oil and used motor oil	Vehicle maintenance
Antifreeze and used coolant	Vehicle maintenance
Transmission and hydraulic fluids	Vehicle maintenance
Envirotemp FR3 cooling fluid product	Transformer coolant
Mobilgrease XHP 461	Lubricating drive motors
DuPont Corlar® Epoxy Paint	Tracker maintenance
DuPont Corlar® Activator	Tracker maintenance
ZRC® Cold Galvanizing Compound	Tracker maintenance
Surfactant (such as Liquinox and Alconox)	Tracker maintenance
Light lubricating oils (WD-40)	General maintenance
Paint thinners/solvents	General maintenance
Cleaning products	General maintenance
Air Pollution Control District-approved dust suppressant	General maintenance
Propane fuel	Emergency generator
Acetylene gas	General maintenance
Compressed oxygen	General maintenance
Herbicides, pesticides, and fertilizers	Landscape maintenance

Best management practices (BMPs) would be implemented during construction and operation of the Project to reduce the risk of spills and other accidental exposure of humans or biological resources to hazardous materials and waste. During construction, temporary hazardous materials storage would not be located immediately adjacent to any drainage because none exist on the Project Site. If excess materials must be disposed of, disposal would occur in accordance with local, State, and federal regulations.

A gasoline storage and dispensing plan would be developed to guide efficient on site refueling of construction, operations, and maintenance vehicles. During construction, a refueling truck would supply fuel to equipment on the Project Site. A maintenance truck carrying oil, hydraulic fluids, antifreeze, and grease would periodically service equipment on site. These materials are typically stored and transported in dual-walled tanks on refueling trucks or on specialized service trucks carrying 400 gallons of oil, 200 gallons each of hydraulic fluid and antifreeze, 120 pounds of grease, and salvage tanks with 200–400 gallons of capacity. These sizes and amounts are approximations only, because actual storage requirements and quantities depend on the equipment used by service contractors.

Spill Response Plan. A site-specific spill response plan would be developed before construction of the Project begins. The spill response plan would include:

- Name and location of facility

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- Description of facility operations
- General manager and emergency coordinator names and phone numbers (home, work, and mobile contact information)
- Description of what is stored at the facility (contents and volume)
- Site diagram showing hazardous materials storage areas
- Prevention: a description of prevention measures to be taken during construction and operations, such as secondary containment, employee training, and proper storage
- Preparedness: a description of the equipment to be kept on site for spill response, and its location
- The Project Applicant's plan for health and safety training, training required by the California Department of Transportation (Caltrans), and spill response training
- Local, State, and federal regulatory agency reporting procedures and phone numbers, as well as emergency response contractor contact information and local hospital information
- An outline of emergency response procedures, including spill cleanup procedures, reporting requirements, and stabilization techniques

No large quantities of hazardous materials are expected to be used or stored on any portion of the Project Site during construction or operation of the Project. Spill cleanup materials and equipment appropriate to the type and quantity of hazardous materials expected would be located on site, and all personnel would be informed of their location. The construction superintendent would conduct routine inspections to ensure that all materials on site are being stored and disposed of appropriately. Key construction employees and all O&M personnel would be trained in spill response procedures in accordance with local, State, and federal regulations. In addition, material safety data sheets would be kept on site during construction and operation of the Project.

Products would be kept in their original containers, each with the original manufacturer's label, and resealed as soon as possible. The manufacturer's recommendation for proper disposal would be followed. Spill response materials, including brooms, dust pans, mops, rags, gloves, absorbent pads/pillows/socks, sand or absorbent litter, sawdust, and plastic and metal containers would be kept on the Project Site. Spill guidelines would include the following:

- All spills will be cleaned up immediately upon discovery.
- Personnel will wear the appropriate protective clothing to prevent injury when cleaning up a spill.
- Reportable quantities of spills of hazardous materials will be reported to the appropriate local, State, and federal authorities.
- All vehicles leaking oil or fluids will be scheduled for maintenance and will have drip pans under the leak when parked, until the leak can be fixed.

4.5 Project Decommissioning

At the end of the Project's useful life (anticipated to be 30–45 years), the Project may be repowered, or would be decommissioned in accordance with future standard practices. Because decommissioning activities, described below, would likely involve more construction equipment and construction activity than repowering, this assessment evaluates decommissioning instead of repowering in order to provide a conservative description of the associated potential effects on State-listed species. The method of decommissioning would be evaluated when decommissioning is proposed; evaluation would be based on the best practices, regulations, technology, and environmental conditions that pertain at that time.

Under current standard decommissioning practices, solar modules are removed, collected, and recycled. Some or all of the components (i.e., aluminum and steel parts) are salvaged or recycled as feasible. Components that cannot be salvaged are removed and disposed of in accordance with applicable laws and regulations.

Generally, only those portions of the underground collection system that would conflict with future land uses are removed during decommissioning. Components of an underground system that would not conflict with other land uses typically are kept in place to avoid disturbing vegetation. Similarly, access roads that would conflict with other land uses are removed and the aggregate recycled, but roads that are compatible with other land uses are left in place. Overhead electrical collection lines, poles, and associated components are disassembled and removed, reprocessed, sold, salvaged, or otherwise disposed of in an appropriate manner. Similarly, infrastructure components (steel, conductors, switches, transformers, fencing, and other materials) typically are removed from a site and repurposed, salvaged, recycled, or disposed of in an appropriate manner.

After the solar facility is removed, a site typically would be revegetated, and some grading may be done to recontour access roads or address erosion. Although future site restoration methods may be similar to the procedures used during construction to restore temporarily disturbed areas, it is too speculative at this time to reasonably determine the nature of site restoration and the degree of site monitoring that would be needed.

Section 5.0 Existing Environmental Conditions

The Project Site is situated within the Owens Valley where the climate is characterized by hot, dry summers and cool, dry winters. Weather patterns in the valley are primarily affected by the Sierra Nevada Mountains to the west and the Inyo Mountains to the east. The Sierra Nevada range produces a rain-shadow effect along its eastern slope, resulting in an average annual precipitation of 4–6 inches on the Owens Valley floor (Hollett et al. 1991). The mean daily high temperature for the Olancho area is approximately 58°F in January and 102°F in July (U.S. Climate Data 2014).

The following sections describe the existing biotic and physical conditions of the Project Site, as documented by H. T. Harvey & Associates biologists during a biological resources assessment (HTH 2013) and protocol-level surveys for Agassiz's desert tortoise (HTH 2014a), and Mohave ground squirrel (HTH 2014b).

5.1 Biotic Habitat

Habitat on the West Site and western half of the distribution line corridor, at elevations of 3,700 to 3,717 ft, consists of desert saltbush scrub community. This habitat is not dominated by any single shrub species, but is instead comprised of a mosaic of shrub species such as allscale (*Atriplex polycarpa*), shadescale saltbush (*Atriplex confertifolia*), four-winged saltbush (*Atriplex canescens*), sagebrush (*Artemisia spinescens*), and longspine horsebrush (*Tetradymia axillaris* var. *longispina*). Other species often associated with desert saltbush scrub communities that were also identified on the West Site include spiny hopsage (*Grayia spinosa*), beavertail pricklypear (*Opuntia basilaris* var. *basilaris*), cholla (*Cylindropuntia* sp.), Joshua tree (*Yucca brevifolia*), spiny menodora (*Menodora spinescens* var. *spinescens*), and rabbitbrush (*Ericameria nauseosa*). Largely due to lack of recent rainfall, annual forbs and graminoid species typically associated with this vegetation community were not represented during this survey period.

The desert saltbush scrub community on the East Site and along the eastern half of the distribution line, at elevations of 3,671 to 3,688 ft, is dominated by dense stands of allscale, intermixed with a variety of shrubs such as white bursage (*Ambrosia dumosa*), indigo bush (*Psoralea sp.*), shadescale saltbush, and rabbitbrush. Again, apparently due to lack of rainfall, annual forbs and graminoid species typically associated with this vegetation community were not observed on the East Site. Habitat immediately north of the East Site is dominated by a dense windbreak of saltcedar (*Tamarix ramosissima*) and is highly disturbed (HTH 2013).

5.2 Wildlife

The desert saltbush scrub on certain portions of the Project Site comprises potential habitat for the Mohave ground squirrel (i.e., the vegetation and soil conditions are suitable but they are currently unoccupied by Mohave ground squirrels).

5.3 Soils and Drainage

Five primary soil types underlie the Project Site. The East Site soils comprise primarily Torrifluvents (0–2% slopes) and the Mazourka-Eclipse complex (0–2% slopes). West Site soils comprise primarily the Cajon-Mazourka-Eclipse complex (0–2% slopes) and Cajon gravelly loamy sand (0–5% slopes). The proposed right-of-way contains Cajon-Typic Torriorthents complex (0–5% slopes), Cajon-Mazourka-Eclipse complex (0–2% slopes), and Mazourka-Eclipse complex (0–2% slopes); the two latter soil types also occur on the East and West Sites (Natural Resources Conservation Service [NRCS] 2014a, 2014b).

The Mazourka series (consisting of Torrifluvents and the Mazourka-Eclipse complex) found on the East Site comprises deep and very deep, well- and moderately well-drained soils formed in alluvium from mixed rock sources. Mazourka soils are found on stream terraces, lacustrine terraces, fan terraces, and alluvial fans and have slopes of 0–5%. The mean annual precipitation where this series occurs is about 5 inches, and the mean annual temperature is about 59°F. Mazourka soils are typical of rangelands and watersheds, and support wildlife habitat (NRCS 2014a).

The Cajon series (consisting of the Cajon-Mazourka-Eclipse complex and Cajon gravelly loamy sand) found on the West Site comprises very deep, somewhat excessively drained soils that formed in sandy alluvium from dominantly granitic rocks. Cajon soils are found on alluvial fans, fan aprons, fan skirts, inset fans, and river terraces. Slopes are 0–15%. The average annual precipitation where this series occurs is about 6 inches, and the mean annual temperature is about 65°F. Lands with this soil series are used mostly as livestock rangeland, for watershed conservation, and for recreation. A few areas of this series are irrigated and are used for growing alfalfa and other crops (NRCS 2014b).

A search of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, panel ID number 06027C2950D, indicated that the Project Site is not located in a flood zone (FEMA 2014). The Mojave Desert Region is a typical arid environment, commonly receiving short-duration, high-intensity storm precipitation, with the potential to produce high rates of runoff (sheet flooding) when soil infiltration rates are exceeded. During these events, small washes become conduits for water flow. The elevation gradient of the Project Site travels west to east, away from the Sierra Nevada, creating the potential for sheet flooding on the Project Site. However, the Cajon soil series (on the West Site and on the proposed distribution line route) is classified in Soil Hydrologic Group A, which has high infiltration rates and low surface runoff potential when thoroughly wet (NRCS 2014b). In contrast, the Mazourka series (located on the East Site and on the proposed distribution line route) is classified in Soil Hydrologic Group C, which has a slow infiltration rate when thoroughly wet, resulting in a slow rate of water transmission and a high surface runoff potential (NRCS 2014a). Visual observations made during the biological resources assessment did not identify natural riverine or ephemeral channels on the Project Site. This indicates that, even though Mazourka soils are present on the East Site and in the proposed distribution line corridor, flooding generally does not occur in this area.

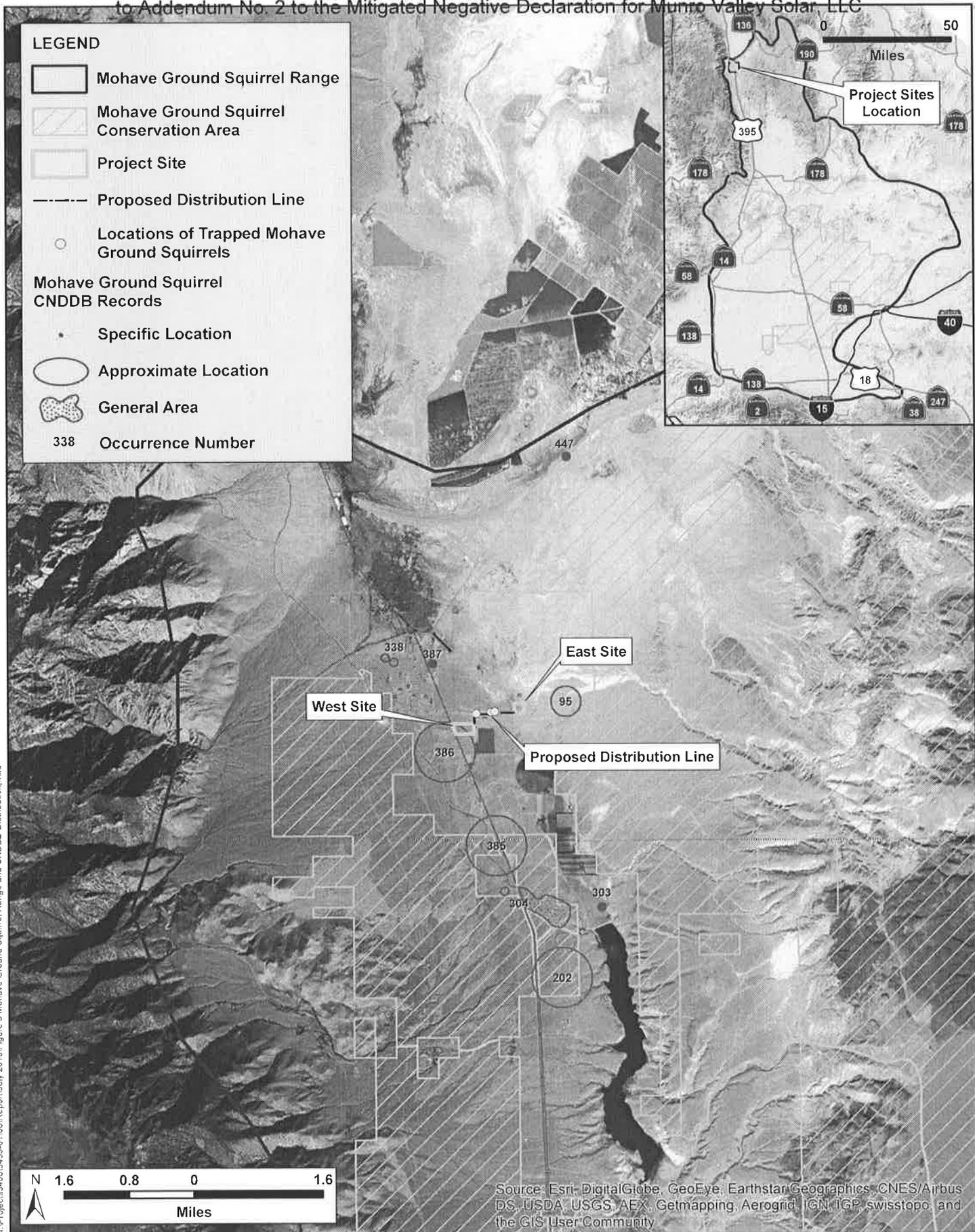
Section 6.0 Avoidance of Potential for the Project to Take Mohave Ground Squirrel

6.1 Occurrence of the Mohave Ground Squirrel in the Project Vicinity

The Project Site is located within the known geographic range of the Mohave ground squirrel (Figure 3). The CNDDDB (2014) contains eight records of Mohave ground squirrel occurrences within 5 miles of the Project Site (Figure 3).

H. T. Harvey & Associates biologists determined habitats within the West Site are moderately suitable for Mohave ground squirrel (HTH 2013) and found habitats within the East Site to be of low quality for Mohave ground squirrels; largely due to the unstable structure of aeolian deposits within the East Site, which are not suitable for burrowing. Within the West Site, H. T. Harvey & Associates biologists found evidence of several burrowing animals including potential coyote and desert kit fox dens and small mammal burrows. A small mammal burrow was also found just outside the road right-of-way, in an area where soil properties are similar to those of the West Site. In contrast, there was limited evidence of burrowing animals within the East Site, again largely due to the lack of structural integrity of sandy soil types typical of aeolian deposits.

Sunrise Consulting, on behalf of H. T. Harvey & Associates, conducted a protocol-level Mohave ground squirrel trapping survey following CDFW *Mohave Ground Squirrel Survey Guidelines* (CDFW 2010) for projects that would negatively affect less than 180 ac. Per the guidelines, the Project Site was visually surveyed on 20 April 2014 during daylight hours by a qualified biologist capable of distinguishing Mohave ground squirrels from a white-tailed antelope squirrel or other ground squirrel species. During this initial survey the qualified biologist identified the most suitable habitat for the Mohave ground squirrel within the vicinity of the Project Site. Based on this assessment, trapping surveys were focused on the most optimal habitats, which were located within and around the West Site and along the access road distribution corridor. Due to access constraints associated with US 395 and private residences bordering the West Site, traps were not laid out in a standard 4-ft by 25-ft or 10-ft by 10-ft grid. Instead traps were laid out in a manner that maximized survey of the highest quality habitat within the Project vicinity and reduced potential for disturbance by passersby's, neighbors, or domestic dogs (*Canis lupus familiaris*) present in the area. A total of eight grids were established, including four on the West Site and four along the proposed distribution line route. No trapping grids were established on the East Site due to the degraded condition of habitat and the limited evidence of burrowing mammals.



N:\Projects\3400\3459-0\106\Report\July 2015\Figure 3 Mohave Ground Squirrel Range and CNDDDB Distribution.mxd



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The CDFW protocol requires each sampling grid to be trapped for a minimum of five consecutive days during three survey periods, unless a Mohave ground squirrel is captured before the end of a five-day trapping session within a sampling grid. The first trapping survey must occur between 15 March and 30 April. If a second term is required, the trapping must begin at least two weeks after the end of the first term, but no earlier than 1 May, and the trapping session must be completed by 31 May. The third trapping session must also be performed at least two weeks after the second trapping and begun no later than 15 June and this final session must be completed by 15 July.

Traps were deployed and monitored on the Project Site during two trapping sessions; the first trapping session was performed during 21-25 April 2014, and the second trapping session occurred from 12-15 May 2014. Traps were oriented along a north-south axis and were covered with a cardboard A-frame to provide shade for trapped animals. At the end of the first trapping session, all Sherman traps were removed from the Project Site; all cardboard and flagging used during the survey was left on the Project Site in preparation for the next trapping session. At the end of the second trapping session, all equipment was removed from the Project Site.

During each day of trapping, all traps were opened and baited at dawn and checked approximately every four hours until dusk; at which time traps were closed until the next morning. Animals captured and handled were marked with non-toxic ink to temporarily mark the animal for identification, in order to limit handling of the animal if re-captured. Standard data (gender, age, reproductive condition) for each individual animal captured for the first time was collected and recorded on CDFW Mohave Ground Squirrel Survey and Trapping Forms. For recaptured individuals only the species identification, time of release, and trap number were recorded.

For the most part trapping was not affected by unsuitable weather conditions (e.g., periods of high wind, temperature extremes) however, traps were closed prior to dusk on two separate occasions due to weather. On 25 April 2014, during the first trapping session, sustained winds exceeding 35 miles/hour resulted in cessation of trapping at 2:40 pm. During the second trapping session temperatures reached 90° Fahrenheit at 1:21 pm on 15 May 2014 and remained elevated to the point trapping was not resumed that day.

During the first trapping session (21–25 April) white-tailed antelope squirrels were trapped; however, there were no captures of Mohave ground squirrels and none were observed during this period. During the second session (12–15 May), one adult and two sub-adult Mohave ground squirrels were trapped at locations ranging between 63 and 177 ft north of the distribution corridor right-of-way. No Mohave ground squirrels were trapped within the West Site during the first or second sessions.

6.2 Potential for Take of Mohave Ground Squirrel

The Project would result in the loss of 17.90 ac of habitat suitable for occupancy by Mohave ground squirrels within the 111,690 acre Coso Range-Olancho Core Area, which is one of four core areas that support relatively abundant and widespread populations of Mohave ground squirrel (Leitner 2008). Although unmitigated, small-scale incremental reduction of available suitable habitat can result in significant cumulative impacts to species,

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the Project alone would result in alteration of the equivalent of approximately 0.03% of the total area encompassed within the Coso/Olancho Core Area.

Given the moderate suitability of habitat within the West Site and along the distribution line corridor, and the Mohave ground squirrel captured during the protocol-level surveys north of the distribution line, there is potential for the species to occur within these areas of the Project Site during construction or operation of the facility. As described in greater detail below, while the West Site is comprised of moderately suitable habitat supporting known forage species such as spiny hopsage, important forage species are largely absent from the East Site. The soils on the East site, consisting of sandy soil types typical of aeolian deposits, also lack structural integrity required by burrowing mammals such as Mohave ground squirrel. Occurrence of the species with the West Site and the along the distribution line corridor within the Project site would increase the potential for direct and indirect impacts associated with construction and operation of the facility, including the following:

Direct Effects. Potential direct effects on this species that could result from development of the Project are as follows:

- There is potential for Mohave ground squirrels mortality or injury as a result of vehicle strike and operation of heavy equipment during the construction and operation phases of the Project.
- It is anticipated that buried electrical cables will be installed in conduit or armored cables will be used. However, if one of these two options is not implemented, there is a risk of electrocution if Mohave ground squirrels were to chew the insulation of buried electrical cables within the West and East Sites, and along the distribution line corridor.

Indirect Effects. Potential indirect effects on this species that could result from development of the Project are as follows:

- The development of Project Site and installation of the permanent wildlife exclusion fence would remove approximately 17.90 ac of potential Mohave ground squirrel habitat. However, the habitat that would be altered as a result of constructing the Project is vulnerable to low level degradation (e.g., all-terrain vehicle traffic, illegal dumping, domestic predators) that can have significant impacts to wildlife and in this case to Mohave ground squirrels in the vicinity.
- Spills or leaks of industrial chemicals, fuels, and lubricants could result in fouling or poisoning of Mohave ground squirrels or contamination of their habitat or food supplies.
- Some individuals could be lost to predation by species such as the coyote, desert kit fox, or domestic dog, which might be attracted to the site by trash discarded by construction or O&M personnel.
- The use of pesticides, rodenticides, or rodent traps could result in injury or mortality of Mohave ground squirrels.
- Common ravens are present on the Project Site, and would be able to perch on new structures, which could facilitate increased predation of Mohave ground squirrels.

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Implementation of avoidance and minimization measures (see Section 8) during the construction and operation of the facility, including the construction of the exclusion fence, should avoid take of Mohave ground squirrels.

Section 7.0 Project Impact on Continued Existence of Mohave Ground Squirrel

7.1 Mohave Ground Squirrel Distribution, Biology, and Habitat Requirements

The Mohave ground squirrel was listed as threatened under CESA in 1983. It is a distinct full species, with no subspecies. This species has been found in all major desert scrub habitats in the western Mojave Desert in California, and has been found in the area between Palmdale and Victorville to the south of the Project Site, Owens Lake to the north, the eastern escarpment of the Sierra Nevada to the west, and the Mojave River Valley to the east (Leitner 2008). Historically the Mohave ground squirrel inhabited an estimated 7,700 mi² (~4.9 million acres) throughout the Mojave Desert including areas south of SR 18 in Los Angeles and San Bernardino Counties; however, trapping surveys conducted between 2002-2004 indicate the species is absent from the highly developed areas south of SR 18 between Palmdale and the Lucerne Valley.

Currently the range of the Mohave ground squirrel is approximately 645 square miles (~413,000 acres) which represents the smallest geographic range of any ground squirrel species occurring in the United States. The species is primarily distributed throughout four discontinuous core areas that support relatively abundant and widespread populations (Leitner 2008). These four core areas are identified as having populations of Mohave ground squirrels that have 1) persisted for at least 20-30 years, 2) are currently found occurring at a minimum of six locations throughout the area, and 3) in which at minimum of 30 individuals have been detected since 1998.

The Project Site is within the 175 mi² (~111,690 acre) Coso Range-Olancha Core Area which comprises about 27% of the current known geographic range of the species. Most of the known occurrences of Mohave ground squirrels within the Coso-Olancha Core Area are from the area around Olancha and the Project Site (Leitner 2008); however, this distribution is largely based on results of trapping conducted in conjunction with biological assessments of impacts of proposed development projects; which in this region are centered around existing development such as is found within the vicinity of Olancha. The Project site itself is in an area of low density rural development and agriculture, interspersed with patches of remnant desert scrub.

Protocol trapping surveys did not result in Mohave ground squirrel captures within the Project Site; however due to their presence in the immediate project vicinity and the known home range of the species, they may have occurred within the more suitable habitat of the Project Site in the past and may currently occur within western portions of the project boundary on occasion. Results from a 5-year radio telemetry study of the home range conducted by Harris and Leitner (2004) in the Coso Range-Olancha Core Area, found the home range varied substantially by year, individual, precipitation, sex, and season. The median home range observed by Harris and Leitner (2004) during the 5-year study was 16.63 ac during the mating season and 3.06 ac post-mating for adult males, compared to 1.83 ac and 2.96 ac for adult females. Given the proximal location at which three Mohave

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ground squirrels were trapped, their home ranges at least seasonally could be expected to encompass portions of the Project Site.

Mohave ground squirrels maintain three characteristic types of burrows within their home range; a home burrow to which the individual typically returns every night, an estivation burrow, and accessory burrows that are primarily used for thermoregulation, social interactions, and escape from predators (Best 1995). Since Mohave ground squirrels were trapped between 63 and 177 ft north of the right-of-way corridor, it is assumed there could be active burrows within some portions of the West Site and distribution corridor from time to time.

A study of the Mohave ground squirrel diet performed by Leitner and Leitner (1998) between 1988-1996 concluded that forbs comprised approximately 42% of the diet and shrub material, especially foliage, made up 45% based on fecal analysis of samples collected throughout the active season during wet and dry years (Leitner and Leitner 1998). They also found that leaves of winterfat, spiny hopsage, and saltbush constituted 60% of the shrub diet and 24% of the overall diet. This indicates that these three shrub species are a primary food source when forbs are not available particularly during drought conditions. Reinforcing the habitat requirement of these shrub species for Mohave ground squirrel sustenance, Leitner hypothesized that the absence of winterfat and spiny hopsage is an indicator of suboptimal habitat (MGSWG 2006). The West Site is comprised of moderately suitable habitat and, although winterfat appears to be absent, the West Site does support spiny hopsage and shadescale saltbush. Shadescale saltbush is also present on the East Site; however, other important forage species such as winterfat, spiny hopsage, creosote bush, and burrobush (*Ambrosia dumosa*) appear to be largely absent from the East Site. Suitable soil integrity required for Mohave ground squirrel burrow structure is also lacking from the East Site.

7.2 Jeopardy Analysis

As discussed, Mohave ground squirrel are known to occur within the Project vicinity, and over time they could likely forage on or occupy portions of the West Site and distribution corridor. During protocol trapping surveys, three individuals were confirmed immediately north of the Project Site.

Although presence of the species within the vicinity of the Project was confirmed, no estimate of the size of the population occurring within the vicinity has been obtained. Based upon published home range estimates, the low habitat suitability within the East Site, absence of captures within the West Site during trapping, and implementation of avoidance and minimization measures, incidental take of individual Mohave ground squirrels should be avoided during the life of the Project.

Although the Project would result in the alteration of 17.90 ac of suitable habitat, this habitat is currently not protected from development or low-level habitat degradation which could significantly affect the persistence of the Mohave ground squirrel population within the vicinity. The Project Applicant would either establish a conservation easement permanently protecting 17.90 ac of potential occupied habitat (a ratio of 1:1), or pay

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into an existing Mohave ground squirrel conservation bank (see Section 10 and 11) to fund the preservation and focused management of existing conservation lands, selected to promote regional benefits to the species. Securing an equivalent amount of occupied habitat with greater suitability within the Coso Range-Olancho Core Area, as mitigation for alteration of habitat on the Project Site, would provide significant and long-term benefit to the species. Given the apparent low probability of individuals being present on the Project Site and given the known success of the proposed avoidance and minimization measures at reducing risks to wildlife, construction and operation of the Project would not result in any significant effect on the continued existence of either the Coso Range-Olancho Core Area population of Mohave ground squirrel and would have no effect on the continued existence of the species itself.

Section 8.0 Minimization and Mitigation Measures

8.1 Avoidance/Minimization Measures

8.1.1 General Avoidance and Minimization Measures

- Project personnel will be comply with a project-specific Mitigation and Monitoring Plan (MMP). These measures will be implemented during construction, maintenance, and operation of the facility as applicable.

- Exclusion fencing will be installed around the entirety of the East and West sites before the start of ground-disturbing activities to exclude special-status animals, including Mohave ground squirrel, from the Project Site. The exclusion fence would be constructed with durable materials suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. The fence would be designed to prevent passage of special-status reptiles and mammals through the fence. The fence will be buried at least 12 inches below grade. All fence construction will be monitored by a qualified biologist to ensure that no animals are harmed. Following installation, the fence will be inspected quarterly at a minimum, and after all major rainfall events. Any damage to the fence will be repaired immediately. The construction and maintenance of the exclusion fence will not have a significant effect on the population of MGS in the region.

- A biological monitor will be present during construction of the Project. The monitor will be responsible for ensuring that impacts on the Mohave ground squirrel are avoided to the fullest extent possible. To assist the biological monitor, Project work areas will be clearly demarcated on Project plan sets, and the allowed work limits will be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits.

- The biologist(s) will be given the authority to stop any work that would result in the take of Mohave ground squirrel. If the biologist(s) exercises this authority, the CDFW will be notified by telephone and electronic mail within 1 working day.

- When monitoring is required on the Project Site, the biological monitor will inspect areas under vehicles and equipment, in and around stockpiled materials, and any other locations where listed species could take refuge to ensure that individuals of any such species are relocated out of harm's way (by a Qualified biologist approved to handle the species) before construction activities begin for the day.

- If at any time a Mohave ground squirrel is discovered in the construction area by the biological monitor or anyone else (including during preconstruction surveys), the protocol outlined below will be followed:

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- All work that could result in direct injury, disturbance, or harassment of the individual animal will immediately cease.
- The foreman and biological monitor will be immediately notified.
- The biological monitor will allow the animal to disperse on its own outside the construction area. The animal will be monitored until it is determined that the animal is not immediately imperiled by predators or other dangers.
- The biological monitor will document each event in which construction activities are affected by the presence of listed species and the outcome of the interaction on the individual animal.
- Vehicles and equipment will be parked on existing roads and previously disturbed areas to the extent practicable.
- Speed limit signs restricting the speed limit to 15 mph will be installed before site disturbance or construction begins. To minimize disturbance of areas outside the construction zone, all Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated areas. To the extent possible, these areas will be established in locations disturbed by previous activities to prevent further impacts. Also, these areas will be included in preconstruction surveys. Off-road traffic outside of designated traffic areas will be prohibited.
- Measures will be implemented to suppress dust during all construction activities, as needed through the use of water trucks, 15 mph speed limits, and installation of an aggregate base on all roads.
- No firearms will be allowed on the Project Site, unless otherwise approved for security personnel or permitted by law.
- To prevent harassment or mortality of Mohave ground squirrel by domestic dogs or cats (*Felis domesticus*), pets will not be permitted to enter the Project Site. Trained scent detection dogs used for environmental compliance monitoring are not considered pets.
- All food-related trash items, including wrappers, cans, bottles, and food scraps, will be disposed of in tightly covered and secured trash containers, the contents of which will be removed from the Project Site on a regular basis. Food items may attract ravens, coyotes, and domestic dogs, consequently exposing special-status animals to increased risk of predation. No deliberate feeding of wildlife will be allowed.

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- Chemicals, fuels, lubricants, and biocides will be used only in compliance with all local, State, and federal regulations, to minimize the possibility of contaminating habitat or poisoning predators directly or indirectly. Users of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and State and federal legislation.
- No rodenticides will be used on the Project Site, to avoid the potential for poisoning Mohave ground squirrels and indirectly poisoning native predators and scavengers.
- No pest rodent trapping (live or lethal) will be permitted on the Project Site, unless conducted by a qualified, CDFW-approved biologist.
- A Worker Environmental Awareness Program (WEAP) will be presented to Project personnel by a qualified biologist(s) engaged by the Project Applicant. This program will consist of either a video presentation or a “tailgate” training session for all personnel who work on aspects of the Project that occur in or near natural habitats on the Project Site. Printed training materials and briefings will include a discussion of the Mohave ground squirrel. Information will cover basic species biology, general behavior, local distribution, sensitivity to human activities, and legal protection, as well as the penalties for violating State or federal laws, impact avoidance methods, reporting requirements, and the contact information for the person to be notified if sensitive species are discovered on the Project Site. Also, maps showing the locations of special-status wildlife or other construction limitations will be provided to the biological monitors and construction crews before construction activities begin. As part of the training, contractors and heavy equipment operators will be provided with literature and photographs or illustrations of the Mohave ground squirrel so they will be able to identify and avoid harming them during construction.
- Information about the ban on rodenticides and pest rodent traps, and their potential effects on sensitive wildlife species in the region, will be provided to workers in the WEAP. A copy of the WEAP will be posted in the office trailer, or other worker meeting place on the Project Site.
- The biological monitor will maintain a construction-monitoring notebook on site throughout the construction period. The notebook will include this report and attachments, and a list of signatures of all personnel who have successfully completed the WEAP.
- All steep-walled holes or trenches deeper than 6 inches will be covered at the close of each working day using plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Excavations will also be inspected for trapped special-status animals each morning before construction activities begin and immediately before the excavation is covered at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected

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for trapped special-status animals or other wildlife. Any individuals discovered will be allowed to escape before construction or other Project activities resume.

- Qualified biologists approved to handle Mohave ground squirrels will conduct a preconstruction biological clearance survey in all activity areas to minimize impacts on special-status plants or wildlife species. Clearance surveys would provide 100% coverage of the Project Site, with a focus on locating all Mohave ground squirrels above and below ground. This survey would be performed within the array fence alignment immediately prior to installation of the exclusion fence at the East and West sites and along the road right-of-way, plus a 30-ft buffer of the ground disturbance area. Following exclusion fence construction, the two fenced Arrays would be surveyed for Mohave ground squirrels to ensure that the site is not occupied. Clearance surveys would consist of at least two consecutive surveys performed by walking transects less than or equal to 15 ft. In areas of dense vegetation or when conditions limit the ability to locate Mohave ground squirrels, transects would be reduced in width accordingly. The use of specialized equipment (e.g., fiber optics, remotely operated cameras) may be necessary to thoroughly inspect all potential burrows.
- If a Mohave ground squirrel is occupying the burrow it shall be allowed to escape out of harm's way. If the individual does not relocate on its own, all activities within 200 ft of the burrow shall cease and CDFW consulted to ensure take is avoided.

8.1.2 Mohave Ground Squirrel Avoidance and Minimization Measures and Compensatory Mitigation Measure

- Preconstruction surveys for Mohave ground squirrels will be conducted at most 48 hours before construction that occurs between 15 February and 15 November, and at most 2 weeks before construction that occurs between 16 November and 14 February. Following confirmation that burrows are unoccupied, all potential Mohave ground squirrel burrows in the construction zone will be excavated by a qualified biologist at the time of the survey.
- Because Mohave ground squirrels are attracted to cavities and dens, these animals could enter objects such as pipes and become trapped, or could be injured when the pipes are moved. Therefore, all construction pipes, culverts, or similar structures stored overnight at the Project Site for one or more nights will be either securely capped before storage or thoroughly inspected by the biological monitor for these animals before the pipe is subsequently moved, buried, capped, or otherwise used. If a Mohave ground squirrel is discovered inside a pipe by the biological monitor or anyone else, that section of pipe will not be moved until CDFW has been consulted.
- To mitigate Project impacts on potential habitat, the Project Applicant will either (1) pay into an existing mitigation bank, benefiting Mohave ground squirrels or (2) acquire 17.90 ac of habitat of equal or better quality than the affected habitat (a ratio of 1:1 [1.0 ac of offsite habitat preserved for each acre of suitable habitat affected by the Project within the West Site and distribution line corridor]). If

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option 2 is pursued, a conservation land proposal will be submitted to Inyo County for approval. A conservation easement will be established for the land. If option 1 is pursued, the Project Applicant may pay into a Mohave ground squirrel habitat mitigation bank for compensation at a ratio of 1:1. Selected conservation lands will be relatively flat, with perennial plant cover ranging from 10 to 20% (Zembal and Gall 1980), and will support several plant species necessary for Mohave ground squirrel survival, such as herbaceous annuals, winterfat, spiny hopsage, creosote bush, and burrobrush (Best 1995). Land selected for the conservation easement must be habitat of equal or better quality than the affected habitat.

8.1.3 Reporting Requirements

- Within 2 months following completion of the estimated 4-month construction period, the Project Applicant will provide Inyo County with a construction status report that will include, at a minimum, a general description of the status of the Project Site, a description of the status of avoidance and minimization measures; an assessment of the effectiveness of the avoidance and minimization measures; and a summary of preconstruction survey results.

Section 9.0 Cumulative Impacts

The cumulative impacts considered during preparation of environmental documents (NEPA Environmental Assessment, CEQA Initial Study/Mitigated Negative Declaration) for the Project included a review of all projects that would result in impacts similar to those of the Proposed Project, due to their potential to collectively contribute to significant cumulative impacts. Such projects in the vicinity of the Project Site include:

- California Department of Transportation's proposed widening of U.S. 395—this project would convert approximately 12.6 miles of U.S. 395 from a two-lane highway into a four-lane highway, from south of Olancho (post mile 29.2) to north of Cartago (post mile 41.8);
- Crystal Geysers Water Bottling Facility—a spring-water bottling facility on 23.46 ac, located approximately 2.9 miles north of the Project Site; and
- The Adventure Trails Program—development of seven off-highway-vehicle trails (each less than 10 miles long) on BLM or U.S. Forest Service (USFS) lands in the vicinity of Lone Pine, approximately 22 miles north of the Project Site.

No other significant development projects, such as commercial or residential developments, are located or planned near the Project Site. Regionally, the Department of Defense (DOD) is expanding training facilities at two military bases and 17 utility scale renewable energy projects (that have consulted with the USFWS) have been constructed or are in the entitlement process within the greater Mojave Desert region.

As a result of the implementation of the avoidance measures and compensatory mitigation for alteration of habitat within the Project Site, cumulatively combined with past, present, and reasonably foreseeable future actions, construction and operation of the Project would not result in significant adverse cumulative impacts on regional populations of Mohave ground squirrel or on this species as a whole

9.1 Cumulative Impacts on Mohave Ground Squirrel

The Mohave Ground Squirrel Technical Advisory Group prepared the *Mohave Ground Squirrel Conservation Priorities* (MGSTAG 2010) to provide recommendations for actions that conserve the Mohave ground squirrel. The primary threat to the species is the loss, degradation, and fragmentation of native vegetation for residential and industrial uses, renewable energy-related projects, agriculture, recreation, and other human uses.

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There are currently eight areas within the historic geographic range of the Mohave ground squirrel range that appear to contain stable populations of the species (MGSTAG 2010). In four of these areas, population trends have been documented over the past 20 to 30 years (Leitner 2008) and the Project site is within one of these areas – the Coso Range-Olancha Core Area. The Project Site however, is not within the 1.7 million ac area identified in the West Mojave Plan (BLM 2006) as the *Mohave Ground Squirrel Conservation Area*. In fact the area around the Project Site that was excluded includes all of the privately held lands and a portion of the government held lands, east of US 395, extending from north of Olancha to the Haiwee Reservoir.

Although unmitigated, small-scale incremental conversion of habitat can have significant cumulative impacts, the proposed, mitigated Project is very small scale relative to other energy related projects proposed or approved for implementation within the species historic geographic range and specifically within Inyo County. For example, within the greater Mojave Desert the BLM has approved solar energy projects on over 21,000 ac of BLM managed land in addition to the approval of energy projects that would affect 21,500 acres of privately held lands where transmission corridors would cross BLM lands (BLM 2014). Many of these Projects are within the known range of the Mohave ground squirrel.

Within Inyo County alone the proposed Hidden Hills Solar Electric Generating System would impact an estimated 3,280 ac of potentially suitable Mojave ground squirrel habitat east of the Project Site (CEC 2014). Similarly, BLM is currently reviewing geothermal lease applications covering over 4,400 acres of BLM managed lands located south of Haiwee Reservoir, which is within both the Coso Range-Olancha Core Area (Leitner 2008) and the BLM's designated Mohave Ground Squirrel Conservation Area (BLM 2005).

The proposed Project would result in alteration of moderate to low suitability habitat, which was previously degraded as a result of development of US 395, nearby rural residential development and agriculture; and is equivalent to less than 1% of the habitat that will be altered through the development of energy related developments currently under review that have been proposed within Inyo County. Given the existing degraded condition of habitat on the Project Site for Mohave ground squirrel, implementation of avoidance measures, and compensatory mitigation for alteration of habitat within the Project Site, the Project would not result in significant adverse cumulative impacts.

Section 10.0 Monitoring Plan for Compensatory Mitigation

If the Project Applicant elects to pay directly into an approved conservation bank benefitting the Mohave ground squirrel, then a new monitoring plan will not be developed. Instead, the Project Applicant will rely on the existing monitoring plan approved for the conservation bank.

If the Project Applicant elects to establish a conservation easement on lands benefitting the Mohave ground squirrel, the Project Applicant will provide the conservation easement to the County of Inyo or another person or entity acceptable to the County of Inyo, or shall transfer ownership of said lands to the County of Inyo or another person or entity acceptable to the County of Inyo.

Section 11.0 Funding Source for Compensatory Mitigation

The permanent protection and management of conservation lands will be ensured through an appropriate mechanism, such as a conservation bank or conservation easement. If the Project Applicant elects to pay into an approved conservation bank, the amount of purchased credits would be proportional to the 1:1 mitigation requirement.

If the Project Applicant elects to create new conservation lands, the conservation easement or outright ownership transfer would be held by the County of Inyo or another person or entity acceptable to the County of Inyo and would be recorded prior to the start of commercial operation. .

Section 12.0 References

- Best, T. L. 1995. *Spermophilus mohavensis*. Mammalian Species 509:1–7.
- [BLM] U.S. Bureau of Land Management. 2006. West Mojave Plan Record of Decision. California Desert District, Moreno Valley, California.
- [BLM] U.S. Bureau of Land Management. 2014. Pending Renewable Energy Applications. [online]: http://www.blm.gov/ca/st/en/prog/energy/Approved_Projects.html. Accessed 23 September 2014.
- [CEC] California Energy Commission. 2014. Hidden Hills Solar Electric Generating System Power Plant Licensing Case. [online]: <http://www.energy.ca.gov/sitingcases/hiddenhills>. Accessed: 23 September 2014.
- [CFGC] California Fish and Game Commission. 1989. Animals of California Declared to be Endangered or Threatened. 14 CCR § 670.5, Barclays Official California Code of Regulations Title 14. Natural Resources, Division 1, Fish and Game Commission- Department of Fish and Game, Subdivision 3. General Regulations, Chapter 3, Miscellaneous.
- California Department of Fish and Game. 2010. Mohave Ground Squirrel Survey Guidelines. Revised July. Sacramento, California.
- [CNDDDB] California Natural Diversity Database. 2014. RareFind. Vermillion Canyon Quadrangle search results. Sacramento, California.
- Federal Emergency Management Agency. 2014. Flood Insurance Rate Map Panel ID Number 06027C2950D. [online]: <https://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?catalogId=10001&storeId=10001&categoryId=12001&langId=-1&userType=G&type=1&future=false>. Accessed 1 May 2014.
- Harris, J.H. and P. Leitner. 2004. Home-Range Size and Use of Space by Adult Mohave Ground Squirrels, *Spermophilus mohavensis*. Journal of Mammalogy 85(3):517-523.
- Hollett, K. J., W. R. Danskin, W. F. McCaffrey, and C. L. Walti. 1991. Geology and Water Resources of Owens Valley, California. U.S. Geological Survey Water-Supply Paper 2370-B.
- [HTH] H. T. Harvey & Associates. 2013. Owens Valley 5 & 11 Solar Projects Biological Resources Report. Prepared for Ecos Energy, Minneapolis, Minnesota.

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- [HTH] H. T. Harvey & Associates. 2014a. Munro Valley Solar Project: Agassiz's Desert Tortoise Protocol-level Survey Report. Prepared for Ecos Energy, Minneapolis, Minnesota.
- [HTH] H. T. Harvey & Associates. 2014b. Munro Valley Solar Project: Mohave Ground Squirrel Protocol-level Survey. Prepared for Ecos Energy, Minneapolis, Minnesota.
- Inyo County. 2001. County Standard Specifications and Standard Plans. Prepared by County of Inyo Road Department. Independence, California.
- Inyo County. 2014. Munro Valley Solar, LLC, Mitigated Negative Declaration. SCH #2013121062. Prepared for Ecos Energy, Minneapolis, Minnesota.
- Laabs, D. 2006. Mohave ground squirrel. West Mojave Plan Species Accounts. U.S. Bureau of Land Management. January 2006. [online]: http://www.blm.gov/ca/pdfs/cdd_pdfs/Mgs1.pdf. Accessed 2 June 2014.
- Leitner, P. 2008. Current Status of the Mohave Ground Squirrel. California State University, Stanislaus, Endangered Species Recovery Program, Fresno, California.
- [MGSTAG] Mohave Ground Squirrel Technical Advisory Group. 2010. Mohave Ground Squirrel Conservation Priorities.
- [MGSWG] Mohave Ground Squirrel Work Group. 2006. Draft Mohave Ground Squirrel Conservation Strategy.
- [NRCS] Natural Resources Conservation Service. 2014a. Official Soil Series Descriptions—Mazourka. [online]: https://soilseries.sc.egov.usda.gov/OSD_Docs/M/MAZOURKA.html. Accessed 1 May 2014.
- [NRCS] Natural Resources Conservation Service. 2014b. Official Soil Series Descriptions—Cajon. [online]: https://soilseries.sc.egov.usda.gov/OSD_Docs/C/CAJON.html. Accessed 1 May 2014.
- U.S. Climate Data. Temperature–Precipitation–Sunshine–Snowfall.
<http://www.usclimatedata.com/climate/olancha/california/united-states/usca1472>. Accessed 26 June 2014.
- Zemal, R., and C. Gall. 1980. Observations on Mohave ground squirrels, *Spermophilus mohavensis*, in Inyo County, California. *Journal of Mammalogy* 61:347–350.

DECLARATION OF THOMAS MELONE

I, Thomas Melone, declare:

1. I am Chief Executive Officer of Allco Finance Limited. Allco Finance Limited (“Allco”) is the parent company of the Munro Valley Solar, LLC (the “Developer”). I am an attorney in good standing licensed to practice law in the states of New Jersey and New York for approximately thirty years. I am also admitted to practice before, and in good standing with, the United States Court of Appeals for the Second, Seventh and Ninth Circuits and the United States District Courts for the District of New Jersey and Connecticut.

2. I have extensive experience as outside counsel in tax, energy and finance, including seven years practicing law with Cravath, Swaine & Moore in New York. I am currently a member of the litigation committee of the Board of Advisors of the Institute for Policy Integrity at New York University School of Law. I received my Juris Doctor with high honors from Rutgers Law School - Newark in 1983, my Master of Laws (LLM in taxation) from New York University School of Law in 1989 and my Certified Public Accountant certificate in 1980.

3. I also have extensive experience with the business side of finance, specifically, financing utility assets such as solar projects that sell the energy produced to utilities under power purchase agreements, which is what is present in this case. For the past twenty years, as Chief Executive Officer of Allco and its affiliates I personally been involved in arranging and structuring the financing for billions of dollars of assets ranging from railcars, commercial aircraft, power plants, water and wastewater treatment systems, and air traffic control systems. I have also testified as an expert witness in a utility proceeding involving a power purchase agreement, such as the one involved in the present case.

4. I am fully familiar and have personal knowledge of the agreements that the solar project at issue in this case, Munro Valley Solar, has with the Los Angeles Department of

1 Water and Power (“LADWP”), and all financing and other activities undertaken and planned
2 to be undertaken with respect to the Munro Valley Solar Project.

3 5. I am also fully familiar with the terms and conditions proposed by the California
4 Department of Fish and Wildlife (“CDFW”) for the issuance of an incidental take permit for
5 the Mohave ground squirrel to the Munro Valley Solar project..

6 6. The Mitigated Negative Declaration (“MND”) for the project adopted by the Inyo
7 County Board of Supervisors concluded the following with respect to the Mohave Ground

8 Squirrel:

9 *The site presents appropriate habitat for the Mojave Ground Squirrel and is*
10 *within the known range of the species, but is outside the Mojave Ground Squirrel*
11 *Conservation Area. Burrows potentially associated with Mojave ground squirrels*
12 *were observed on both sites. The largest threat from the project would be*
13 *crushing of burrows during grading and other construction activities. The project*
14 *proposes to implement construction monitoring for Mojave ground squirrels, and*
15 *preserve off-site habitat for Mojave ground squirrel at a ratio of at least 1:1.*
16 *Impacts to the Mojave ground squirrel would be less than significant after*
17 *implementing the mitigations measures listed above.*

18 7. The CDFW submitted a letter to Inyo County dated January 9, 2014 which contained
19 the following comment concerning the provisions of the MND that addressed mitigation
20 measures for the Mojave Ground Squirrel:

21 *If "take" (California Fish and Game Code Section 86 defines "take" as "hunt,*
22 *pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or*
23 *kill") of MGS or DT cannot be avoided either during construction or over the life*
24 *of the Project, please be advised that an Incidental Take Permit (ITP) would be*
25 *warranted.*

26 8. With respect to the Mojave Ground Squirrel, section III of the approved Permit is
27 titled “Terms and Conditions of Permit” and section III.8.7 of the Permit (page 4) states as
28 follows:

29 *DEVELOPER shall obtain an Incidental Take Permit for Mojave Ground*
30 *Squirrel and comply with the mitigation requirements set forth by CDFW for*
31 *impacts to the Mojave Ground Squirrel.*

32 9. The Mitigation Monitoring Program (“MMP”) adopted by the Inyo County Board of
33 Supervisors addresses the Mojave Ground Squirrel on page 3. With regard to the Mojave
34 Ground Squirrel, the MMP states:

35 *MM-BIO-2: The Developer shall obtain an Incidental Take Permit (ITP) for*
36 *Mojave Ground Squirrel and comply with the mitigation requirements set forth*
37 *by CDFW for impacts to the Mojave Ground Squirrel. Any habitat*
38 *conservation required for the mitigation shall be located outside of Inyo*
39 *County to the extent feasible.*

1 10. The MND required that the Developer preserve off-site habitat for the Mojave Ground
2 Squirrel at a ratio of 1:1 and it contained no requirement that an Incidental Take Permit be
3 obtained from the CDFW. Following the release of the MND for comment, the CDFW
4 submitted a comment that disagreed with the MND's conclusion that impacts to the Mojave
5 Ground Squirrel would be less than significant if off-site habitat at ratio of 1:1 were to be
6 provided if take of the species could not be avoided. The CDFW stated that obtaining an
7 Incidental Take Permit for the Mojave Ground Squirrel would be warranted if take could not
8 be avoided. Subsequent to those comments the CDFW has confirmed to the Developer that
9 an Incidental Take Permit is optional and not required.

10 11. The original plans for the Project provided for a wildlife friendly fence to be installed
11 for the operational phase of the Project. Such a wildlife friendly fence would have allowed
12 the Mohave ground squirrel to enter the Project site increasing the risk that a Mohave ground
13 squirrel could be accidentally taken during Project operations. The Developer now proposes
14 to eliminate the use of a wildlife friendly fence and permanently use an exclusion fence so as
15 to avoid take of the Mohave ground squirrel.

16 12. The report of H.T. Harvey & Associates concludes that based upon the use of an
17 exclusion fence, the pre-construction clearance surveys and the other measures described in
18 the report, that no take of the Mohave ground squirrel should occur. Thus the requirement of
19 an ITP is not suited for the situation and is, by definition, impractical.

20 13. Nevertheless the Developer has in good faith sought to obtain an ITP from the CDFW
21 for the Mohave ground squirrel because the MMP includes that requirement. The Developer
22 has incurred significant costs in connection with its application for an ITP.

23 14. The CDFW has proposed issuing an ITP under conditions that are unworkable,
24 infeasible and not proportional.

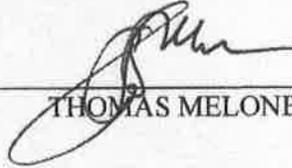
25 15. H.T. Harvey & Associates have estimated that the measures proposed by the CDFW
26 as a condition of obtaining an ITP for the first five years of the Project's operation would be a
27 minimum of \$577,577. Such conditions and costs are from a financial perspective
28 unworkable and infeasible.

16. The Project would not be able to obtain permanent financing under the conditions
proposed by the CDFW and the MMP. Thus the Project would not be able to be built.

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17. In order for the Project to be built and receive permanent financing, the requirement of the ITP in the MMP and the permit would need to be removed.

I declare and affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed in New York, New York on the 13th day of July 2015.



THOMAS MELONE

Attachment 2

Mitigation Monitoring Program
Munro Valley Solar, LLC

General Plan Amendment #2013-01, Renewable Energy Permit #2013-01, Tentative Parcel Map #404, Tentative Parcel Map #405

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
Aesthetics				
MM-AES-1: The Developer shall submit a landscaping plan to the County Planning Department prior to implementation of the proposed project for approval by the Planning Department Director. The landscaping plan shall demonstrate sufficient landscaping or fencing to mitigate any visual impacts associated with the development as viewed by northbound and southbound traffic on Highway 395. The plan shall also identify which species will be planted, which shall be native and drought-tolerant to the greatest extent possible. Landscaping shall be installed prior to the issuance of the Certificate of Occupancy and maintained during operation.	Prior to issuance of a building permit, or a Certificate of Occupancy as appropriate; during operation	Inyo County Planning Department		
MM-AES-2 The Developer shall submit a lighting plan to the County Planning Department prior to implementation of the proposed project for approval by the Planning Department Director. Lighting at the transformers and surrounding project site area shall be designed such that lighting shall be directed toward the ground and away from adjacent structures and roadways, and shall of the lowest illumination practical. The lighting plan shall be implemented during operation. If no lighting is to be installed, the Developer shall not be required to submit a	Prior to issuance of a building permit; during operation	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
lighting plan but rather shall indicate in writing to the County that no lighting is to be installed in connection with the project.				
MM-AES-3: Development shall be setback from Highway 395 to the greatest extent possible, such that the solar facility occupies the eastern portion of the western project site and leaves the western edge of the site adjoining Highway 395 free from development.	Prior to issuance of a building permit	Inyo County Planning Department		
MM-AES-4: The fixed-tilt solar photovoltaic panels shall be configured at the lowest angle feasible, such that the visual profile of the project is minimized to the greatest extent possible.	Plans will be reviewed prior to issuance of a building permit, and an inspection to ensure compliance will occur after project construction.			
Air Quality				
MM-AQ-1: The Developer shall submit a general dust mitigation plan to the County for implementation during construction activities, which includes potential use of palliatives to control dust. If the Developer elects to use palliatives for dust mitigation, a list of materials and a material safety data sheet must be provided to and approved by the County and California Department of Fish and Wildlife (CDFW), and a copy shall be kept on the Property. Dust will be controlled	Prior to issuance of a building permit and during construction	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
during construction by Best Management Practices acceptable to the Great Basin Unified Air Pollution Control District.				
Biological Resources				
MM-BIO-1: If evidence of Desert Kit Fox is found on the site prior to or during construction, a qualified biologist must develop a passive relocation plan for the species to the satisfaction of the California Department of Fish and Wildlife (CDFW).	Prior to and during project construction	Developer, Inyo County Planning Department, CDFW		
MM-BIO-2: <u>The Developer shall obtain an Incidental Take Permit (ITP) for Mojave Ground Squirrel and comply with the mitigation requirements set forth by CDFW for impacts to the Mojave Ground Squirrel. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible.</u>	Prior to issuance of a building permit	Developer, Inyo County Planning Department, CDFW		
MM-BIO-2: <u>Exclusion fencing will be installed around the entirety of the East and West sites before the start of ground-disturbing activities to exclude special-status animals, including Mohave ground squirrel (MGS), from the Project Site. The exclusion fence would be constructed with durable materials suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. The fence would be designed to prevent passage of special-status reptiles and mammals through the fence. The fence will be buried at least 12 inches below grade. All</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p><u>fence construction will be monitored by a qualified biologist to ensure that no animals are harmed. Following installation, the fence will be inspected bi-weekly during construction and quarterly after commercial operation and after all major rainfall events. Any damage to the fence will be repaired immediately.</u></p>				
<p>MM-BIO-3: <u>A biological monitor will be present during construction of the Project. The monitor will be responsible for ensuring that impacts on the MGS are avoided to the fullest extent possible. To assist the biological monitor, Project work areas will be clearly demarcated on Project plan sets, and the allowed work limits will be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits.</u></p> <p><u>The biologist(s) will be given the authority to stop any work that would result in the take of MGS. If the biologist(s) exercises this authority, the California Department of Fish and Wildlife (CDFW) will be notified by telephone and electronic mail within one working day.</u></p>	<p><u>Prior to issuance of a building permit</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		
<p>MM-BIO-4: <u>When monitoring is required on the Project Site, the biological monitor will inspect areas under vehicles and equipment, in and around stockpiled materials, and any other locations where listed species could</u></p>	<p><u>Prior to issuance of a building permit</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p><u>take refuge to ensure that individuals of any such species are relocated out of harm's way (by a Qualified biologist approved to handle the species) before construction activities begin for the day.</u></p>				
<p>MM-BIO-5: <u>If at any time a MGS is discovered in the construction area by the biological monitor or anyone else (including during preconstruction surveys), the protocol outlined below will be followed:</u></p> <ul style="list-style-type: none"> • <u>All work that could result in direct injury, disturbance, or harassment of the individual animal will immediately cease.</u> • <u>The foreman and biological monitor will be immediately notified.</u> • <u>The biological monitor will allow the animal to disperse on its own outside the construction area. The animal will be monitored until it is determined that the animal is not immediately imperiled by predators or other dangers.</u> • <u>The biological monitor will document each event in which construction activities are affected by the presence of listed species and the outcome of the interaction on the individual animal.</u> 	<p><u>Prior to issuance of a building permit</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		
<p>MM-BIO-6: <u>Vehicles and equipment will be parked on existing roads and previously disturbed areas to the extent</u></p>	<p><u>Prior to issuance of a</u></p>	<p><u>Developer, Inyo County Planning</u></p>		

Mitigation Measure	Implementation and Verification			
	Timing/ Schedule	Implementation Responsibility	Action	Date Completed
<p><u>practicable.</u></p> <p><u>Speed limit signs restricting the speed limit to 15 miles per hour (mph) will be installed before site disturbance or construction begins. To minimize disturbance of areas outside the construction zone, all Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated areas. To the extent possible, these areas will be established in locations disturbed by previous activities to prevent further impacts. Also, these areas will be included in preconstruction surveys. Off-road traffic outside of designated traffic areas will be prohibited.</u></p>	<u>building permit</u>	<u>Department</u>		
<p>MM-BIO-7: <u>Measures will be implemented to suppress dust during all construction activities, as needed through the use of water trucks, 15 mph speed limits, and installation of an aggregate base on all roads.</u></p>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<p>MM-BIO-8: <u>No firearms will be allowed on the Project Site, unless otherwise approved for security personnel or permitted by law.</u></p>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<p>MM-BIO-9: <u>To prevent harassment or mortality of MGS by domestic dogs or cats (Felis domesticus), pets will not be permitted to enter the Project Site. Trained scent detections dogs used for environmental compliance monitoring are not considered pets.</u></p>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		

Mitigation Measure	Implementation and Verification			
	Timing/ Schedule	Implementation Responsibility	Action	Date Completed
<u>MM-BIO-10: All food-related trash items, including wrappers, cans, bottles, and food scraps, will be disposed of in tightly covered and secured trash containers, the contents of which will be removed from the Project Site on a regular basis. Food items may attract ravens, coyotes, and domestic dogs, consequently exposing special-status animals to increased risk of predation. No deliberate feeding of wildlife will be allowed.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<u>MM-BIO-11: Chemicals, fuels, lubricants, and biocides will be used only in compliance with all local, State, and federal regulations, to minimize the possibility of contaminating habitat or poisoning predators directly or indirectly. Users of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and State and federal legislation.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<u>MM-BIO-12: No rodenticides will be used on the Project Site, to avoid the potential for poisoning MGS and indirectly poisoning native predators and scavengers.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<u>MM-BIO-13: No pest rodent trapping (live or lethal) will be permitted on the Project Site, unless conducted by a qualified, CDFW-approved biologist.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
	<u>permit</u>			
<p><u>MM-BIO-14: A Worker Environmental Awareness Program (WEAP) will be presented to Project personnel by a qualified biologist(s) engaged by the Project Applicant. This program will consist of either a video presentation or a “tailgate” training session for all personnel who work on aspects of the Project that occur in or near natural habitats on the Project Site. Printed training materials and briefings will include a discussion of the MGS. Information will cover basic species biology, general behavior, local distribution, sensitivity to human activities, and legal protection, as well as the penalties for violating State or federal laws, impact avoidance methods, reporting requirements, and the contact information for the person to be notified if sensitive species are discovered on the Project Site. Also, maps showing the locations of special-status wildlife or other construction limitations will be provided to the biological monitors and construction crews before construction activities begin. As part of the training, contractors and heavy equipment operators will be provided with literature and photographs or illustrations of the MGS so they will be able to identify and avoid harming them during construction.</u></p>	<p><u>Prior to issuance of a building permit</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		
<p><u>MM-BIO-15: Information about the ban on rodenticides and pest rodent traps, and their potential effects on sensitive</u></p>	<p><u>Prior to issuance of a</u></p>	<p><u>Developer, Inyo County Planning</u></p>		

Mitigation Measure	Implementation and Verification			
	Timing/ Schedule	Implementation Responsibility	Action	Date Completed
<u>wildlife species in the region, will be provided to workers in the WEAP. A copy of the WEAP will be posted in the office trailer, or other worker meeting place on the Project Site.</u>	<u>building permit</u>	<u>Department</u>		
<u>MM-BIO-16: The biological monitor will maintain a construction-monitoring notebook on site throughout the construction period. The notebook will include this report and attachments, and a list of signatures of all personnel who have successfully completed the WEAP.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<u>MM-BIO-17: All steep-walled holes or trenches deeper than six inches will be covered at the close of each working day using plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Excavations will also be inspected for trapped special-status animals each morning before construction activities begin and immediately before the excavation is covered at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for trapped special-status animals or other wildlife. Any individuals discovered will be allowed to escape before construction or other Project activities resume.</u>	<u>Prior to issuance of a building permit</u>	<u>Developer, Inyo County Planning Department</u>		
<u>MM-BIO-18: Qualified biologists approved to handle MGS will conduct a preconstruction biological clearance</u>	<u>Prior to issuance of a</u>	<u>Developer, Inyo County Planning</u>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p><u>survey in all activity areas to minimize impacts on special-status plants or wildlife species. Clearance surveys would provide 100% coverage of the Project Site, with a focus on locating all MGS above and below ground. This survey would be performed within the array fence alignment immediately prior to installation of the exclusion fence at the East and West sites and along the road right-of-way, plus a 30-foot buffer of the ground disturbance area. Following exclusion fence construction, the two fenced Arrays would be surveyed for MGS to ensure that the site is not occupied. Clearance surveys would consist of at least two consecutive surveys performed by walking transects less than or equal to 15 feet. In areas of dense vegetation or when conditions limit the ability to locate MGS, transects would be reduced in width accordingly. The use of specialized equipment (e.g., fiber optics, remotely operated cameras) may be necessary to thoroughly inspect all potential burrows.</u></p>	<p><u>building permit</u></p>	<p><u>Department</u></p>		
<p><u>MM-BIO-19: If a MGS is occupying the burrow it shall be allowed to escape out of harm's way. If the individual does not relocate on its own, all activities within 200 feet of the burrow shall cease and CDFW consulted to ensure take is avoided.</u></p>	<p><u>Prior to issuance of a building permit</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		
<p><u>MM- BIO-20: Preconstruction surveys for MGS will be conducted at most 48 hours before construction that occurs between February 15 and November 15, and at most</u></p>	<p><u>Prior to and during project construction</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p><u>two weeks before construction that occurs between November 16 and February 14. Following confirmation that burrows are unoccupied, all potential MGS burrows in the construction zone will be excavated by a qualified biologist at the time of the survey.</u></p>				
<p><u>MM- BIO-21:</u> <u>Because MGS are attracted to cavities and dens, these animals could enter objects such as pipes and become trapped, or could be injured when the pipes are moved. Therefore, all construction pipes, culverts, or similar structures stored overnight at the Project Site for one or more nights will be either securely capped before storage or thoroughly inspected by the biological monitor for these animals before the pipe is subsequently moved, buried, capped, or otherwise used. If a MGS discovered inside a pipe by the biological monitor or anyone else, that section of pipe will not be moved until CDFW has been consulted.</u></p>	<p><u>Prior to and during project construction</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		
<p><u>MM- BIO-22:</u> <u>To mitigate Project impacts on potential habitat, the Project Applicant will within 180 days from commercial operation, either (1) pay into an existing mitigation bank, benefiting MGS or (2) acquire 17.90 ac of habitat of equal or better quality than the affected habitat (a ratio of 1:1 [1.0 ac of offsite habitat preserved for each acre of suitable habitat</u></p>	<p><u>Prior to and during project construction</u></p>	<p>Developer, Inyo County Planning Department</p>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<p><u>affected by the Project within the West Site and distribution line corridor]). If option 2 is pursued, a conservation land proposal will be submitted to Inyo County for consultation with CDFW and the County's approval. A conservation easement will be established for the land. If option 1 is pursued, the Project Applicant may pay into a MGS habitat mitigation bank for compensation at a ratio of 1:1. Selected conservation lands will be relatively flat, with perennial plant cover ranging from 10 to 20% (Zemba and Gall 1980), and will support several plant species necessary for MGS survival, such as herbaceous annuals, winterfat, spiny hopsage, creosote bush, and burrobush (Best 1995). Land selected for the conservation easement must be habitat of equal or better quality than the affected habitat.</u></p>				
<p><u>MM-BIO-23: Within 2 months following completion of the estimated four-month construction period, the Project Applicant will provide Inyo County and CDFW with a construction status report that will include, at a minimum, a general description of the status of the Project Site, a description of the status of avoidance and minimization measures; an assessment of the effectiveness of the avoidance and minimization measures; and a summary of</u></p>	<p><u>Within 2 months of project construction completion.</u></p>	<p><u>Developer, Inyo County Planning Department</u></p>		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
<u>preconstruction survey results.</u>				
MM-BIO-243: The Developer shall hire consultant biologists to survey and submit to CDFW any needed biological surveys, including regular monitoring by a qualified biologist of nesting birds during the period of February 15th through September 15th during construction of the project, and ongoing monitoring of impacts to migrating birds during construction and operation of the Project.	Project construction and operation	Developer, Inyo County Planning Department, CDFW		
MM-BIO-254 Prior to issuance of a building permit, the Developer shall provide the County with an Invasive Weed Management Plan utilizing Best Management Practices for review and approval for implementation during construction.	Prior to issuance of a building permit	Inyo County Planning Department		
Cultural Resources				
MM-CUL-1: Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting, May 2013), a subsurface test program will be undertaken by a qualified professional to assess the eligibility of the sites per the California Register of Historic Places. Any artifacts will be left undisturbed in place (this is the preferred method). If resources absolutely cannot be avoided, data recovery shall be performed by a qualified professional in conjunction with Tribal consultation for curation, or donation to a local tribe for reburial or other appropriate treatment. The Developer shall also allow a qualified professional monitor to be present during all on-site ground disturbing activities; if feasible, the monitor will be a Native American cultural monitor from the Owens	Prior to subsurface ground disturbance within a square meter of the sites identified in the cultural survey prepared for the project (ECORP Consulting,	Inyo County Planning Department in consultation with Owens Valley Paiute Tribes		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
Valley. In the unlikely event that unanticipated cultural resources are discovered, then Developer shall be required to cease all ground-disturbing activities in the immediate vicinity until a qualified archeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken such as avoidance, relocation, and/or curation. Although not anticipated, if human remains are discovered, the procedures required by CEQA Guidelines Section 15064.5(c) shall be followed.	May 2013); prior to and continuing during construction			
Transportation and Traffic				
MM-TT-1: It is unlikely that there will be significant traffic impacts associated with the project; however, the project will supply traffic control during construction to mitigate any potential traffic impacts.	During project construction	Inyo County Planning Department		
Utilities and Service Systems				
MM-USS-1: The Developer shall provide appropriate dumpsters from offsite to separate and recycle all of the cardboard, and any plastic and other packaging material, that can be recycled at the Lone Pine Landfill. Materials that cannot be recycled will not be mixed with recyclable materials and disposed of at the Lone Pine Landfill. Construction materials will be sorted on site for recycling.	During project construction	Inyo County Planning Department		
MM-USS-2 During decommissioning of the solar facility, to the extent economical and consistent with practices at the time, functioning solar modules will be stored for reuse and non-functioning modules and other material will be sent to a third party for recycling. Solar modules will not be disposed of in Inyo County. All construction and decommissioning	During project decommission ing	Inyo County Planning Department		

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification	
			Action	Date Completed
waste shall be sorted prior to disposal, and disposal rates shall be higher for disposal of non-sorted materials at any Inyo County waste facility. This is not intended to be a substitute for the decommissioning plan/provisions found in the Renewable Energy Permit at paragraph 10 and Exhibit "C".				

Note: This document incorporates by reference Renewable Energy Permit #2013-01/Munro Valley Solar, LLC

AMENDMENT NUMBER 1

RENEWABLE ENERGY DEVELOPMENT PERMIT ISSUED BY THE COUNTY OF INYO TO MUNRO VALLEY SOLAR, LLC FOR ITS SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY IN OLANCHA (ASSESSOR PARCEL NOS. 033-400-02, 033-460-08, AND 033-060-19)

I. RECITALS

A. On September 24, 2014, the Inyo County Planning Commission conditionally approved Renewable Energy Permit #2013-01/Munro Valley Solar, LLC. (“Renewable Energy Permit”).

B. Section 8.7 of the Renewable Energy Permit provides:

8.7. California Department of Fish & Wildlife. DEVELOPER shall comply with the California Endangered Species Act (CESA) permitting process. If evidence of Desert Kit Fox is found on the site prior to or during construction, a qualified biologist must develop a passive relocation plan for the species to the satisfaction of CDFW. DEVELOPER shall obtain an Incidental Take Permit for Mojave Ground Squirrel and comply with the mitigation requirements set forth by CDFW for impacts to the Mojave Ground Squirrel. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible. DEVELOPER shall be responsible for hiring consultant biologists to survey and submit to CDFW any needed biological surveys, including ongoing monitoring during the period of February 15th through September 15th during construction of the project of nesting birds and ongoing monitoring of impacts to migrating birds during construction and operation of the Project.

C. Following the approval of the Renewable Energy Permit, DEVELOPER has worked with CDFW to obtain an Incidental Take Permit. DEVELOPER has stated that the measures proposed by CDFW as part of the Incidental Take Permit are unworkable and impractical and would make the obtaining of financing for the Project difficult, if not impossible.

D. DEVELOPER has requested that section 8.7 of the Renewable Energy Permit be modified to delete the requirement that the DEVELOPER obtain an Incidental Take Permit from CDFW and has proposed substitute mitigation measures.

II. AMENDMENT OF RENEWABLE ENERGY PERMIT

1. Section 8.7 of the Renewable Energy Permit is amended to read as follows:

8.7. California Department of Fish & Wildlife. DEVELOPER shall comply with the California Endangered Species Act (CESA) permitting process. If

evidence of Desert Kit Fox is found on the site prior to or during construction, a qualified biologist must develop a passive relocation plan for the species to the satisfaction of CDFW. DEVELOPER shall comply with each of the mitigation measures listed on Attachment 1 hereto. Any habitat conservation required for mitigation shall be located outside of Inyo County to the extent feasible. DEVELOPER shall be responsible for hiring consultant biologists to survey and submit to CDFW any needed biological surveys, including ongoing monitoring during the period of February 15th through September 15th during construction of the project of nesting birds and ongoing monitoring of impacts to migrating birds during construction and operation of the Project.

- 2. No other term, provision or condition of the Renewable Energy Permit is modified by this amendment of Section 8.7 of the Permit.

The Parties hereto, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF INYO

Date: _____

By: _____
Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
County Administrative Officer/Clerk of the Board
Of Supervisors of the County of Inyo
By: _____
Deputy Clerk

APPLICANT/ OWNER (DEVELOPER)

Corporations Code section 17157 requires that contracts with a Limited Liability Company (LLC) shall be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.

Applicant/Owner
Date: _____

By _____
TITLE _____

Date: _____

By _____
TITLE _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Inyo

On _____ before me, (_____),
personally
appeared _____ who proved
to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ATTACHMENT 1

A. General Avoidance and Minimization Measures

1. Exclusion fencing will be installed around the entirety of the East and West sites before the start of ground-disturbing activities to exclude special-status animals, including Mohave ground squirrel (MGS), from the Project Site. The exclusion fence would be constructed with durable materials suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. The fence would be designed to prevent passage of special-status reptiles and mammals through the fence. The fence will be buried at least 12 inches below grade. All fence construction will be monitored by a qualified biologist to ensure that no animals are harmed. Following installation, the fence will be inspected bi-weekly during construction and quarterly after commercial operation and after all major rainfall events. Any damage to the fence will be repaired immediately.
2. A biological monitor will be present during construction of the Project. The monitor will be responsible for ensuring that impacts on the MGS are avoided to the fullest extent possible. To assist the biological monitor, Project work areas will be clearly demarcated on Project plan sets, and the allowed work limits will be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits.
3. The biologist(s) will be given the authority to stop any work that would result in the take of MGS. If the biologist(s) exercises this authority, the California Department of Fish and Wildlife (CDFW) will be notified by telephone and electronic mail within one working day.
4. When monitoring is required on the Project Site, the biological monitor will inspect areas under vehicles and equipment, in and around stockpiled materials, and any other locations where listed species could take refuge to ensure that individuals of any such species are relocated out of harm's way (by a Qualified biologist approved to handle the species) before construction activities begin for the day.
5. If at any time a MGS is discovered in the construction area by the biological monitor or anyone else (including during preconstruction surveys), the protocol outlined below will be followed:
 - a. All work that could result in direct injury, disturbance, or harassment of the individual animal will immediately cease.
 - b. The foreman and biological monitor will be immediately notified.

- c. The biological monitor will allow the animal to disperse on its own outside the construction area. The animal will be monitored until it is determined that the animal is not immediately imperiled by predators or other dangers.
 - d. The biological monitor will document each event in which construction activities are affected by the presence of listed species and the outcome of the interaction on the individual animal.
6. Vehicles and equipment will be parked on existing roads and previously disturbed areas to the extent practicable.
7. Speed limit signs restricting the speed limit to 15 miles per hour (mph) will be installed before site disturbance or construction begins. To minimize disturbance of areas outside the construction zone, all Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated areas. To the extent possible, these areas will be established in locations disturbed by previous activities to prevent further impacts. Also, these areas will be included in preconstruction surveys. Off-road traffic outside of designated traffic areas will be prohibited.
8. Measures will be implemented to suppress dust during all construction activities, as needed through the use of water trucks, 15 mph speed limits, and installation of an aggregate base on all roads.
9. No firearms will be allowed on the Project Site, unless otherwise approved for security personnel or permitted by law.
10. To prevent harassment or mortality of MGS by domestic dogs or cats (*Felis domesticus*), pets will not be permitted to enter the Project Site. Trained scent detection dogs used for environmental compliance monitoring are not considered pets.
11. All food-related trash items, including wrappers, cans, bottles, and food scraps, will be disposed of in tightly covered and secured trash containers, the contents of which will be removed from the Project Site on a regular basis. Food items may attract ravens, coyotes, and domestic dogs, consequently exposing special-status animals to increased risk of predation. No deliberate feeding of wildlife will be allowed.
12. Chemicals, fuels, lubricants, and biocides will be used only in compliance with all local, State, and federal regulations, to minimize the possibility of contaminating habitat or poisoning predators directly or indirectly. Users of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and State and federal legislation.
13. No rodenticides will be used on the Project Site, to avoid the potential for poisoning MGS and indirectly poisoning native predators and scavengers.

14. No pest rodent trapping (live or lethal) will be permitted on the Project Site, unless conducted by a qualified, CDFW-approved biologist.
15. A Worker Environmental Awareness Program (WEAP) will be presented to Project personnel by a qualified biologist(s) engaged by the Project Applicant. This program will consist of either a video presentation or a “tailgate” training session for all personnel who work on aspects of the Project that occur in or near natural habitats on the Project Site. Printed training materials and briefings will include a discussion of the MGS. Information will cover basic species biology, general behavior, local distribution, sensitivity to human activities, and legal protection, as well as the penalties for violating State or federal laws, impact avoidance methods, reporting requirements, and the contact information for the person to be notified if sensitive species are discovered on the Project Site. Also, maps showing the locations of special-status wildlife or other construction limitations will be provided to the biological monitors and construction crews before construction activities begin. As part of the training, contractors and heavy equipment operators will be provided with literature and photographs or illustrations of the MGS so they will be able to identify and avoid harming them during construction.
16. Information about the ban on rodenticides and pest rodent traps, and their potential effects on sensitive wildlife species in the region, will be provided to workers in the WEAP. A copy of the WEAP will be posted in the office trailer, or other worker meeting place on the Project Site.
17. The biological monitor will maintain a construction-monitoring notebook on site throughout the construction period. The notebook will include this report and attachments, and a list of signatures of all personnel who have successfully completed the WEAP.
18. All steep-walled holes or trenches deeper than six inches will be covered at the close of each working day using plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Excavations will also be inspected for trapped special-status animals each morning before construction activities begin and immediately before the excavation is covered at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for trapped special-status animals or other wildlife. Any individuals discovered will be allowed to escape before construction or other Project activities resume.
19. Qualified biologists approved to handle MGS will conduct a preconstruction biological clearance survey in all activity areas to minimize impacts on special-status plants or wildlife species. Clearance surveys would provide 100% coverage of the Project Site, with a focus on locating all MGS above and below ground. This survey would be performed within the array fence alignment immediately prior to installation of the exclusion fence at the East and West sites and along the road right-of-way, plus a 30-foot buffer of the ground disturbance area. Following exclusion

fence construction, the two fenced Arrays would be surveyed for MGS to ensure that the site is not occupied. Clearance surveys would consist of at least two consecutive surveys performed by walking transects less than or equal to 15 feet. In areas of dense vegetation or when conditions limit the ability to locate MGS, transects would be reduced in width accordingly. The use of specialized equipment (e.g., fiber optics, remotely operated cameras) may be necessary to thoroughly inspect all potential burrows.

20. If a MGS is occupying the burrow it shall be allowed to escape out of harm's way. If the individual does not relocate on its own, all activities within 200 feet of the burrow shall cease and CDFW consulted to ensure take is avoided.

B. MGS Avoidance and Minimization Measures and Compensatory Mitigation Measure

1. Preconstruction surveys for MGS will be conducted at most 48 hours before construction that occurs between February 15 and November 15, and at most two weeks before construction that occurs between November 16 and February 14. Following confirmation that burrows are unoccupied, all potential MGS burrows in the construction zone will be excavated by a qualified biologist at the time of the survey.
2. Because MGS are attracted to cavities and dens, these animals could enter objects such as pipes and become trapped, or could be injured when the pipes are moved. Therefore, all construction pipes, culverts, or similar structures stored overnight at the Project Site for one or more nights will be either securely capped before storage or thoroughly inspected by the biological monitor for these animals before the pipe is subsequently moved, buried, capped, or otherwise used. If a MGS discovered inside a pipe by the biological monitor or anyone else, that section of pipe will not be moved until CDFW has been consulted.
3. To mitigate Project impacts on potential habitat, the Project Applicant will within 180 days from commercial operation, either (1) pay into an existing mitigation bank, benefiting MGS or (2) acquire 17.90 ac of habitat of equal or better quality than the affected habitat (a ratio of 1:1 [1.0 ac of offsite habitat preserved for each acre of suitable habitat affected by the Project within the West Site and distribution line corridor]). If option 2 is pursued, a conservation land proposal will be submitted to Inyo County for consultation with CDFW and the County's approval. A conservation easement will be established for the land. If option 1 is pursued, the Project Applicant may pay into a MGS habitat mitigation bank for compensation at a ratio of 1:1. Selected conservation lands will be relatively flat, with perennial plant cover ranging from 10 to 20% (Zembal and Gall 1980), and will support several plant species necessary for MGS survival, such as herbaceous annuals, winterfat, spiny hopsage, creosote bush, and burrobrush (Best 1995). Land selected for the conservation easement must be habitat of equal or better quality than the affected habitat.

C. Reporting Requirements

Attachment 3

Within 2 months following completion of the estimated four-month construction period, the Project Applicant will provide Inyo County and CDFW with a construction status report that will include, at a minimum, a general description of the status of the Project Site, a description of the status of avoidance and minimization measures; an assessment of the effectiveness of the avoidance and minimization measures; and a summary of preconstruction survey results.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 25

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Dave Stottlemyre, Assessor

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Ordinance to Exempt Low Value Personal Property from Property Taxation

DEPARTMENTAL RECOMMENDATION:

Request Board to enact an ordinance titled "An ordinance of the Board of Supervisors of the County of Inyo, State of California, Exempting Low Value Personal Property From Property Taxation."

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

On July 21, 2015 your Board held a hearing regarding and waived the reading of the above-entitled ordinance and thereby took the first step in establishing an Ordinance to Exempt Low Value Personal Property from Property Taxation. Your Board's action today will complete this process.

ALTERNATIVES:

Your Board could decline this request.

OTHER AGENCY INVOLVEMENT:

FINANCING:

There are no financing costs involved

APPROVALS

COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>Yes</u> <u>7/2/15</u> Date <u>7/2/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 6/30/15
 (Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,
EXEMPTING LOW VALUE PERSONAL PROPERTY FROM PROPERTY TAXATION

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I. AUTHORITY.

In enacting this Ordinance, the Board of Supervisors intends to exercise the authority granted to it pursuant to Section 155.20 of the California Revenue and Taxation Code.

SECTION II. PURPOSE.

The purpose of this Ordinance is to exempt from property taxation any vessel with a full value so low that, if not exempt, the total taxes, special assessments and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

SECTION III. FINDINGS.

This Board hereby finds, upon documentary and oral information presented to it in connection with its consideration of this Ordinance, that the cost of assessing and collecting property taxes on individual items of personal property, where the total value of such items of personal property owned, possessed or controlled by any one owner or taxpayer, or by any one group of owners or taxpayers, does not exceed One Thousand Three Hundred Dollars (\$1,300.00) for any one specific fiscal or tax year, exceeds the amount of property taxes and related revenue to be collected.

SECTION IV. EXEMPTION.

A. Definitions.

(1) The term "vessel" as used in this Ordinance is as defined in the Revenue and Taxation Code section 130(a).

(2) The terms "owner(s) or taxpayer(s)" as used in this Ordinance mean any natural person, persons, entity or entities which have a duty to pay property taxes pursuant to the California Constitution, statutory law, case law, or private or public contract, and includes, but is not limited to, corporations, partnerships, joint ventures, or other legal entities as well as trusts and trustees.

B. Exemption.

Any vessel, if the total full cash value of such vessel owned, possessed or controlled by any one owner or taxpayer, or by any one group of owners or taxpayers, does not exceed One Thousand Three Hundred Dollars (\$1,300.00) for any one fiscal or tax year, shall be exempt from property taxation for that fiscal or tax year.

C. Validity.

This Ordinance is only intended to apply when the value of any vessel of a single taxpayer, or group of taxpayers, on any one lien date does not exceed One Thousand Three Hundred Dollars (\$1,300.00).

SECTION V. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional, without regard to whether any portion of this Ordinance would be subsequently declared unconstitutional or invalid.

SECTION VI. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. This Ordinance shall apply to the lien date for the fiscal year 2016-2017, and shall apply to each subsequent lien date and fiscal year thereafter until repealed by this Board or rendered void pursuant to a final decision by a court of competent jurisdiction. Before the expiration of fifteen (15) days from the adoption thereof, this Ordinance shall be published once in the newspaper of general circulation printed and published in the County of Inyo, State of California. The Clerk of this Board is hereby instructed and ordered to so publish the Ordinance together with the names of the Board voting for and against the same.

PASSED AND ADOPTED this ___day of _____, 2015 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Matt Kingsley, Chairperson
Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk of the Board

BY: _____
Patricia Gunsolley,
Assistant Clerk of the Board



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

26

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Nathan D. Reade, Agricultural Commissioner

FOR THE BOARD MEETING OF: July 28, 2015

SUBJECT: Public Hearings to Consider the Ordering of Services and Levy of the Assessments for Fiscal Year 2015/2016 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment" and Adoption of a Resolution Titled "A Resolution Of The Board Of Supervisors Of The County Of Inyo Administering The Owens Valley Mosquito Abatement Program Approving The Engineer's Reports, Confirming The Assessment Diagram And Assessment And Ordering The Levy Of Assessments For Fiscal Year 2015-2016 For The Owens Valley Mosquito Abatement Program Assessment (Assessment No.1) And For The Mosquito Control And Disease Prevention Assessment (Assessment No.2).

DEPARTMENTAL RECOMMENDATION:

That your Board hold a public hearing for the proposed continuation of the assessments for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment" in order to receive any public input on the proposed continuation of the assessments, the proposed assessment budget for Fiscal Year 2015/2016 and the services and programs, the assessments fund, and any other issues related to the assessments.

After the close of the public hearing to consider the ordering of services, and the levy of the assessments for Fiscal Year 2015/2016, it is recommended that your Board adopt a Resolution, approving the Engineer's Report, confirming the diagram and assessments for Fiscal Year 2015/2016 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment".

SUMMARY DISCUSSION:

On July 21, 1998, after conducting a ballot proceeding, this Board by its Ordinance No. 1002 authorized the levy of assessments for the financing and execution of the Owens Valley Mosquito Abatement Program projects; pursuant to the provisions of Government Code Section 25842.5, 53750, and 53753i, Health and Safety Code Sections 2270 et. seq. (repealed and replaced by Health and Safety Code Section 2000 et. seq.) and Articles XI and XIII D of the California Constitution.

On May 10, 2005, after conducting a ballot proceeding, this Board by its Resolution No. 2005-24, first authorized the levy of assessments for the "Mosquito Control and Disease Prevention Assessment" in compliance with Health and Safety Code Section 2080 abatement district law; Article XIII D of the California Constitution; Government Code Section 25842 et. seq. and Health and Safety Code Section 2000, (formerly 2200) which grants the Board of Supervisors the power to create mosquito and vector control programs in the same manner as a district.

Since FY 1998-1999, the "Owens Valley Mosquito Abatement Program Assessment has been continued annually and the "Mosquito Control and Disease Prevention Assessment" has been continued annually since FY 2005-2006. Both assessments are providing essential revenues needed to fund mosquito abatement projects and services.

SCI Consulting Group, the Engineer of Work for purposes of these proceedings, has hereby prepared Engineer's Reports for "Owens Valley Mosquito Abatement Program Assessment" and for "Mosquito Control and Disease Prevention Assessment". These Engineer's Reports include the proposed budget for the assessments for Fiscal Year 2015/2016 and the updated proposed assessments for each parcel in the Program's area within Inyo County.

The assessments can be levied annually. The assessments for "Mosquito Control and Disease Prevention Assessment" includes an annual increase equal to the change in the Los Angeles Area Consumer Price Index ("CPI"), not to exceed 3% (three percent) per year without a further vote or balloting process.

The change in the CPI from December 2013 to December 2014 was 0.73% and the Unused CPI carried forward from the previous fiscal year is 0.00%. Therefore, the change in the assessment rate for Fiscal Year 2015/2016 is 0.73% ; the assessment rate for Fiscal Year 2015/2016 is \$23.28 per single-family equivalent benefit unit with estimated total annual assessment revenues of \$199,983.00.

The assessment rate for Fiscal Year 2015/2016 for "The Owens Valley Mosquito Abatement Program Assessment" is \$20.80 per benefit unit with estimated total annual assessment revenues of \$209,813.00.

This public hearing was noticed by publication in the Inyo Register on July 18, 2015.

It is recommended that your Board hold a public hearing on the proposed continuation of the assessments. After due consideration of any public comments regarding the proposed continuation of the assessments and the services funded by the assessments, it is recommended that your Board approve a Resolution to continue the assessments for Fiscal Year 2015/2016 and to direct additional actions related to the continue of the assessments.

ALTERNATIVES:

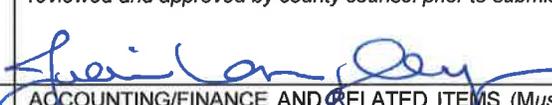
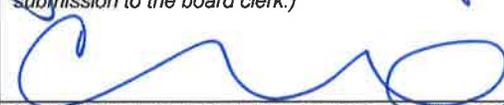
Your board could decline to hold the public hearing and revenue would not be secured.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

The expenditure will be provided in the FY 15/16 department requested budget. There will be no fiscal impact to the Inyo County general fund as OVMAP is a non-general fund program. There are sufficient funds in Budget Unit 154101, Object Code 5265 to cover this expense.

APPROVALS	
COUNTY COUNSEL:	<p>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)</p> <p>Approved:  Date <u>7-10-15</u></p>
AUDITOR/CONTROLLER:	<p>ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</p> <p>Approved:  Date <u>7/13/2015</u></p>
PERSONNEL DIRECTOR:	<p>PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</p> <p>Approved: _____ Date _____</p>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 7-15-15

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISOR OF THE
OWENS VALLEY MOSQUITO ABATEMENT PROGRAM
APPROVING THE ENGINEER'S REPORTS, CONFIRMING THE ASSESSMENT DIAGRAM
AND ASSESSEMENT AND ORDERING THE LEVY OF ASSESSMENTS
FOR FISCAL YEAR 2015-2016 FOR THE OWENS VALLEY MOSQUITO ABATEMENT
PROGRAM (ASSESSMENT NO. 1)
AND FOR THE MOSQUITO CONTROL AND DISEASE PREVENTION
ASSESSMENT (ASSESSMENT NO. 2)**

WHEREAS, the Owens Valley Mosquito Abatement Program is authorized, pursuant to the authority provided in Health and Safety Code Section 2082 and Article XIID of the California Constitution, to levy assessments for mosquito abatement services and

WHEREAS, such mosquito abatement services provide tangible public health benefits, reduced nuisance benefits and other special benefits to the public and properties with the areas of service; and

WHEREAS, Assessment No. 1 has been given the distinctive designation of the "Owens Valley Mosquito Abatement Program Assessment," ("Assessment No. 1"); and

WHEREAS, Assessment No. 1 was authorized by an assessment ballot proceeding conducted in 1998 and approved by 70.9% of the weighted ballots returned by property owners, and such assessments were levied by the Inyo County Board of Supervisors of the Owens Valley Mosquito Abatement Program Assessment by Ordinance No. 1002 Section 5 (part), 1998 passed on July 21, 1998, and continued every year thereafter.

WHEREAS, Assessment No. 2 has been given the distinctive designation of the "Mosquito Control and Disease Prevention Assessment" ("Assessment No. 2"); and

WHEREAS, Assessment No. 2 was authorized by an assessment ballot proceeding conducted in 2005 and approved by 71.4% of the weighted ballots returned by property owners, and such assessments were levied by the Inyo County Board of Supervisors of the Owens Valley Mosquito Abatement Program Mosquito Control and Disease Prevention Assessment by Resolution No. 2005-24 passed on May 10, 2005 and continued every year thereafter; and

WHEREAS a notice of a public hearing was published in the Inyo County Register and at the appointed time and place of July 28, 2015 at the hour of 11:30 a.m. in the Inyo County Board of Supervisors Meeting Chambers located at 224 North Edwards Street, Independence, CA 93526, the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Board, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board thereby acquired jurisdiction to order the continuation of the assessments prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, BE IT RESOLVED by the Inyo County Board of Supervisors that:

SECTION 1. The above recitals are true and correct

SECTION 2. SCI Consulting Group, the Engineer of Work for purposes of these proceedings, has hereby prepared Engineer's Reports for Assessment No. 1 and for Assessment No. 2 (the "Reports") in accordance with the provisions of the Health and Safety Code section 2080 et seq. and Article XIID of the California Constitution and has filed the Reports with the Clerk of the Board of Supervisors for submission to the Board. The Reports are hereby deemed sufficient

SECTION 3. The public interest, health, convenience and necessity require that the assessments be continued.

SECTION 4. The Engineer's Report for Assessment No. 1 together with the diagram of the Assessment contained therein and the proposed assessment roll for Fiscal Year 2015-2016 is hereby confirmed and approved.

SECTION 5. The Engineer's Report for Assessment No. 2 together with the diagram of the Assessment contained therein and the proposed assessment roll for Fiscal Year 2015-2016 is hereby confirmed and approved.

SECTION 6. That based on the oral and documentary evidence, including the Engineer's Report for Assessment No. 1, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several lots and parcels of land within the Program Boundaries will be specially benefited by the services to be financed by the assessment proceeds in at least the amount of the assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Program Boundaries from the Mosquito Abatement services to be financed with the assessment proceeds.

SECTION 7. That based on the oral and documentary evidence, including the Engineer's Report for Assessment No. 2, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several lots and parcels of land within the Program Boundaries District will be specially benefited by the services to be financed by the assessment proceeds in at least the amount of the assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Program Boundaries from the mosquito control and disease prevention services to be financed with assessment proceeds.

SECTION 8. That assessment for Fiscal Year 2015-2016 for Assessment No. 1 shall be levied at the assessment rate of TWENTY DOLLARS AND EIGHTY CENTS (\$20.80) per single-family equivalent benefit unit with estimated total annual assessment revenues of \$209,813.

SECTION 9. That the assessments for Assessment No. 2 included an annual increase equal to the change in the Los Angeles Area Consumer Price Index ("CPI"), not to exceed 3% (three percent) per year without a further vote or balloting process. The annual CPI change for the Los Angeles Area from December 2013 to December 2014 was 0.73%, and the unused CPI carried forward from previous fiscal years is 0.00%. Therefore, the maximum authorized assessment rate for fiscal year 2015-16 is \$23.28 per single family equivalent benefit unit. The proposed assessment rate for Fiscal Year 2015-2016 is \$23.28 per single-family equivalent benefit unit which is the maximum authorized rate for Fiscal Year 2015-2016.

SECTION 10. That assessment for Fiscal Year 2015-2016 for Assessment No. 2 shall be continued at the assessment rate of TWENTY THREE DOLLARS AND TWENTY EIGHT CENTS (\$23.28) per single-family equivalent benefit unit. The estimated total annual assessment revenue for Fiscal Year 2015-2016 is \$199,983.

SECTION 11. That the mosquito abatement services to be financed with assessment proceeds described in the Engineer's Reports for Assessment No. 1 and Assessment No. 2 are hereby ordered.

SECTION 12. No later than August 10th following such adoption, the Board shall file a certified copy of the diagram and assessment and a certified copy of this Resolution with the Auditor of the County of Inyo ("County Auditor"). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessments. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all the laws providing for collection and enforcement shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Owens Valley Mosquito Abatement Program Assessment and to the Mosquito Control and Disease Prevention Assessment.

SECTION 13. All revenues from assessments for Assessment No. 1 shall be deposited into a separate fund established under the distinctive designation of the Owens Valley Mosquito Abatement Program funds so designated shall be expended only for the special benefit of parcels within the Program's boundaries.

SECTION 14. All revenues from assessments for Assessment No. 2 shall be deposited into a separate fund established under the distinctive designation of the Owens Valley Mosquito Abatement Program Mosquito Control and Disease Prevention Assessment. Funds so designated shall be expended only for the special benefit of parcels within the Program's boundaries.

SECTION 15. The Owens Valley Mosquito Abatement Program Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Inyo County Board of Supervisors. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

SECTION 16. The Mosquito Control and Disease Prevention Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Inyo County Board of Supervisors. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

The foregoing Resolution was PASSED and ADOPTED by the Inyo County Board of Supervisors at a regular meeting thereof held on July 28, 2015, at Board of Supervisors' Room, Inyo County Administrative Center at 224 North Edwards Street, Independence, CA.

AYES:

NOES:

ABSTAINED:

ABSENT:

Matt Kingley, Chairperson
Inyo County Board of Supervisors

ATTEST: Kevin D. Carunchio
Clerk of the Board

BY: _____
Patricia Gunsolley, Assistant Clerk of the Board



OWENS VALLEY MOSQUITO ABATEMENT PROGRAM

COUNTY OF INYO

OWENS VALLEY MOSQUITO ABATEMENT PROGRAM ASSESSMENT

ENGINEER'S REPORT

FISCAL YEAR 2015-16

JULY 2015

PURSUANT TO THE GOVERNMENT CODE, HEALTH AND SAFETY CODE AND ARTICLE
XIIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIConsultingGroup

4745 MANGELS BLVD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

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INTRODUCTION

The Owens Valley Mosquito Abatement Program ("OVMAP" or "Program") was formed in 1985 within the County of Inyo ("County") and currently provides mosquito and disease control services throughout the greater Owens Valley, including the cities and communities of Bishop, Independence and Lone Pine as well as unincorporated areas within the Owens Valley. The OVMAP has been providing its public health protection services in Inyo County for over 20 years. The OVMAP is managed by the Agricultural Commissioner and Program staff and is governed by the Inyo County Board of Supervisors.

The OVMAP's core services are summarized as follows:

1. Early detection of public health threats through comprehensive vector surveillance.
2. Protection of public health by reducing mosquitoes that can transmit diseases to humans.
3. Appropriate, timely response to customer requests to prevent/control mosquito-borne diseases.

ASSESSMENT FORMATION

In June of 1998, an assessment ballot proceeding for improved mosquito, vector and disease control services was conducted pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Health and Safety Code. During this ballot proceeding, property owners within the boundaries of the Owens Valley Mosquito Abatement Program were provided with a notice and ballot for the proposed special assessment. A 45-day period was provided for balloting and a public hearing was conducted in July of 1998. At the public hearing, all ballots returned within the 45-day balloting period were tabulated.

It was determined at the public hearing that 70.9% of the weighted ballots returned were in support of the Assessment. Since the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which ballot was submitted), the Program gained the authority to approve the levy of the assessments for fiscal year 1998-99 and to continue the assessment in future years.

The following is an outline of the primary Services that are funded by the Owens Valley Mosquito Abatement Program Assessment:

- Mosquito control
- Surveillance for vector-borne diseases
- Mosquito inspections
- Response to service requests
- Mosquitofish for backyard fish ponds and other appropriate habitats
- Presentations to schools and civic groups
- Identification of mosquitoes and testing for diseases

- Mosquito Surveillance and Disease Testing
- Facilities and Equipment Utilized by the OVMAP

As used within this Report and the benefit assessment, the following terms are defined:

"Vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and small mammals and other vertebrates (Health and Safety Code Section 2002(k)).

"Vector Control" shall mean any system of public improvements or services that is intended to provide for the surveillance, prevention, abatement, and control of vectors as defined in subdivision (k) of Section 2002 of the Health and Safety Code and a pest as defined in Section 5006 of the Food and Agricultural Code (Government Code Section 53750(m)).

The OVMAP is controlled by Mosquito Abatement and Vector Control Program Law of the State of California. Following are excerpts from the Mosquito Abatement and Vector Control Program Law of 2002, codified in the Health and Safety Code, Section 2000, et seq. which serve to summarize the State Legislature's findings and intent with regard to mosquito abatement and other vector control services:

2001. (a) The Legislature finds and declares all of the following:

- (1) California's climate and topography support a wide diversity of biological organisms.
- (2) Most of these organisms are beneficial, but some are vectors of human disease pathogens or directly cause other human diseases such as hypersensitivity, envenomization, and secondary infections.
- (3) Some of these diseases, such as mosquito borne viral encephalitis, can be fatal, especially in children and older individuals.
- (4) California's connections to the wider national and international economies increase the transport of vectors and pathogens.
- (5) Invasions of the United States by vectors such as the Asian tiger mosquito and by pathogens such as the West Nile virus underscore the vulnerability of humans to uncontrolled vectors and pathogens.

(b) The Legislature further finds and declares:

- (1) Individual protection against the vectorborne diseases is only partially effective.
- (2) Adequate protection of human health against vectorborne diseases is best achieved by organized public programs.
- (3) The protection of Californians and their communities against the discomforts and economic effects of vectorborne diseases is an essential public service that is vital to public health, safety, and welfare.
- (4) Since 1915, mosquito abatement and vector control Programs have protected Californians and their communities against the threats of vectorborne diseases.

(c) In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special Programs with the power to conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors.

(d) It is also the intent of the Legislature that mosquito abatement and vector control Programs cooperate with other public agencies to protect the public health, safety, and welfare. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.

Further the Health and Safety Code, Section 2082 specifically authorizes the creation of benefit assessments for vector control, as follows:

(a) A district may levy special benefit assessments consistent with the requirements of Article XIID of the California Constitution to finance vector control projects and programs.

ASSESSMENT CONTINUATION

This Engineer's Report ("Report") was prepared by SCI Consulting Group ("SCI") to describe the vector control services to be funded by the assessment (the "Services"), to establish the estimated costs for those services, to determine the special benefits and general benefits received by property from the services and to apportion the assessments to lots and parcels within the OVMAP based on the estimated special benefit each parcel receives from the services funded by the benefit assessment.

This report defines the benefit assessment (the "Assessment") on all specially benefiting properties within the Program boundaries (the "Assessment District"). The Assessment for fiscal year 2015-16, as described in this Engineer's Report, would provide continued funding for mosquito and disease control services in certain areas of Inyo County, as well as related costs for equipment, capital improvements and services and facilities necessary and incidental to mosquito and disease control programs.

The Assessment District is narrowly drawn to include only properties that may request and/or receive direct and more frequent service, that are located within the scope of the vector surveillance area, that are located within flying or traveling distance of potential vector sources monitored by the Program, and that will benefit from a reduction in the amount of vectors reaching and impacting the property as a result of the enhanced vector surveillance and control. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment. When Proposition 218 was

initially approved in 1996, it allowed for certain types of assessments to be “grandfathered” in, and these were exempted from the property-owner balloting requirement.

Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control.

Vector control was specifically “grandfathered in,” underscoring the fact that the drafters of Proposition 218 and the voters who approved it were satisfied that funding for vector control is an appropriate use of benefit assessments, and therefore confers special benefit to property.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V. SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority (“SVTA vs. SCCOSA”). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefit to property, not general benefits¹
- The services and /or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

¹ Article XIII D, § 2, subdivision (d) of the California Constitution states defines “district” as “an area determined by an agency to contain all parcels which will receive a special benefit from the proposed public improvement or property-related service.”

BONANDER V. TOWN OF TIBURON

In the December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based on in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from reduced mosquito and vector populations, reduced risk of the presence of diseases, increased safety of property and other special benefits; and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. Finally, the Assessments are consistent with *Buetz* and *Greater Golden Hill* because the general benefits have been explicitly calculated and quantified and excluded from the Assessments. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

THE SERVICES

The Owens Valley Mosquito Abatement Program, a division of the Inyo County Agricultural Department, provides mosquito abatement services to properties within the boundaries of the Mosquito Abatement Program.

The mosquito abatement/vector control services and environmental improvements undertaken by the Program and financed by the levy of the annual assessment provide special benefit to Assessor Parcels within the Program as defined in the Method of Assessment herein. Such mosquito abatement and vector control projects and programs include, but are not limited to, source reduction, larvicide applications, disease monitoring, public education, reporting, accountability, research and interagency cooperative activities, as well as capital costs, maintenance, and operation expenses. The cost of these services also includes capital costs comprised of equipment, capital improvements and facilities necessary and incidental to the vector control program. (collectively "Services")

ESTIMATE OF COST

**FIGURE 1
COST ESTIMATE**

OWENS VALLEY MOSQUITO ABATEMENT PROGRAM			
Owens Valley Mosquito Abatement Program Assessment			
Estimate of Cost			
Fiscal Year 2015-16			
			Total Budget
Mosquito Control Services and Related Expenditures:			
Mosquito Control Operations		\$	392,700
Materials, Supplies, Equipment and Administration			111,409
Emergency Services/Contingency Funds			20,000
Facilities, Capital Equipment and Fixed Assets			-
Total Services and Operation			524,109
Less:			
Contribution from Other Sources			(325,296)
Net Cost of Mosquito Control, Fixed Asset Equipment, Operation			198,813
Incidental Costs:			
County Collection, Levy Administration, and Other Incidentals			11,000
Contribution to Reserves and Emergency/Contingency Funds			-
Total Mosquito Control Services and Incidentals		\$	209,813
(Net Amount to be Assessed)			
Budget Allocation to Property:			
Zone of Benefit	Total SFE Units	Assessment per SFE	Total Assessment
Zone A	9,885	\$ 20.80	\$ 205,611
Zone B	808	\$ 5.20	\$ 4,202
			\$ 209,813

Notes:

- As determined in the following section, at least 5% of the cost of the Services must be funded from sources other than the assessments to cover any general benefits from the Services. Therefore, out of the total cost of Services of \$524,109 the District must contribute

at least \$ 26,206 from sources other than the assessments. The District will contribute approximately \$167,563, which is well over the estimated general benefits.

2. Incidental Costs includes allowance for uncollectible assessments from assessments on public agency parcels, County collection charges, and assessment administration costs.
3. SFE Units means Single Family Equivalent benefit units. See method of assessment in the following Section for further definition.
4. The assessment rate per SFE is the total amount of assessment per Single Family Equivalent benefit unit.
5. The proceeds from the assessments will be deposited into a special fund for the Assessment. Funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the fiscal year, June 30, must be carried over to the next fiscal year. The assessment amounts are rounded down to the even penny for purposes of complying with the collection requirements from the County Auditor. Therefore, the total assessment amount for all parcels subject to the assessments may vary slightly from the net amount to be assessed.

METHOD OF ASSESSMENT

This section of the Engineer's Report describes the benefits to be derived from the mosquito control services provided by the Program for property in the Assessment District, and the methodology used to apportion the total assessment to properties within the Owens Valley Mosquito Abatement Program.

The Owens Valley Mosquito Abatement Program consists of all Assessor Parcels within the boundaries of the Mosquito Abatement Program as defined by the approved boundaries of the Assessment District.

The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Owens Valley Mosquito Abatement Program over and above general benefits conferred on real property in the Assessment District. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of total benefit to the properties derived from the Services
2. Calculation of the proportion of these benefits that are special vs. general
3. Determination of the relative special benefit within different areas within the Assessment District
4. Determination of the relative special benefit per property type and property characteristic
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type and property characteristics

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This special benefit is received by property over and above any general benefits from the additional Services. With reference to the engineering requirements for property related assessments under Proposition 218, an engineer must determine and prepare a report concerning the amount of special and general benefit received by property within the assessment district or program as a result of the property related service or improvements provided by a local agency. That special benefit is to be determined in relation to the total cost to that local entity of providing the service and/or improvements.

Proposition 218 as described in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The below benefit factors, when applied to property in the Assessment District, confer special benefits to property and ultimately improve the safety, utility, functionality and usability of property in the Assessment District. These are special benefits to property in the Assessment District in much the same way that storm drainage, sewer service, water service, lighting, sidewalks and paved streets enhance the safety, utility and functionality of each parcel of property served by these improvements, providing them with more utility of use and making them safer and more usable for occupants.

It should also be noted that Proposition 218 included a requirement that existing assessments in effect upon its effective date were required to be confirmed by either a majority vote of registered voters in the Assessment District, or by weighted majority property owner approval using the new ballot proceeding requirements. However, certain assessments were excluded from these voter approval requirements. Of note is that in California Constitution Article XIII D Section 5(a) this special exemption was granted to assessments for sidewalks, streets, sewers, water, flood control, drainage systems and vector control. The Howard Jarvis Taxpayers Association explained this exemption in their Statement of Drafter's Intent:

*"This is the "traditional purposes" exception. These existing assessments do not need property owner approval to continue. However, future assessments for these traditional purposes are covered."*²

Therefore, the drafters of Proposition 218 acknowledged that vector control assessments were a "traditional" and therefore acknowledged and accepted use.

Since all assessments, existing before or after Proposition 218 must be based on special benefit to property, the drafters of Proposition 218 inherently found that vector control services confer special benefit on property. Moreover, the statement of drafter's intent also acknowledges that any new or increased vector control assessments after the effective date of Proposition 218 would need to comply with the voter approval requirements it established. This is as an acknowledgement that additional assessments for such "traditional" purposes would be established after Proposition 218 was in effect. Therefore, the drafters of Proposition 218 clearly recognized vector assessments as a "traditional" use of assessments, acknowledged that new vector assessments may be formed after Proposition 218 and inherently were satisfied that vector control services confer special benefit to properties.

The Legislature also made a specific determination after Proposition 218 was enacted that vector control services constitute a proper subject for special assessment. Health and Safety Code section 2082, which was signed into law in 2002, provides that a district may levy special assessments consistent with the requirements of Article XIII D of the California Constitution to finance vector control projects and programs. The intent of the Legislature to allow and authorize benefit assessments for vector control services after Proposition 218 is

² Howard Jarvis Taxpayers Association, "Statement of Drafter's Intent", January 1997.

shown in the Assembly and Senate analysis the Mosquito Abatement and Vector Control District Law where it states that the law:

Allows special benefit assessments to finance vector control projects and programs, consistent with Proposition 218.³

Therefore the State Legislature unanimously found that vector control services are a valuable and important public service that can be funded by benefit assessments. To be funded by assessments, vector control services must confer special benefit to property.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided to property in the assessment district. Similar to the assessments in Pomona that were validated by Dahms, the Assessments described in this Engineer's Report fund mosquito and disease control services directly provided to property in the assessment area. Moreover, as noted in this Report, the Services directly reduce mosquito and vector populations on all property in the assessment area. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

MOSQUITO AND VECTOR CONTROL IS A SPECIAL BENEFIT TO PROPERTIES

As described below, this Engineer's Report concludes that mosquito and vector control is a special benefit that provides direct advantages to property in the Assessment District. For example, if approved, the assessment would provide reduced levels of mosquitoes and other vectors on property throughout the Assessment District. Moreover, the assessment will reduce the risk of the presence of diseases on property throughout the Assessment District, which is another direct advantage received by property in the Assessment District. Moreover, the assessment will fund Services that improve the use of property and reduce the nuisance and harm created by vectors on property throughout the Assessment District. These are tangible and direct special benefits that will be received by property throughout the specific area covered by the Assessment.

The following section, Benefit Factors, describes how and why vector control services directly and specially benefit properties in the Assessment District. These benefits are particular and distinct from its effect on property in general or the public at large.

³ Senate Bill 1588, Mosquito Abatement and Vector Control District Law, Legislative bill analysis

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the aforementioned mosquito control services and that would be provided to property within the Program. These types of special benefit are as follows:

- **Reduced mosquito and vector populations on property and as a result, enhanced desirability, utility, usability and functionality of property in the Assessment District.**

The assessments will provide enhanced services for the control and abatement of nuisance and disease-carrying mosquitoes. These Services will materially reduce the number of vectors on properties throughout the Assessment District. The lower mosquito and vector populations on property in the Assessment District is a direct advantage to property that will serve to increase the desirability and "usability" of property. Clearly, properties are more desirable and usable in areas with lower mosquito populations and with a reduced risk of vector-borne disease. This is a special benefit to residential, commercial, agricultural, industrial and other types of properties because all such properties will directly benefit from reduced mosquito and vector populations and properties with lower vector populations are more usable, functional and desirable.

Excessive mosquitoes and other vectors in the area can materially diminish the utility and usability of property. For example, prior to the commencement of mosquito control and abatement services, properties in many areas in the State were considered to be nearly uninhabitable during the times of year when the mosquito populations were high.⁴ The prevention or reduction of such diminished utility and usability of property caused by mosquitoes is a clear and direct advantage and special benefit to property in the Assessment District.

The State Legislature made the following finding on this issue:

⁴ Prior to the commencement of modern mosquito control services, areas in the State of California such as the San Mateo Peninsula, Napa County, Lake County and areas in Marin and Sonoma Counties had such high mosquito populations or other vector populations that they were considered to be nearly unlivable during certain times of the year and were largely used for part-time vacation cottages that were occupied primarily during the months when the natural vector populations were lower.

*"Excess numbers of mosquitoes and other vectors spread diseases of humans, livestock, and wildlife, reduce enjoyment of outdoor living spaces, both public and private, reduce property values, hinder outdoor work, reduce livestock productivity; and mosquitoes and other vectors can disperse or be transported long distances from their sources and are, therefore, a health risk and a public nuisance; and professional mosquito and vector control based on scientific research has made great advances in reducing mosquito and vector populations and the diseases they transmit."*⁵

Mosquitoes and other vectors emerge from sources throughout the Assessment District, and with an average flight range of two miles, mosquitoes from known sources can reach all properties in the Assessment District. These sources include standing water in rural areas, such as marshes, pools, wetlands, ponds, drainage ditches, drainage systems, tree holes and other removable sources such as old tires and containers. The sources of mosquitoes also include numerous locations throughout the urban areas in the Assessment District. These sources include underground drainage systems, containers, unattended swimming pools, leaks in water pipes, tree holes, flower cups in cemeteries, over-watered landscaping and lawns and many other sources. By controlling mosquitoes at known and new sources, the Services will materially reduce mosquito populations on specially benefiting property in the Assessment District.

A recently increasing source of mosquitoes is unattended swimming pools:

*"Anthropogenic landscape change historically has facilitated outbreaks of pathogens amplified by peridomestic vectors such as Cx. pipiens complex mosquitoes and associated commensals such as house sparrows. The recent widespread downturn in the housing market and increase in adjustable rate mortgages have combined to force a dramatic increase in home foreclosures and abandoned homes and produced urban landscapes dotted with an expanded number of new mosquito habitats. These new larval habitats may have contributed to the unexpected early season increase in WNV cases in Bakersfield during 2007 and subsequently have enabled invasion of urban areas by the highly competent rural vector Cx. tarsalis. These factors can increase the spectrum of competent avian hosts, the efficiency of enzootic amplification, and the risk for urban epidemics."*⁶

- **Increased safety of property in the Assessment District.**

The Assessments result in improved year-round proactive Services to control and abate mosquitoes and other vectors that otherwise would occupy properties throughout the Assessment District. Mosquitoes and other vectors are transmitters of diseases, so the

⁵ Assembly Concurrent Resolution 52, chaptered April 1, 2003

⁶ Riesen William K. (2008). Delinquent Mortgages, Neglected Swimming Pools, and West Nile Virus, California. Emerging Infectious Diseases. Vol. 14(11).

reduction of mosquito and vector populations makes property safer for use and enjoyment. In absence of the assessments, these Services would not be provided, so the Services funded by the assessments make properties in the Assessment District safer, which is a distinct special benefit to property in the Assessment District.⁷ This is not a general benefit to property in the Assessment District or the public at large because the Services are tangible mosquito control and disease prevention services that will be provided directly to the properties in the Assessment District and the Services are over and above what otherwise would be provided by the District or any other agency.

This finding was confirmed in 2003 by the State Legislature:

“Mosquitoes and other vectors, including but not limited to ticks, Africanized Honey Bees, rats, fleas, and flies, continue to be a source of human suffering, illness, death and a public nuisance in California and around the world. Adequately funded mosquito and vector control, monitoring and public awareness programs are the best way to prevent outbreaks of West Nile Virus and other diseases borne by mosquitoes and other vectors.”¹

Also, the Legislature, in Health and Safety Code Section 2001, finds that:

“the protection of Californians and their communities against the discomforts and economic effects of vector borne diseases is an essential public service that is vital to public health, safety, and welfare.”

- **Reductions in the risk of new diseases and infections on property in the Assessment District.**

Mosquitoes have proven to be a major contributor to the spread of new diseases such as West Nile Virus, among others. A highly mobile population combined with migratory bird patterns can introduce new mosquito-borne diseases into previously unexposed areas.

⁷ By reducing the risk of disease and increasing the safety of property, the proposed Services will materially increase the usefulness and desirability of certain properties in the Assessment District.

"Vector-borne diseases (including a number that are mosquito-borne) are a major public health problem internationally. In the United States, dengue and malaria are frequently brought back from tropical and subtropical countries by travelers or migrant laborers, and autochthonous transmission of malaria and dengue occasionally occurs. In 1998, 90 confirmed cases of dengue and 1,611 cases of malaria were reported in the USA and dengue transmission has occurred in Texas."⁸

"During 2004, 40 states and the District of Columbia (DC) have reported 2,313 cases of human WNV illness to CDC through ArboNET. Of these, 737 (32%) cases were reported in California, 390 (17%) in Arizona, and 276 (12%) in Colorado. A total of 1,339 (59%) of the 2,282 cases for which such data were available occurred in males; the median age of patients was 52 years (range: 1 month--99 years). Date of illness onset ranged from April 23 to November 4; a total of 79 cases were fatal."⁹ (According to the Centers for Disease Control and Prevention on January 19, 2004, a total of 2,470 human cases and 88 human fatalities from WNV have been confirmed).

A study of the effect of aerial spraying conducted by the Sacramento-Yolo Mosquito and Vector Control District (SYMVCD) to control a West Nile Virus disease outbreak found that the SYMVCD's mosquito control efforts materially decreased the risk of new diseases in the treated areas:

After spraying, infection rates decreased from 8.2 (95% CI 3.1–18.0) to 4.3 (95% CI 0.3–20.3) per 1,000 females in the spray area and increased from 2.0 (95% CI 0.1–9.7) to 8.7 (95% CI 3.3–18.9) per 1,000 females in the untreated area. Furthermore, no additional positive pools were detected in the northern treatment area during the remainder of the year, whereas positive pools were detected in the untreated area until the end of September (D.-E.A Elnaiem, unpub. data). These independent lines of evidence corroborate our conclusion that actions taken by SYMVCD were effective in disrupting the WNV transmission cycle and reducing human illness and potential deaths associated with WNV.¹⁰

The Services funded by the assessments will help prevent on a year-round basis the presence of vector-borne diseases on property in the Assessment District. This is another tangible and direct special benefit to property in the Assessment District that would not be received in absence of the assessments.

⁸ Rose, Robert. (2001). Pesticides and Public Health: Integrated Methods of Mosquito Management. Emerging Infectious Diseases. Vol. 7(1); 17-23.

⁹ Center for Disease Control. (2004). West Nile Virus Activity --- United States, November 9--16, 2004. Morbidity and Mortality Weekly Report. 53(45); 1071-1072.

¹⁰ Carney, Ryan. (2008), Efficiency of Aerial Spraying of Mosquito Adulticide in Reducing the Incidence of West Nile Virus, California, 2005. Emerging Infectious Diseases, Vol 14(5)

- **Protection of economic activity on property in the Assessment District.**

As recently demonstrated by the SARS outbreak in China and outbreaks of Avian Flu, outbreaks of pathogens can materially and negatively impact economic activity in the affected area. Such outbreaks and other public health threats can have a drastic negative effect on tourism, business and residential activities in the affected area. The assessments will help to prevent the likelihood of such outbreaks in the District.

Mosquitoes hinder, annoy and harm residents, guests, visitors, farm workers, and employees. A vector-borne disease outbreak and other related public health threats would have a drastic negative effect on agricultural, business and residential activities in the Assessment District.

The economic impact of diseases is well documented. According to a study prepared for the Centers for Disease Control and Prevention, economic losses due to the transmission of West Nile Virus in Louisiana was estimated to cost over \$20 million over approximately one year:

The estimated cost of the Louisiana epidemic was \$20.1 million from June 2002 to February 2003, including a \$10.9 million cost of illness (\$4.4 million medical and \$6.5 million nonmedical costs) and a \$9.2 million cost of public health response. These data indicate a substantial short-term cost of the WNV disease epidemic in Louisiana. 11

Moreover, a study conducted in 1996-97 of La Crosse Encephalitis (LACE), a human illness caused by a mosquito-transmitted virus, found a lifetime cost per human case at \$48,000 to \$3,000,000 and found that the disease significantly impacted lifespans of those who were infected. Following is a quote from the study which references the importance and value of active vector control services of the type that would be funded by the assessments:

The socioeconomic burden resulting from LACE is substantial, which highlights the importance of the illness in western North Carolina, as well as the need for active surveillance, reporting, and prevention programs for the infection. 12

The Services to be funded by the assessments will help prevent the likelihood of such outbreaks on property in the Assessment District and will reduce the harm to economic

¹¹ Zohrabian A, Meltzer MI, Ratard R, Billah K, Molinari NA, Roy K, et al. West Nile Virus economic impact, Louisiana, 2002. Emerging Infectious Disease, 2004 Oct. Available from <http://www.cdc.gov/ncidod/EID/vol10no10/03-0925.htm>

¹² Utz, J. Todd, Apperson, Charles S., Maccormack, J. Newton, Salyers, Martha, Dietz, E. Jacquelin, Mcpherson, J. Todd, Economic And Social Impacts Of La Crosse Encephalitis In Western North Carolina, Am J Trop Med Hyg 2003 69: 509-518

activity on property caused by existing mosquito populations. This is another direct advantage received by property in the Assessment District that would not be received in absence of the assessments.

- **Protection of Assessment District's agriculture, tourism, and business industries.**

The agriculture, tourism and business industries will benefit from reduced levels of harmful or nuisance mosquitoes and other vectors. Conversely, any outbreaks of emerging vector-borne pathogens such as West Nile Virus could also materially negatively affect these industries. Diseases transmitted by mosquitoes and other vectors can adversely impact business and recreational functions.

A study prepared for the United States Department of Agriculture in 2003 found that over 1,400 horses died from West Nile Virus in Colorado and Nebraska and that these fatal disease cases created over \$1.2 million in costs and lost revenues. In addition, horse owners in these two states spent over \$2.75 million to vaccinate their horses for this disease. The study states that "Clearly, WNV has had a marked impact on the Colorado and Nebraska equine industry."¹³

Pesticides for mosquito control impart economic benefits to agriculture in general. Anecdotal reports from farmers and ranchers indicate that cattle, if left unprotected, can be exsanguinated by mosquitoes, especially in Florida and other southeast coastal areas. Dairy cattle produce less milk when bitten frequently by mosquitoes¹⁴

The assessments will serve to protect the businesses and industries and the employees and residents that benefit from these businesses and industries. This is a direct advantage and special benefit to property in the Assessment District.

- **Reduced risk of nuisance and liability on property in the Assessment District**

In addition to health related factors, uncontrolled mosquito and vector populations create a nuisance for the occupants of property in the Assessment District. Properties in the Assessment District, therefore, will benefit from the reduced nuisance factor that will be created by the Services. Agricultural and rangeland properties also benefit from the reduced

¹³ S. Geiser, A. Seitzinger, P. Salazar, J. Traub-Dargatz, P. Morley, M. Salman, D. Wilmot, D. Steffen, W. Cunningham, Economic Impact of West Nile Virus on the Colorado and Nebraska Equine Industries: 2002, April 2003, Available from http://www.aphis.usda.gov/vs/ceah/cnahs/nahms/equine/wnv2002_CO_NB.pdf

¹⁴ Jennings, Allen. (2001). USDA Letter to EPA on Fenthion IRED. United States Department of Agriculture, Office of Pest Management Policy. March 8, 2001.

nuisance factor and harm to livestock and employees from lower mosquito and vector populations.

Agricultural, range, golf course, cemetery, open space and other such lands in the Assessment District contain large areas of mosquito and vector habitat and are therefore a significant source of mosquito and vector populations. In addition, residential and business properties in the Assessment District can also contain significant sources.¹⁵ It is conceivable that sources of mosquitoes could be held liable for the transmission of diseases or other harm. For example, in August 2004, the City of Los Angeles approved new fines of up to \$1,000 per day for property owners who don't remove standing water sources of mosquitoes on their property.

The Services will serve to protect the businesses and industries in the Assessment District. This is a direct advantage and a special benefit to property in the Assessment District.

- **Improved marketability of property.**

As described previously, the Services will specially benefit properties in the Assessment District by making them more useable, livable and functional. The Services also make properties in the Assessment District more desirable, and more desirable properties also benefit from improved marketability. This is another tangible and direct special benefit to property which will not be enjoyed in absence of the Services.¹⁶

BENEFIT FINDING

In summary, the special benefits described in this Report and the expansion of Services in the Assessment District directly benefit and protect the real properties in the Assessment District in excess of the assessments for these properties. Therefore, the assessment engineer finds that the cumulative special benefits to property from the Services are reasonably equal to or greater than the proposed annual assessment amount per benefit unit.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund the special benefits to property in the Assessment District but cannot fund any general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

¹⁵ Sources of mosquitoes on residential, business, agricultural, range and other types of properties include removable sources such as containers that hold standing water.

¹⁶ If one were to compare two hypothetical properties with similar characteristics, the property with lower mosquito infestation and reduced risk of vector-borne disease will clearly be more desirable, marketable and usable.

In other words:

$$\text{Total Benefit} = \text{Total General Benefit} + \text{Total Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit from vector control services. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. General benefits are conferred to properties located “in the district,¹⁷” but outside the narrowly-drawn Assessment District and to “the public at large.” SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements and services funded by the assessments.

A formula to estimate the general benefit is listed below:

General Benefit =
Benefit to Real Property Outside the Assessment District +
Benefit to Real Property Inside the Assessment District that is Indirect and Derivative +
Benefit to the Public at Large

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special

¹⁷ SVTA vs. SCCOSA explains as follows:

OSA observes that Proposition 218's definition of “special benefit” presents a paradox when considered with its definition of “district.” Section 2, subdivision (i) defines a “special benefit” as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” (Art. XIII D, § 2, subd. (i), italics added.) Section 2, subdivision (d) defines “district” as “an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.” (Art. XIII D, § 2, subd. (d), italics added.) In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”

We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefiting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special.

benefit is conferred to a property if it "receives a direct advantage from the improvement (e.g., proximity to a park)." In this assessment, the overwhelming proportion of the benefits conferred to property is special, since the advantages from the mosquito, vector and disease control/protection funded by the Assessments are directly received by the properties in the Assessment District and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase "over and above" general benefits in describing special benefit. (Art. XIII D, sections 2(i) & 4(f).) There currently are minimal mosquito and vector related services being provided to the Assessment District area that are not being funded by a benefit assessment. These minimal services form the baseline level of services in the Assessment District. Arguably, all of the Services to be funded by the assessment therefore would be a special benefit because the additional Services would particularly and distinctly benefit and protect the Assessment District over and above the previous baseline benefits and service.

Nevertheless, arguably some of the Services would benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

CALCULATING GENERAL BENEFIT

Without this assessment the Program would lack the funds to provide the additional and improved Services to property in the Assessment District. Consistent with footnote 8 of SVTA v. SCCOSA, and for the reasons described above, the Program has determined that all parcels in the Assessment District receive a shared direct advantage and special benefit from the Services. The Services directly and particularly serve and benefit each parcel, and are not a mere indirect, derivative advantage. As explained above, Proposition 218 relies on the concept of "over and above" in distinguishing special benefits from general benefits. As applied to an assessment this concept means that all vector control services, which provide direct advantage to property in the Assessment District, are over and above the baseline and therefore are special.

Nevertheless, the Services may provide a degree of general benefit, in addition to the predominant special benefit. This section provides a conservative measure of the general benefits from the Assessments.

BENEFIT TO PROPERTY OUTSIDE THE PROGRAM

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services funded by the Assessments will be provided directly to protect property within the Assessment District from mosquitoes and vector-borne diseases. However, properties adjacent to, but just outside of, the boundaries may receive some benefit from the Services in the form of reduced mosquito populations on property outside the Assessment District. Since this benefit, is conferred to properties outside the district

boundaries, it contributes to the overall general benefit calculation and will not be funded by the assessment.

A measure of this general benefit is the proportion of Services that would affect properties outside of the Assessment District. Each year, the Program will provide some of its Services in areas near the boundaries of the Assessment District. By abating mosquito populations near the borders of the Assessment District, the Services could provide benefits in the form of reduced mosquito populations and reduced risk of disease transmission to properties outside the Assessment District. If mosquitoes were not controlled inside the Assessment District, more of them would fly from the Assessment District. Therefore control of mosquitoes within the Assessment District provides some benefit to properties outside the Assessment District but within the normal travel range of vectors in the form of reduced mosquito populations and reduced vector-borne disease transmission. Since mosquitoes are the predominant vector that would be controlled and mosquitoes most easily travel from their source location to properties in the area, typical mosquito destination ranges will be used to measure the extent that the Services will create reduced vector populations on property outside the Assessment District. This is a measure of the general benefits to property outside the Assessment District because this is a benefit from the Services that is not specially conferred upon property in the Assessment District.

The mosquito potential outside the Assessment District is based on studies of mosquito dispersion concentrations. Mosquitoes can travel up to two miles, on average, so this destination range is used. Based on studies of mosquito destinations, relative to parcels in the Assessment District average concentration of mosquitoes from the Assessment District on properties within two miles of the Assessment District is calculated to be 6%.¹⁸ This relative vector population reduction factor within the destination range is combined with the number of parcels outside the Assessment District and within the destination range to measure this general benefit and is calculated as follows:

CRITERIA:

Mosquitoes may fly up to 2 miles from their breeding source.

519 parcels within 2 miles of, but outside of the Program, may receive some mosquito and disease protection benefit

6% portion of relative benefit that is received

10,994 Parcels in the District

Calculations

Total Benefit = 519 parcels * 6% = 31 parcels equivalents

Percentage of overall parcel equivalents = $31 / 10,994 = 0.28 \%$

¹⁸ Tietze, Noor S., Stephenson, Mike F., Sidhom, Nader T. and Binding, Paul L., "Mark-Recapture of *Culex Erythrothorax* in Santa Cruz County, California", Journal of the American Mosquito Control Association, 19(2):134-138, 2003.

Therefore, for the overall benefits provided by the Services to the Assessment District, it is determined that 0.28% of the benefits would be received by the parcels within two miles of the Assessment District boundaries. Recognizing that this calculation is an approximation, this benefit will be rounded up to 1.0%.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. As explained above, all benefit within the Assessment District is special because the mosquito and disease control services in the Assessment District would provide direct service and protection that is clearly "over and above" and "particular and distinct" when compared with the level of such protection under current conditions. Further the properties are within the Assessment District boundaries and this Engineer's Report demonstrates the direct benefits received by individual properties from mosquito and disease control services.

In determining the Assessment District area, the Program has been careful to limit it to an area of parcels that will directly receive the Services. All parcels will directly benefit from the surveillance, monitoring and treatment that will be provided on an equivalent basis throughout the Assessment District in order to maintain the same improved level of protection against mosquitoes and other vectors and reduced mosquito and vector populations throughout the area. The surveillance and monitoring sites would be spread on a balanced basis throughout the area. Mosquito and vector control and treatment would be provided as needed throughout the area based on the surveillance and monitoring results. The shared special benefit - reduced mosquito levels and reduced presence of vector-borne diseases - would be received on an equivalent basis by all parcels in the Assessment District. Furthermore, all parcels in the Assessment District would directly benefit from the ability to request service from the Program and to have a Program field technician promptly respond directly to the parcel and address the owner's or resident's service need. The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment district is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. The Program therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services to be provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there would be some indirect general benefit to the public at large.

The public at large uses the public highways, streets and sidewalks, and when traveling in and through the Assessment District they will benefit from the Services. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, street and sidewalk area within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that approximately 1.3% of the land area in the Assessment District is covered by highways, streets and sidewalks. This 1.3% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment District, we find that approximately 2.3% of the benefits conferred by the Owens Valley Mosquito Abatement Program Assessment may be general in nature and should be funded by sources other than the Assessment.

General Benefit =

1.0 % (Outside the district)
 + 0.0 % (Inside the district - indirect and derivative)
 + 1.3 % (Public at Large)

=2.3 % (Total General Benefit)

Although this analysis supports the findings that 2.3% of the assessment may provide general benefit only, this number is increased by the Assessment Engineer to 5% to conservatively ensure that no assessment revenue is used to support general benefit. This additional amount allocated to general benefit also covers general benefit to parcels in the Assessment District if it is later determined that there is some general benefit conferred on those parcels.

The Mosquito Abatement Program Assessment total budget for mosquito and vector abatement, disease control, capital improvement and incidental costs is \$540,583. Of this total budget amount, the OVMAP will contribute approximately 64% (\$347,155) of the total budget from sources other than the Mosquito Control and Disease Prevention Assessment. This contribution offsets any general benefits from the Mosquito Control and Disease Prevention Assessment Services.

METHOD OF ASSESSMENT

As previously discussed, the Assessments fund enhanced, comprehensive, year-round mosquito control, and disease surveillance and control Services that will reduce mosquito and vector populations on property and will clearly confer special benefits to properties in the Assessment District. These benefits can also partially be measured by the occupants on property in the Assessment District because such parcel population density is a measure of the relative benefit a parcel receives from the Services. Therefore, the apportionment of

benefit is partially based the population density of parcels. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed.

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, a fixed assessment amount per parcel for all residential improved property was considered but was determined to be inappropriate because agricultural lands, commercial property and other property also receive benefits from the assessments. Likewise an assessment exclusively for agricultural land was considered because the source of mosquitoes is generally located on such property. However, other types of property, such as residential and commercial, also derive the special benefit factors listed above from reduced mosquito populations that would otherwise fly to the property and/or to the inhabited community areas.

Moreover, a fixed or flat assessment was deemed to be inappropriate because larger properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. (For two properties used for commercial purposes, there is clearly a higher benefit provided to a property that covers several acres in comparison to a smaller commercial property that is on a 0.25 acre site because the larger property generally has a larger coverage area and higher usage by employees, customers and guests that would benefit from reduced mosquito populations. This benefit ultimately flows to the property.) Larger parcels, therefore, receive an increased benefit from the assessments.

Therefore, the Engineer determined that the appropriate method of assessment apportionment should be based on the type and use of property, its relative population and usage potential, its location and its destination potential for mosquitoes. This method is further described below.

ZONES OF BENEFIT

The Owens Valley Mosquito Abatement Program's mosquito control services are concentrated on the areas encompassing the Owens Valley Floor. The remaining areas within the Program boundaries receive relatively less mosquito abatement services, and, therefore relatively lesser benefits from the Mosquito Abatement Program. The areas of lesser benefit are defined to include all parcels within Program boundaries that are within the Inyo National Forest, west of the Owens Valley Floor and those parcels generally along the eastern side of Owens Lake. These areas are hereinafter referred to as Zone of Benefit B or Zone B and are depicted on the Assessment Diagram included with this Report. All other parcels within the Program boundaries are within Zone A, which is generally considered to be the areas of the Owens Valley Floor.

Parcels in Zone B receive relatively less mosquito abatement services on a per parcel and land area basis than parcels in the greater Owens Valley Floor area. Approximately 9% of the total parcels within the Program are in Zone B and this area receives approximately 5% of the services. (5% of services / 9% of parcels = 56% of the relative services per parcel.)

Therefore, on a per parcel basis, parcels in Zone B receive approximately one half the relative services as those in Zone A. Alternatively, Zone B encompasses approximately 50% of the total area within Program boundaries. By this measure, Zone B receives approximately 10% of the relative services per acre in comparison to areas in Zone A. (5% of services / 50% of acreage = 10% of relative services per acre.) Using these measures, the relative level of service, which is a measure of relative benefit, is generally 50% on a parcel basis and 10% on an acreage basis. An average of these measures results in a 25% relative level of benefit in relation to Zone A. Therefore, it is deemed that the benefits to property in Zone B are 25% of the benefits to similar property in Zone A.

The SVTA vs. SCCOSA decision indicates:

In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”

We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefitting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).

In the assessment, the advantage that each parcel receives from the Services is direct, and the boundaries for each Zone of Benefit are narrowly drawn so each Zone includes parcels that receive the similar levels of benefit from the Services. Therefore, the even spread of assessment for similar properties in each of the narrowly drawn Zones of Benefit within the District is indeed consistent with the OSA decision.

ASSESSMENT APPORTIONMENT

Certain residential properties in the Assessment District that contain a single residential dwelling unit and are on a lot of less than or equal to one acre are assigned 1.0 SFE. Traditional houses, zero-lot line houses, and townhomes are included in this category of single family residential property.

As stated previously, the special benefits derived from the Mosquito Abatement Program are conferred on property and are not based on a specific property owner's occupancy of property or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who do or could use the property who enjoy the benefits described above. Therefore, the opportunity to use and enjoy the area within the Program without the excessive bother or potential health hazards brought by mosquitoes is a special

benefit to properties in the Program. This benefit is related to the number of people who potentially live on, work at or otherwise use the property. In other words, the benefits conferred upon property are related to the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property and the average number of people who reside in multi-family residential units versus the average number of people who reside in a single family home. These demographic factors for the County of Inyo are depicted below. Using the average population density as basis for determining relative special benefit, Figure 3 lists the SFE factors for multi-family units and mobile home parcels. These benefit factors are deemed to be appropriate on a per unit basis for properties with up to eight residential units.

Properties with higher numbers of units generally receive higher benefits but at a lower relative additional benefit per unit because housing density and population density generally increases for larger parcels; therefore, the benefits from the Program are conferred over a smaller area for the average parcel population density in relation to the average area for a similar population density on other parcels in the Program. In other words, parcels with residential units in excess of eight generally have significantly higher concentrations of residents per acre than the average single family residential parcel. As a result, larger residential properties generally cover a much smaller area in comparison to single family residential properties with a similar population density. Since benefits are conferred over a smaller area, the benefit per additional unit is reduced. (The average population density per acre for larger multifamily residential property is over 3 times the average population density per acre for single family residential property. Therefore, the Engineer has deemed that the additional benefit for residential properties in excess of eight units is approximately 1/3 of the per unit rate based on population density exclusively. As a result, the benefit for multifamily residential and mobile home properties in excess of 8 units is determined to be 0.25 SFE per additional unit of any property type. This benefit apportionment methodology is summarized in Figure 3.

FIGURE 2

RESIDENTIAL ASSESSMENT FACTORS

	<i>Total</i>	<i>Occupied</i>	<i>Persons per</i>	<i>SFE</i>	<i>SFE</i>
	<i>Population</i>	<i>Households</i>	<i>Household</i>	<i>Factor</i>	<i>Factor</i>
				<i>1st 8 Units</i>	<i>Addl. Units</i>
Single Family Residential	10,897	4,237	2.57	1.00	N/A
Multi-Family Residential	1,435	737	1.95	0.76	0.25
Mobile Home	5,053	2,390	2.11	0.82	0.25

Source: 1990 Census, Inyo County

* The SFE factor for multi-family and mobile home parcels is based on the ratio of average persons per household for the property type versus the average persons per household for a single family residential home. These SFE factors are applied to the first 8 residential units on a property. Additional residential units over 8 units of a specific type are benefited at the rate of 0.25 SFE per additional unit.

COMMERCIAL/INDUSTRIAL PROPERTIES

SFE values for commercial and industrial land uses are based on the equivalence of special benefit between single family residential property and the average commercial/industrial property. The average size of a parcel for a single family home in the Program areas is approximately 0.25 acres. Such residential property has an SFE value of 1.0. The average of size of a property with a single commercial business is 0.50 acres. Using the equivalence of benefit between the average single family residential property and commercial property, improved commercial and industrial parcels of 1/2 acre would also receive an SFE benefit factor of 1.0. Therefore, commercial and industrial parcels of less than one acre in size are assigned 0.50 SFE per quarter acre or portion thereof. Commercial and industrial parcels in excess of 1 acre generally involve uses that require more land area relative to the building area or improvements on the property. As a result, the benefit per additional acre is lower. For such properties, the first acre is assigned 2.0 SFE and land area in excess of 1 acre is assigned 1 SFE benefit unit per additional acre or portion of an acre thereof.

AGRICULTURAL AND OTHER LAND PROPERTIES

The benefits to be received from the mosquito control services include active benefits which are related to the use and enjoyment of the property and passive benefits which are related to the underlying land. An example of a passive benefit is enhancement of property value that will accrue to the land from reduced mosquito populations in the area. Examples of an active benefit factors are enhanced environment for residents, employees and guests, reduced nuisance value to livestock and reduced health risk to employees, residents, guests and livestock. Properties used for agriculture, mining, utility services, recreational purposes and other such land uses generally have a lower employee and resident density than residential and commercial properties. These parcels, therefore, receive lower benefits on a land area basis than residential or commercial property.

It was estimated that 1/5 of the benefits accrue to land and the remainder accrue to the improved use of the property. Since most residential properties are one acre or less in size, the benefit factor for agricultural and other land use-type properties is deemed to be 0.20 SFE per acre of land area. Moreover, agricultural and other land properties of large size typically do not have a population density from employees and guests that increases in correlation to property size. Therefore, the benefits to such properties are deemed to reach a maximum benefit of 2.0 SFE. Included in this category are recreational properties that are generally accessible to the public and are regularly used by customers and guests.

Residential parcels in excess of 1 acre are assessed at the land rate of 0.20 SFE per acre of land area for additional land area over 1 acre with a maximum SFE benefit factor for

additional land of 2.0 SFE. Any residential dwelling units on such land use-type properties are assessed at the residential rates specified previously.

OTHER PROPERTIES

All properties that are specially benefited are assessed. Public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Commissioner of the Inyo County Agriculture Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Commissioner or his or her designee will promptly review the appeal and any information provided by the property owner. If the Commissioner or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of Inyo for collection, the Commissioner or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Commissioner or his or her designee shall be referred to the Board of Supervisors of the County of Inyo and the decision of the Board of Supervisors of the County of Inyo shall be final.

ASSESSMENT

WHEREAS, the Board of Supervisors, and in accordance with the requirements of Proposition 218, the County of Inyo contracted with the undersigned Engineer of Work to prepare and file an annual Engineer's Report presenting an estimate of costs, a diagram for the assessment program, an assessment of the estimated costs of the Services, and the special and general benefit conferred thereby, upon all assessable parcels within the assessment program;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the Board of Supervisors of the County of Inyo, hereby makes the following determination of an assessment to cover the portion of the estimated cost of the Services, and the costs and expenses incidental thereto to be paid by the assessment program.

The amount to be paid for the Services and the expenses incidental thereto, to be paid by the Owens Valley Mosquito Abatement Program for the fiscal year 2015-16 is generally as follows:

FIGURE 3
SUMMARY COST ESTIMATE
Fiscal Year 2015-16

Mosquito Control Services	\$	392,700
Fixed Asset & Capital Equipment		111,409
Incidentals & Reserves		31,000
Total Budget		535,109
Less:		
District Contribution & Current Rev.		(325,296)
Net Amount To Assessments	\$	209,813

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Owens Valley Mosquito Abatement Program. The distinctive number of each parcel or lot of land in Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby determine and apportion the net amount of the cost and expenses of the Services, including the costs and expenses incidental thereto, upon the parcels and lots of land within the Owens Valley Mosquito Abatement Program, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate hereto attached and by reference made a part hereof.

The assessment determination is made upon the parcels or lots of land within the Owens Valley Mosquito Abatement Program in proportion to the special benefits to be received by the parcels or lots of land, from the Services.

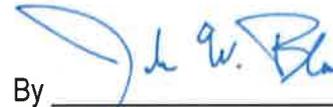
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Inyo for the fiscal year 2015-16. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2015-16 for each parcel or lot of land within the Owens Valley Mosquito Abatement Program.

Dated: June 25, 2015



Engineer of Work

By 

John W. Bliss, License No. C052091

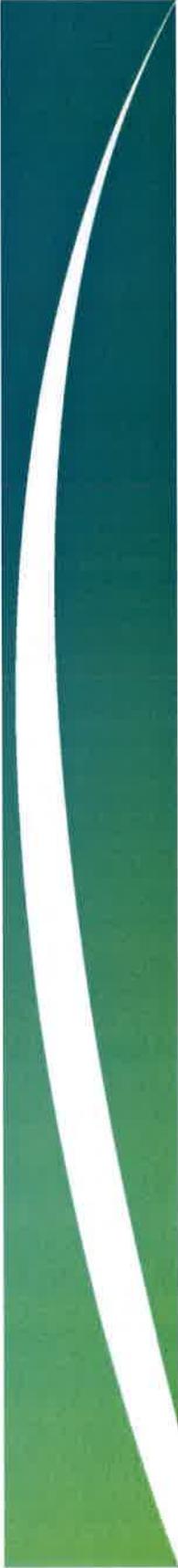
ASSESSMENT DIAGRAM

The Owens Valley Mosquito Abatement Program includes all properties within the boundaries of the Mosquito Abatement Program. The boundaries of the Owens Valley Mosquito Abatement Program and the zones of benefit are displayed on the following Assessment Diagram.

APPENDICES

ASSESSMENT ROLL, FISCAL YEAR 2015-16

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the Program Manager of the Program, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.



**OWENS VALLEY MOSQUITO ABATEMENT
PROGRAM**

COUNTY OF INYO

MOSQUITO CONTROL AND DISEASE PREVENTION ASSESSMENT

ENGINEER'S REPORT

FISCAL YEAR 2015-16

JULY 2015

**PURSUANT TO THE GOVERNMENT CODE, HEALTH AND SAFETY CODE AND ARTICLE
XIIID OF THE CALIFORNIA CONSTITUTION**

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INTRODUCTION

The Owens Valley Mosquito Abatement Program ("OVMAP" or "Program") exists within the County of Inyo ("County") and currently provides mosquito and disease control services throughout the greater Owens Valley, including the cities and communities of Bishop, Big Pine, Independence, and Lone Pine as well as unincorporated areas within the Owens Valley. The OVMAP has been providing its public health protection services in Inyo County for over 20 years. The OVMAP is managed by the Agricultural Commissioner and Program staff and is governed by the Inyo County Board of Supervisors.

The OVMAP's core services are summarized as follows:

1. Early detection of public health threats through comprehensive mosquito surveillance.
2. Protection of public health by reducing mosquitoes that can transmit diseases to humans.
3. Appropriate, timely response to customer requests to prevent/control mosquito-borne diseases.

ASSESSMENT FORMATION

On March 8, 2005, the Inyo County Board of Supervisors authorized the initiation of proceedings for a proposed benefit assessment to provide local funding for improved mosquito, and disease prevention services. This assessment was named the "Mosquito Control and Disease Prevention Assessment (the "Assessment" or the "Assessment District"). In March of 2005, an assessment ballot proceeding was conducted pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Health and Safety Code. During this ballot proceeding, property owners within the boundaries of the Owens Valley Mosquito Abatement Program were provided with a notice and ballot for the proposed special assessment. A 45-day period was provided for balloting and a public hearing was conducted in May of 2005. At the public hearing, all ballots returned within the 45-day balloting period were tabulated.

It was determined at the public hearing that 71.4% of the weighted ballots returned were in support of the Assessment. Since the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which ballot was submitted), the Program gained the authority to approve the levy of the assessments for fiscal year 2005-06 and continue the assessment in future years. The authority granted by the ballot proceeding includes an annual adjustment in the maximum authorized assessment rate equal to the annual change in the Consumer Price Index for the Los Angeles Area, not to exceed 3%.

The following is an outline of the primary services and improvements that are funded by the mosquito and disease control assessment:

- Mosquito control
- Surveillance for vector-borne diseases
- Mosquito inspections
- Response to service requests
- Mosquitofish for backyard fish ponds and other appropriate habitats
- Presentations to schools and civic groups
- Identification of mosquitoes and testing for diseases
- Mosquito Surveillance and Disease Testing
- Facilities and Equipment Utilized by the OVMAP

As used within this Report and the benefit assessment, the following terms are defined:

"Vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and small mammals and other vertebrates (Health and Safety Code Section 2002(k)).

"Vector Control" shall mean any system of public improvements or services that is intended to provide for the surveillance, prevention, abatement, and control of vectors as defined in subdivision (k) of Section 2002 of the Health and Safety Code and a pest as defined in Section 5006 of the Food and Agricultural Code (Government Code Section 53750(m)).

The OVMAP is controlled by Mosquito Abatement and Vector Control Program Law of the State of California. Following are excerpts from the Mosquito Abatement and Vector Control Program Law of 2002, codified in the Health and Safety Code, Section 2000, et seq. which serve to summarize the State Legislature's findings and intent with regard to mosquito abatement and other vector control services:

2001. (a) The Legislature finds and declares all of the following:

- (1) California's climate and topography support a wide diversity of biological organisms.
- (2) Most of these organisms are beneficial, but some are vectors of human disease pathogens or directly cause other human diseases such as hypersensitivity, envenomization, and secondary infections.
- (3) Some of these diseases, such as mosquito borne viral encephalitis, can be fatal, especially in children and older individuals.
- (4) California's connections to the wider national and international economies increase the transport of vectors and pathogens.
- (5) Invasions of the United States by vectors such as the Asian tiger mosquito and by pathogens such as the West Nile virus underscore the vulnerability of humans to uncontrolled vectors and pathogens.

(b) The Legislature further finds and declares:

- (1) Individual protection against the vectorborne diseases is only partially effective.

(2) Adequate protection of human health against vectorborne diseases is best achieved by organized public programs.

(3) The protection of Californians and their communities against the discomforts and economic effects of vectorborne diseases is an essential public service that is vital to public health, safety, and welfare.

(4) Since 1915, mosquito abatement and vector control Programs have protected Californians and their communities against the threats of vectorborne diseases.

(c) In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special Programs with the power to conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors.

(d) It is also the intent of the Legislature that mosquito abatement and vector control Programs cooperate with other public agencies to protect the public health, safety, and welfare. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.

Further the Health and Safety Code, Section 2082 specifically authorizes the creation of benefit assessments for vector control, as follows:

(a) A district may levy special benefit assessments consistent with the requirements of Article XIID of the California Constitution to finance vector control projects and programs.

ASSESSMENT CONTINUATION

This Engineer's Report ("Report") was prepared by SCI Consulting Group ("SCI") to describe the vector control services to be funded by the assessment (the "Services"), to establish the estimated costs for those services, to determine the special benefits and general benefits received by property from the services and to apportion the assessments to lots and parcels within the OVMAP based on the estimated special benefit each parcel receives from the services funded by the benefit assessment.

This report defines the benefit assessment (the "Assessment") on all specially benefiting properties within the Program boundaries (the "Assessment District"). The Assessment for fiscal year 2015-16, as described in this Engineer's Report, would provide continued funding for mosquito and disease control services in certain areas of Inyo County, as well as related costs for equipment, capital improvements and services and facilities necessary and incidental to mosquito and disease control programs.

The Assessment District is narrowly drawn to include only properties that may request and/or receive direct and more frequent service, that are located within the scope of the vector surveillance area, that are located within flying or traveling distance of potential vector sources monitored by the Program, and that will benefit from a reduction in the amount of vectors reaching and impacting the property as a result of the enhanced vector surveillance and control. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article

XIIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment. When Proposition 218 was initially approved in 1996, it allowed for certain types of assessments to be "grandfathered" in, and these were exempted from the property-owner balloting requirement.

Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control.

Vector control was specifically "grandfathered in," underscoring the fact that the drafters of Proposition 218 and the voters who approved it were satisfied that funding for vector control is an appropriate use of benefit assessments, and therefore confers special benefit to property.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. v. SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefit to property, not general benefits¹
- The services and /or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the

¹ Article XIII D, § 2, subdivision (d) of the California Constitution states defines "district" as "an area determined by an agency to contain all parcels which will receive a special benefit from the proposed public improvement or property-related service."

Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from reduced mosquito and vector populations, reduced risk of the presence of diseases, increased safety of property and other special benefits; and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

In the December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based on in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels. Finally, the Assessments are consistent with *Beutz* and *Greater Golden Hill* because the general benefits have been explicitly calculated and quantified and excluded from the Assessments.

GENERAL DESCRIPTION OF THE PROGRAM AND SERVICES

ABOUT THE MOSQUITO CONTROL PROGRAM

The Owens Valley Mosquito Abatement Program (OVMAP) operates within the County of Inyo Department of Agriculture and controls and monitors disease-carrying mosquitoes. The OVMAP protects the usefulness, desirability and livability of property and the inhabitants of property within jurisdictional area through the abatement of invertebrate vectors. In addition, the OVMAP regularly tests for diseases carried by mosquitoes and educates the property owners and the occupants of property in the Program's coverage area about how to protect themselves from diseases transmitted by mosquitoes.

There are currently approximately 3 fulltime employees including a Manager, two Field Technicians. Seasonal employees are hired as needed. In addition to their scheduled duties, Field Technicians can respond to over 300 mosquito service requests from the public each year. These requests are handled by office staff or field technicians at the time of initial contact.

DESCRIPTION OF VECTOR CONTROL PROGRAM

The Assessment provides the additional funding to operate the program and expand the services provided in the Assessment District to an optimum level necessary to protect the usefulness, utility, desirability and livability of property within its jurisdictional area.

In addition to being nuisances by disrupting human activities and the use and enjoyment of public and private areas, certain insects and animals may transmit a number of diseases. The diseases of most concern are: Western Equine Encephalitis (WEE), St. Louis Encephalitis (SLE), West Nile Virus (WNV), and Malaria, which are all transmitted by mosquitoes.

The spread of these diseases is minimized through ongoing mosquito surveillance activities, source reduction, source treatment, abatement, and educational outreach. These efforts also minimize the nuisance impact mosquitoes can have on residents. To fulfill this purpose, the OVMAP may take any and all necessary steps to control, monitor and perform other related mosquito control services.

The assessment provides funding for the continuation and enhancement of the projects and programs for surveillance, prevention, abatement, and control of mosquitoes on property within the Owens Valley. Such mosquito abatement and vector control projects and programs include, but are not limited to, source reduction, larvicide applications, disease monitoring, public education, reporting, accountability, research and interagency cooperative activities, as well as capital costs, maintenance, and operation expenses (collectively "Services"). The cost of these Services also includes capital costs comprised of equipment, capital improvements and facilities necessary and incidental to the mosquito

control program. It should be noted that additional funding for Services related to the Owens Valley Dry Lake and the Owens River project are provided by other sources.

SUMMARY OF SERVICES

The Services are further defined as follows:

- Response to mosquito problems on property in the Assessment District.
- Services and methods to control mosquito breeding in the Assessment District.
- Control of mosquito larvae in source breeding and hatching locations such as catch basins, industrial drains, agricultural sources, ditches, drain lines, vaults, wastewater treatment plants, under buildings, residences, horse troughs, freshwater marshes, creeks, and other sources on property in the Assessment District.
- Surveillance and data analysis of adult mosquito populations using carbon dioxide baited traps, and Reiter Gravid traps to assess public health risks and allocate control efforts on property in the Assessment District.
- Monitoring for diseases carried and transmitted by mosquitoes and other arthropods, such as St Louis encephalitis, Western equine encephalitis and West Nile virus and other surveillance methods on property within the Assessment District.
- Testing of new mosquito control materials and investigation of their efficacy in the Assessment District.
- Education of residents on property within the Assessment District about the risks of diseases carried by mosquitoes and how to better protect themselves and their pets.
- Monitoring of new and emerging vectors such as the Asian Tiger Mosquito and new and emerging pathogens such as West Nile Virus.
- Education programs on mosquitoes and disease abatement and other outreach programs to educate property owners and the occupants of property within the Assessment District about mosquitoes, vectors and the diseases they can transmit.
- Distribution of printed material and brochures that describe what residents, employees and property owners in the Assessment District can do to keep their homes and property free of mosquitoes and other vectors.

The OVMAP protects the public from mosquito-borne disease and mosquito nuisance while protecting the environment, through a coordinated set of activities collectively known as the Integrated Vector Management Program (IVMP). For all vector species, public education is the primary control strategy. Next, the OVMAP determines the abundance of mosquitoes and the risk of mosquito-borne disease or discomfort through evaluation of public service requests and field and laboratory surveillance activities. If the populations exceed or are anticipated to exceed predetermined criteria, OVMAP staff will attempt to employ the most efficient, effective, and environmentally sensitive means of source control. Where feasible, physical control activities such as water management are instituted to reduce mosquito production. When these approaches are not effective or are otherwise inappropriate, biological control using natural materials and environmentally sensitive larvicides are used in the specific mosquito breeding location or pest-harboring areas.

MOSQUITO AND MOSQUITO-BORNE DISEASES IN INYO COUNTY

The OVMAP undertakes activities through its Integrated Vector Management Program to control the following vectors of disease and/ or discomfort within the OVMAP²:

Mosquitoes - Certain species of mosquitoes found in Inyo County can transmit Malaria, St. Louis Encephalitis, Western Equine Encephalomyelitis, West Nile Virus, and potentially other encephalitis viruses. While not all species of mosquitoes transmit disease, all species can cause human discomfort when the female mosquito bites to obtain blood. Reactions range from irritation in the area of the bite to severe allergic reactions or secondary infections resulting from scratching the irritated area. Additionally, an abundance of mosquitoes can cause economic losses, and loss of use or enjoyment of recreational, agricultural, or industrial areas.

Of the world's three thousand mosquito species, more than fifty live in California, and twenty-four have been identified in Inyo County. Continuous surveillance and special control efforts are aimed the most common species in the county. The primary species in the County are summarized as follows:

- Culiseta incidens
- Culiseta inornata

- Culex tarsalis
- Culex erythrothorax

- Aedes dorsalis
- Aedes melanimon
- Aedes nigromaculis
- Aedes increpitus
- Aedes sierrensis

- Anopheles franciscanus
- Anopheles freeborni

Most of the vectors mentioned above are extremely mobile and cause the greatest hazard or discomfort away from their breeding site. Each of these potential vectors has a unique life cycle, and most of them occupy different habitats. In order to effectively control these vectors, an integrated vector management program must be employed. OVMAP policy is to identify those species that are currently vectors, to recommend techniques for their prevention and control, and to anticipate and minimize any new interactions between vectors and humans.

² The improved mosquito and vector control and disease prevention services would materially increase the usefulness, utility, livability and desirability of properties in the Assessment District.

INTEGRATED PEST MANAGEMENT

As noted, the Program's Services address several types of vectors and share general principles and policies. These include the identification of vector problems; responsive actions to control existing populations of vectors, prevention of new sources of vectors from developing, and the management of habitat in order to minimize vector production; education of land-owners and others on measures to minimize vector production or interaction with vectors; and provision and administration of funding and institutional support necessary to accomplish these goals.

In order to accomplish effective and environmentally sound vector management, the manipulation and control of vectors must be based on careful surveillance of their abundance, habitat (potential abundance), pathogen load, and/or potential contact with people; the establishment of treatment criteria (thresholds); and appropriate selection from a wide range of control methods. This dynamic combination of surveillance, treatment criteria, and use of multiple control activities in a coordinated program is generally known as Integrated Pest Management (IPM) (Glass 1975, Davis et al 1979, Borror et al 1981, Durso 1996, Robinson 1996).

The OVMAP's Vector Management Program, like any other IPM program, by definition involves procedures for minimizing potential environmental impacts. The Program employs IPM principles by first determining the species and abundance of vectors through evaluation of public service requests and field surveys of immature and adult pest populations; and then, if the populations exceed predetermined criteria, using the most efficient, effective, and environmentally sensitive means of control. For all vector species, public education is an important control strategy, and for some vectors (rodents, ticks) it is the Program's primary control method. In some situations, water management or other physical control activities (historically known as "source reduction" or "permanent control") can be instituted to reduce vector-breeding sites. The Program also uses biological control such as the planting of mosquitofish (in ornamental ponds, unused swimming pools and other standing water bodies). When these approaches are not effective or are otherwise inappropriate, natural materials that have been found to be environmentally safe are used to treat specific pest-producing or pest-harboring areas.

The following is a summary of the OVMAP's efforts to apply IPM to the vectors and issues outlined above.

MOSQUITOES

PERMANENT WATER MOSQUITOES

Risk assessment: historically, *Culex tarsalis* and *Culex erythrothorax* have been very abundant in the Owens Valley. The great vector potential of these species documented in other parts of the state suggests that they are principal mosquito threats. The threat of *Anopheles* as vectors is reduced by the absence of resident malaria pathogens in the area.

Culiseta, particularly *Culiseta Inornata*, are very widespread in the county, occurring in many kinds of habitats during most of the year. However, tests of their ability to transmit viral pathogens show them to be of little significance as vectors.

Surveillance: Surveillance of these mosquitoes is accomplished by a combination of methods. First, individual residents and property owners call the Program with complaints about bites or potential larval sites. Second, technicians and surveillance staff actively examine potential sites by sampling water, collecting larvae, and identifying the larvae to species. Finally, various traps (light traps, carbon dioxide baited traps) are used to identify species and general breeding locations.

During the warm months, additional temporary staff is hired to help inspect and treat catch basins throughout the County, particularly in the urbanized areas. Catch basins can produce *Culex Tarsalis* in great numbers at locations close to residences and businesses.

Viruses transmitted by permanent water mosquitoes are surveyed by testing the mosquito vectors, the avian reservoirs, and humans. Other viral tests of mosquitoes, birds, or mammals are performed by the California Department of Health Services. The Program has participated in the state-wide dead bird surveillance program for West Nile virus, responding to reports of dead birds from the public. These results are mapped using a Geographic Information System. Humans are tested by various laboratories, but the Program actively seeks data.

Control: The Program currently uses four main materials to kill permanent water larvae and mosquitoes. The toxin of the natural bacteria *Bacillus thuringiensis israelensis* (Bti) can be applied as either a liquid or a granule. This toxin must be eaten by larvae, restricting its use to the first through third instars. BTI has the tremendous advantage of specificity, only affecting mosquitoes and related groups of flies. The spores of *Bacillus sphaericus* (Bs) are also available for liquid spray or granular application. This product has the advantage over BTI of sometimes reproducing in the water, extending the life of its effectiveness. Bs is only effective against *Culex* and works well in highly polluted water. Methoprene is an analogue of a natural insect hormone that prevents successful development of larvae. It is available as a short-lived liquid and longer-acting granules and briquets. Finally, the Program uses a short life-cycle oil combined with surfactants (Golden Bear and Agnique MMS) in situations where the materials above will not work. Golden Bear and Agnique MMS the only materials available that is effective against pupae.

The Program uses the mosquito fish, *Gambusia affinis*, for biological control. These work particularly well during warm months in decorative ponds and swimming pools, but they are also used in surface water that does not connect with the watershed. The Program is prohibited from introducing these fish into watersheds, though many of the creeks are already populated by mosquito fish. Mosquito fish can be used in combination with BTI, Bs, and methoprene in a process sometimes referred to as Integrated Biological Control.

Monitoring: For the most part, monitoring is the continuation of surveillance activities. Technicians specifically check treatment sites to be sure that applications were successful. The surveillance section operates carbon-dioxide baited traps.

FLOODWATER MOSQUITOES

Risk assessment: The species remains the main nuisance threat in the area. Owens River oxbows can fill with water when river levels rise. Untreated water in the oxbows will produce huge numbers (up to 3 billion per acre) of floodwater mosquitoes that will migrate to lights at night. Lights at night are usually where people live, so these huge populations can severely impact communities adjacent to the Owens River. River oxbows can flood and produce mosquitoes anytime river levels rise above 450 cubic feet per minute during warm weather.

Surveillance: The Program has an annual program of quantitative surveillance of *Aedes melanimon* that consists of counted dips from habitats and counts of larvae by instar (the lifecycle stage between molts). The location and intensity of surveillance is guided by observation of rainfall and irrigation schedules, the sources of water for this species. This style of surveillance is necessary to time treatments of large areas. Surveillance for this species is one of the principal activities of technicians from March through October. *Aedes melanimon* requires alert attention to irrigation schedules in the summer followed by rapid inspection of sites. At summer temperatures, this species can complete development in a week. There is a risk of allowing emergence of this species between inspection visits to remote sites.

Monitoring: *Aedes melanimon* are aggressive day- and night-time biters. As a result, public complaints are an accurate assessment of the success or failure of treatments. Carbon-dioxide baited traps are also an effective means of monitoring the adults of these species.

DISEASE SURVEILLANCE

In addition to the nuisance of disrupting human activities and causing our environment to be uninhabitable, certain insects and animals may transmit a number of diseases. The diseases of most concern in Inyo County are WNV, St. Louis Encephalitis (SLE) and Western Equine Encephalomyelitis (WEE) transmitted by mosquitoes.

The Program has found mosquito and other potential vector sources scattered throughout the Owens Valley Area. All properties within the Program are within mosquito-flying range of one or more mosquito sources, and/or the normal travel range of one or more other vectors. Furthermore, the Program has long suffered from mosquitoes and other vectors and includes a large number of sources.

Mosquito populations are surveyed using a variety of field methods and traps. Surveillance is conducted in a manner based upon an equal spread of resources throughout the Program boundaries, focusing on areas of likely sources. Treatment strategies are based upon the results of the surveillance program, and are specifically designed for individual area. Small

volume mosquito “dippers” and direct observation are used to evaluate larval populations, and service requests from the public, field landing counts, and carbon dioxide baited traps are used to evaluate adult populations. The surveillance traps are located and spread throughout the Program in a balanced approach such that the traps measure mosquito levels throughout the Program.

Mosquito-borne diseases are surveyed using adult mosquitoes and potentially wild birds. The OVMAP is in compliance with the Animal Welfare Act (Reg. No.: 93-R-0457) as administered by the United States Department of Agriculture (USDA) for the well-being and safety of laboratory animals.

Adult mosquitoes are collected and tested for SLE, WNV and WEE virus infection. Collection is made with traps baited with carbon dioxide from compressed cylinders.

Surveillance will also be conducted to determine vector habitat (e.g., standing water) and the effectiveness of control operations. Inspections will be conducted using techniques with insignificant impacts on the environment. Staff routinely uses pre-existing accesses such as roadways, open areas, walkways, and trails. Vegetation management (i.e., pruning trees, clearing brush, and herbicide application) is conducted where overgrowth impedes safe access. All of these actions only result in a temporary/localized physical change to the environment with regeneration/regrowth occurring within a span of six to nine months.

In order to access various sites throughout the OVMAP for surveillance and for control, OVMAP staff utilizes specialized equipment such as light trucks and all-terrain vehicles. OVMAP policies on use of this equipment are designed to avoid environmental impact.

The OVMAP currently collects and tests dead birds for the presence of WNV, SLE and WEE virus infection.

EDUCATION

The primary goal of the OVMAP's activities is to prevent mosquitoes from reaching public nuisance or disease thresholds by managing their habitat while protecting habitat values for their predators and other beneficial organisms. Mosquito prevention is accomplished through public education, including site-specific recommendations on water and land use, and by physical control (discussed in a later section).

The OVMAP's education program teaches the people within the Program how to recognize, prevent, and suppress vector breeding and harborage on their property. This part of the OVMAP's Services is accomplished through the distribution of brochures, fact sheets, and newsletters, participation in local fairs and events, presentations to community organizations, contact with Technicians in response to service requests, and public service announcements and news releases.

CONTROL OF MOSQUITOES

When a mosquito source produces mosquitoes above OVMAP treatment thresholds, the Mosquito Control Technician will generally work with the landowner or responsible agency to reduce the habitat value of the site for mosquitoes ("physical control"). If this is ineffective, the Technician will determine the best method of further treatment including biological control and/or chemical control. The Program's objective is to provide the properties a "Zone of Benefit" level of consistent mosquito and vector control such that all properties would benefit from equivalent reduced levels of mosquitoes and other vectors. Surveillance and monitoring are provided on a Program-wide basis. The Program, though, cannot predict where control measures will be applied because the type and location of control depends on the surveillance and monitoring results. However, the control thresholds and objectives are comparable throughout the Zone of Benefit.

▪ Physical Control

The OVMAP directs the property owner to manage mosquito habitat areas ("breeding sources") within the Assessment District to reduce mosquito production. This may include removal of containers and debris, plant mosquito fish in standing water from unmaintained swimming pools and spas, direct property owners for the removal of vegetation or sediment, interrupting water flow, rotating stored water, pumping and/or filling sources, improving drainage and water circulation systems, breaching or repairing levees, and installing, improving, or removing culverts, and other water control structures in wetlands.

▪ Biological Control

The mosquitofish, *Gambusia affinis*, is the OVMAP's primary biocontrol agent used against mosquitoes. Mosquitofish are not native to California, but have been widely established in the state since the early 1920's, and now inhabit most natural and constructed water bodies. The OVMAP rears mosquitofish in large tanks and periodically uses nets to collect mosquitofish from natural water bodies located in the County. OVMAP technicians place mosquitofish only in man-made settings within the Assessment District where either previous surveillance has demonstrated a consistently high production of mosquitoes, or where current surveillance indicates that mosquito populations will likely exceed chemical control thresholds without prompt action. Mosquitofish are also made available to the people to control mosquito production only in artificial containers such as ornamental fishponds, water plant barrels, horse troughs, and abandoned swimming pools within the Assessment District.

- **Material Control**

Since many mosquito-breeding sources cannot be adequately controlled with physical control measures or mosquitofish, the OVMAP also uses natural biological materials and/or insecticides found to be harmless to the environment and approved by the Department of Agriculture and other environmental agencies to control mosquito production where observed mosquito production exceeds OVMAP thresholds. When field inspections indicate the presence of mosquito populations which meet OVMAP criteria for material control (including presence of disease, abundance, density, species composition, proximity to human settlements, water temperature, presence of predators, and others), OVMAP staff applies these materials to the site in strict accordance with the label instructions.

- **West Nile Virus Strategic Response Plan**

Inyo County's West Nile Virus Strategic Response Plan is comprised of the following five elements: Public Education, Surveillance, Mosquito Control, Response, and Remediation.

Education

The goal of this step is to educate and inform Inyo County residents about WNV specifically, and mosquito control generally. The methods used to achieve this goal include outreach materials in both English in Spanish, available through the web and other media; the implementation of an education campaign aimed at prevention and education rather than reaction and alarm; proactive press releases and media contact; and the establishment of the County of Inyo as the local resource regarding West Nile Virus.

Surveillance

In order to efficiently and accurately identify and monitor the onset, spread and risk of mosquito-borne diseases (including WNV) in the County of Inyo, technicians regularly trap and test mosquitoes in over 12 locations each week., as well as monitor over 200 known mosquito-breeding locations throughout the County. This monitoring may involve site visits or be in response to citizen inquiries or complaints. Breeding activity is verified by visual observation, trapping and/or larval collection from water sources using dipping equipment.

Mosquito Control

To effectively break the chain of events that lead to the spread of WNV, the most effective measures have been directed at the reduction of mosquitoes. As outlined in a previous section, the County employs an Integrated Pest Management (IPM) approach that uses physical, biological and chemical control measures.

Response

The WNV Strategic Response Plan is based on conditions established by the California Department of Health Services (CDHS) California Mosquito-borne Virus Response Plan and the Centers for Disease Control (CDC) that exist at three response levels identified as normal season, emergency planning, and epidemics of WNV.

Remediation

In order to achieve the county's goal of reducing or eliminating mosquito breeding locations countywide by attaining compliance with existing regulatory requirements, OVMAP will seek voluntary compliance in all cases. In the event that voluntary compliance cannot be attained, the OVMAP will work with property owners, public agencies and municipalities to ensure appropriate remediation to protect public health.

OVMAP ANNUAL SUMMARY 2014

The Owens Valley was in its third year of drought during 2014. All cattle pastures still received water the full season, but the water level of the Owens River remained relatively low and did not flood the oxbows. Because of the dry oxbows, the need to control adult mosquitoes was light.

The OVMAP has a contract with Mammoth Lakes Mosquito Control District (MLMAD), to perform all duties of the district. The OVMAP did have a contract with the LADWP to monitor and control biting insects on the Owens Lake. The agreement expired in October.

- 428 mosquito larvicide and 33 adult mosquito control applications were performed this year. Both MLMAD and OVMAP National Pollution Discharge Elimination System (NPDES) permits were fulfilled with our program's participation with the Mosquito and Vector Control Association of California NPDES coalition. Careful tracking and testing of all our mosquito control products was conducted.
- Adult mosquito surveillance was conducted during the season with a total of 201 trap nights distributed and collected throughout the district. Ten mosquito pools were submitted for disease testing. All returned negative.
- Two previously undocumented species of mosquitoes were documented here in Owens Valley in 2014. *Ochlerotatus sticticus* was discovered near the Bishop sewer in April and *Culex quinquefasciatus/ pipiens* complex was documented in July near Bishop Golf Course.
- Mosquito control technicians are required to complete continuing education units annually to maintain certification by the State of California, Department of Health Services. Three staff are fully certified for vector control and two staff certified for mosquito control. All certified staff completed several continuing education classes during this past year. Several of these classes were conducted "on-line" and reduced education expenses.
- All OVMAP vehicles had preventative maintenance performed. This includes our fleet of nine pick-up trucks and nine All-Terrain Vehicles (ATV). Five adulticide machines and nine ATV mounted granular spreaders were calibrated not only for flow rates, but also for correct droplet size of about 30 microns. Proper calibration of equipment accommodates more effective pesticide applications. The OVMAP purchased one new ATV and retired two ATV's this year.
- Public outreach events were held, most notably, the OVMAP maintained a booth at the Tri-County Fair Labor Day weekend. This annual event gives our staff the opportunity to directly contact our rate payers. Feedback happens and most of it is

good. The OVMAP has also been very active with our Facebook page. This venue is very close to real time conversation. News is posted several times each week.

- The Lower Owens River Project continues to be serviced by the OVMAP under an agreement with the City of Los Angeles, Department of Water and Power and the County of Inyo, Dept. of Water.

ESTIMATE OF COST

FIGURE 1
OWENS VALLEY MOSQUITO ABATEMENT PROGRAM
Mosquito Control and Disease Prevention Assessment
Estimate of Cost
Fiscal Year 2015-16

OWENS VALLEY MOSQUITO ABATEMENT PROGRAM Mosquito Control and Disease Prevention Assessment Estimate of Cost Fiscal Year 2015-16			
			Total Budget
Mosquito Control Services and Related Expenditures:			
Mosquito Control Operations		\$	392,700
Materials, Supplies, Equipment and Administration			111,409
Emergency Services/Contingency Funds			20,000
Facilities, Capital Equipment and Fixed Assets			-
Total Services and Operation			524,109
Less:			
Contribution from Other Sources			(335,126)
Net Cost of Mosquito Control, Fixed Asset Equipment, Operation			188,983
Incidental Costs:			
County Collection, Levy Administration, and Other Incidentals			11,000
Contribution to Reserves and Emergency/Contingency Funds			-
Total Mosquito Control Services and Incidentals		\$	199,983
(Net Amount to be Assessed)			
Budget Allocation to Property:			
Zone of Benefit	Total SFE Units	Assessment per SFE	Total Assessment
Zone A	8,430	\$23.28	\$ 196,248
Zone B	642	\$ 5.82	\$ 3,735
			\$ 199,983

Notes:

1. As determined in the following section, at least 5% of the cost of the Services must be funded from sources other than the assessments to cover any general benefits from the Services. Therefore, out of the total cost of Services of \$524,109 the District must contribute at least \$ 26,206 from sources other than the assessments. The District will contribute over \$167,563, which is well over the estimated general benefits.
2. Incidental Costs includes allowance for uncollectible assessments from assessments on public agency parcels, County collection charges, and assessment administration costs.
3. SFE Units means Single Family Equivalent benefit units. See method of assessment in the following Section for further definition.
4. The assessment rate per SFE is the total amount of assessment per Single Family Equivalent benefit unit.
5. The proceeds from the assessments will be deposited into a special fund for the Assessment. Funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the fiscal year, June 30, must be carried over to the next fiscal year. The assessment amounts are rounded down to the even penny for purposes of complying with the collection requirements from the County Auditor. Therefore, the total assessment amount for all parcels subject to the assessments may vary slightly from the net amount to be assessed.

METHOD OF ASSESSMENT

This section of the Report describes the benefits to be derived from the Services provided by the OVMAP for property in the Assessment District, and the methodology used to apportion the total assessment to properties within the Mosquito Abatement Program Assessment District.

The Mosquito Abatement Assessment area consists of all Assessor Parcels as defined by the approved boundaries of the Assessment District.

The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Assessment District over and above general benefits conferred on real property in the Assessment District. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of total benefit to the properties derived from the Services
2. Calculation of the proportion of these benefits that are special vs. general
3. Determination of the relative special benefit within different areas within the Assessment District
4. Determination of the relative special benefit per property type and property characteristic
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type and property characteristics

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This special benefit is received by property over and above any general benefits from the additional Services. With reference to the engineering requirements for property related assessments, under Proposition 218 an engineer must determine and prepare a report evaluating the amount of special and general benefit received by property within the County as a result of the improvements or services provided by a local agency. That special benefit is to be determined in relation to the total cost to that local entity of providing the service and/or improvements.

Proposition 218 as described in Article XIID of the California Constitution has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The below benefit factors, when applied to property in the Assessment District, confer special benefits to property and ultimately improve the safety, utility, functionality and

usability of property in the Assessment District. These are special benefits to property in the Assessment District in much the same way that storm drainage, sewer service, water service, lighting, sidewalks and paved streets enhance the safety, utility and functionality of each parcel of property served by these improvements, providing them with more utility of use and making them safer and more usable for occupants.

It should also be noted that Proposition 218 included a requirement that existing assessments in effect upon its effective date were required to be confirmed by either a majority vote of registered voters in the Assessment District, or by weighted majority property owner approval using the new ballot proceeding requirements. However, certain assessments were excluded from these voter approval requirements. Of note is that in California Constitution Article XIII D Section 5(a) this special exemption was granted to assessments for sidewalks, streets, sewers, water, flood control, drainage systems and vector control. The Howard Jarvis Taxpayers Association explained this exemption in their Statement of Drafter's Intent:

"This is the "traditional purposes" exception. These existing assessments do not need property owner approval to continue. However, future assessments for these traditional purposes are covered."³

Therefore, the drafters of Proposition 218 acknowledged that vector control assessments were a "traditional" and therefore acknowledged and accepted use.

Since all assessments, existing before or after Proposition 218 must be based on special benefit to property, the drafters of Proposition 218 inherently found that vector control services confer special benefit on property. Moreover, the statement of drafter's intent also acknowledges that any new or increased vector control assessments after the effective date of Proposition 218 would need to comply with the voter approval requirements it established. This is as an acknowledgement that additional assessments for such "traditional" purposes would be established after Proposition 218 was in effect. Therefore, the drafters of Proposition 218 clearly recognized vector assessments as a "traditional" use of assessments, acknowledged that new vector assessments may be formed after Proposition 218 and inherently were satisfied that vector control services confer special benefit to properties.

The Legislature also made a specific determination after Proposition 218 was enacted that vector control services constitute a proper subject for special assessment. Health and Safety Code section 2082, which was signed into law in 2002, provides that a district may levy special assessments consistent with the requirements of Article XIII D of the California Constitution to finance vector control projects and programs. The intent of the Legislature to allow and authorize benefit assessments for vector control services after Proposition 218 is

³ Howard Jarvis Taxpayers Association, "Statement of Drafter's Intent", January 1997.

shown in the Assembly and Senate analysis the Mosquito Abatement and Vector Control District Law where it states that the law:

Allows special benefit assessments to finance vector control projects and programs, consistent with Proposition 218.⁴

Therefore the State Legislature unanimously found that vector control services are a valuable and important public service that can be funded by benefit assessments. To be funded by assessments, vector control services must confer special benefit to property.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided to property in the assessment district. Similar to the assessments in Pomona that were validated by Dahms, the Assessments described in this Engineer's Report fund mosquito, vector and disease control services directly provided to property in the assessment area. Moreover, as noted in this Report, the Services directly reduce mosquito and vector populations on all property in the assessment area. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

MOSQUITO AND VECTOR CONTROL IS A SPECIAL BENEFIT TO PROPERTIES

As described below, this Engineer's Report concludes that mosquito and vector control is a special benefit that provides direct advantages to property in the Assessment District. For example, if approved, the assessment would provide reduced levels of mosquitoes and other vectors on property throughout the Assessment District. Moreover, the assessment will reduce the risk of the presence of diseases on property throughout the Assessment District, which is another direct advantage received by property in the Assessment District. Moreover, the assessment will fund Services that improve the use of property and reduce the nuisance and harm created by vectors on property throughout the Assessment District. These are tangible and direct special benefits that will be received by property throughout the specific area covered by the Assessment.

The following section, Benefit Factors, describes how and why vector control services directly and specially benefit properties in the Assessment District. These benefits are particular and distinct from its effect on property in general or the public at large.

⁴ Senate Bill 1588, Mosquito Abatement and Vector Control District Law, Legislative bill analysis

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the aforementioned mosquito and vector control services and that would be provided to property within the Assessment District. These types of special benefit are as follows:

- **Reduced mosquito and vector populations on property and as a result, enhanced desirability, utility, usability and functionality of property in the Assessment District.**

The assessments will provide enhanced services for the control and abatement of nuisance and disease-carrying mosquitoes. These Services will materially reduce the number of vectors on properties throughout the Assessment District. The lower mosquito and vector populations on property in the Assessment District is a direct advantage to property that will serve to increase the desirability and "usability" of property. Clearly, properties are more desirable and usable in areas with lower mosquito populations and with a reduced risk of vector-borne disease. This is a special benefit to residential, commercial, agricultural, industrial and other types of properties because all such properties will directly benefit from reduced mosquito and vector populations and properties with lower vector populations are more usable, functional and desirable.

Excessive mosquitoes and other vectors in the area can materially diminish the utility and usability of property. For example, prior to the commencement of mosquito control and abatement services, properties in many areas in the State were considered to be nearly uninhabitable during the times of year when the mosquito populations were high.⁵ The prevention or reduction of such diminished utility and usability of property caused by mosquitoes is a clear and direct advantage and special benefit to property in the Assessment District.

The State Legislature made the following finding on this issue:

⁵ Prior to the commencement of modern mosquito control services, areas in the State of California such as the San Mateo Peninsula, Napa County, Lake County and areas in Marin and Sonoma Counties had such high mosquito populations or other vector populations that they were considered to be nearly unlivable during certain times of the year and were largely used for part-time vacation cottages that were occupied primarily during the months when the natural vector populations were lower.

*"Excess numbers of mosquitoes and other vectors spread diseases of humans, livestock, and wildlife, reduce enjoyment of outdoor living spaces, both public and private, reduce property values, hinder outdoor work, reduce livestock productivity; and mosquitoes and other vectors can disperse or be transported long distances from their sources and are, therefore, a health risk and a public nuisance; and professional mosquito and vector control based on scientific research has made great advances in reducing mosquito and vector populations and the diseases they transmit."*⁶

Mosquitoes and other vectors emerge from sources throughout the Assessment District, and with an average flight range of two miles, mosquitoes from known sources can reach all properties in the Assessment District. These sources include standing water in rural areas, such as marshes, pools, wetlands, ponds, drainage ditches, drainage systems, tree holes and other removable sources such as old tires and containers. The sources of mosquitoes also include numerous locations throughout the urban areas in the Assessment District. These sources include underground drainage systems, containers, unattended swimming pools, leaks in water pipes, tree holes, flower cups in cemeteries, over-watered landscaping and lawns and many other sources. By controlling mosquitoes at known and new sources, the Services will materially reduce mosquito populations on specially benefiting property in the Assessment District.

A recently increasing source of mosquitoes is unattended swimming pools:

*"Anthropogenic landscape change historically has facilitated outbreaks of pathogens amplified by peridomestic vectors such as Cx. pipiens complex mosquitoes and associated commensals such as house sparrows. The recent widespread downturn in the housing market and increase in adjustable rate mortgages have combined to force a dramatic increase in home foreclosures and abandoned homes and produced urban landscapes dotted with an expanded number of new mosquito habitats. These new larval habitats may have contributed to the unexpected early season increase in WNV cases in Bakersfield during 2007 and subsequently have enabled invasion of urban areas by the highly competent rural vector Cx. tarsalis. These factors can increase the spectrum of competent avian hosts, the efficiency of enzootic amplification, and the risk for urban epidemics."*⁷

- **Increased safety of property in the Assessment District.**

The Assessments result in improved year-round proactive Services to control and abate mosquitoes and other vectors that otherwise would occupy properties throughout the

⁶ Assembly Concurrent Resolution 52, chaptered April 1, 2003

⁷ Riesen William K. (2008). Delinquent Mortgages, Neglected Swimming Pools, and West Nile Virus, California. Emerging Infectious Diseases. Vol. 14(11).

Assessment District. Mosquitoes and other vectors are transmitters of diseases, so the reduction of mosquito and vector populations makes property safer for use and enjoyment. In absence of the assessments, these Services would not be provided, so the Services funded by the assessments make properties in the Assessment District safer, which is a distinct special benefit to property in the Assessment District.⁸ This is not a general benefit to property in the Assessment District or the public at large because the Services are tangible mosquito control and disease prevention services that will be provided directly to the properties in the Assessment District and the Services are over and above what otherwise would be provided by the District or any other agency.

This finding was confirmed in 2003 by the State Legislature:

“Mosquitoes and other vectors, including but not limited to ticks, Africanized Honey Bees, rats, fleas, and flies, continue to be a source of human suffering, illness, death and a public nuisance in California and around the world. Adequately funded mosquito and vector control, monitoring and public awareness programs are the best way to prevent outbreaks of West Nile Virus and other diseases borne by mosquitoes and other vectors.”ⁱ

Also, the Legislature, in Health and Safety Code Section 2001, finds that:

“the protection of Californians and their communities against the discomforts and economic effects of vector borne diseases is an essential public service that is vital to public health, safety, and welfare.”

- **Reductions in the risk of new diseases and infections on property in the Assessment District.**

Mosquitoes have proven to be a major contributor to the spread of new diseases such as West Nile Virus, among others. A highly mobile population combined with migratory bird patterns can introduce new mosquito-borne diseases into previously unexposed areas.

⁸ By reducing the risk of disease and increasing the safety of property, the proposed Services will materially increase the usefulness and desirability of certain properties in the Assessment District.

"Vector-borne diseases (including a number that are mosquito-borne) are a major public health problem internationally. In the United States, dengue and malaria are frequently brought back from tropical and subtropical countries by travelers or migrant laborers, and autochthonous transmission of malaria and dengue occasionally occurs. In 1998, 90 confirmed cases of dengue and 1,611 cases of malaria were reported in the USA and dengue transmission has occurred in Texas."⁹

"During 2004, 40 states and the District of Columbia (DC) have reported 2,313 cases of human WNV illness to CDC through ArboNET. Of these, 737 (32%) cases were reported in California, 390 (17%) in Arizona, and 276 (12%) in Colorado. A total of 1,339 (59%) of the 2,282 cases for which such data were available occurred in males; the median age of patients was 52 years (range: 1 month--99 years). Date of illness onset ranged from April 23 to November 4; a total of 79 cases were fatal."¹⁰ (According to the Centers for Disease Control and Prevention on January 19, 2004, a total of 2,470 human cases and 88 human fatalities from WNV have been confirmed).

A study of the effect of aerial spraying conducted by the Sacramento-Yolo Mosquito and Vector Control District (SYMVCD) to control a West Nile Virus disease outbreak found that the SYMVCD's mosquito control efforts materially decreased the risk of new diseases in the treated areas:

After spraying, infection rates decreased from 8.2 (95% CI 3.1--18.0) to 4.3 (95% CI 0.3--20.3) per 1,000 females in the spray area and increased from 2.0 (95% CI 0.1--9.7) to 8.7 (95% CI 3.3--18.9) per 1,000 females in the untreated area. Furthermore, no additional positive pools were detected in the northern treatment area during the remainder of the year, whereas positive pools were detected in the untreated area until the end of September (D.-E.A Elnaiem, unpub. data). These independent lines of evidence corroborate our conclusion that actions taken by SYMVCD were effective in disrupting the WNV transmission cycle and reducing human illness and potential deaths associated with WNV.¹¹

The Services funded by the assessments will help prevent on a year-round basis the presence of vector-borne diseases on property in the Assessment District. This is another tangible and direct special benefit to property in the Assessment District that would not be received in absence of the assessments.

⁹ Rose, Robert. (2001). Pesticides and Public Health: Integrated Methods of Mosquito Management. Emerging Infectious Diseases. Vol. 7(1); 17-23.

¹⁰ Center for Disease Control. (2004). West Nile Virus Activity --- United States, November 9--16, 2004. Morbidity and Mortality Weekly Report. 53(45); 1071-1072.

¹¹ Carney, Ryan. (2008), Efficiency of Aerial Spraying of Mosquito Adulticide in Reducing the Incidence of West Nile Virus, California, 2005. Emerging Infectious Diseases, Vol 14(5)

- **Protection of economic activity on property in the Assessment District.**

As recently demonstrated by the SARS outbreak in China and outbreaks of Avian Flu, outbreaks of pathogens can materially and negatively impact economic activity in the affected area. Such outbreaks and other public health threats can have a drastic negative effect on tourism, business and residential activities in the affected area. The assessments will help to prevent the likelihood of such outbreaks in the District.

Mosquitoes hinder, annoy and harm residents, guests, visitors, farm workers, and employees. A vector-borne disease outbreak and other related public health threats would have a drastic negative effect on agricultural, business and residential activities in the Assessment District.

The economic impact of diseases is well documented. According to a study prepared for the Centers for Disease Control and Prevention, economic losses due to the transmission of West Nile Virus in Louisiana was estimated to cost over \$20 million over approximately one year:

*The estimated cost of the Louisiana epidemic was \$20.1 million from June 2002 to February 2003, including a \$10.9 million cost of illness (\$4.4 million medical and \$6.5 million nonmedical costs) and a \$9.2 million cost of public health response. These data indicate a substantial short-term cost of the WNV disease epidemic in Louisiana.*¹²

Moreover, a study conducted in 1996-97 of La Crosse Encephalitis (LACE), a human illness caused by a mosquito-transmitted virus, found a lifetime cost per human case at \$48,000 to \$3,000,000 and found that the disease significantly impacted lifespans of those who were infected. Following is a quote from the study which references the importance and value of active vector control services of the type that would be funded by the assessments:

*The socioeconomic burden resulting from LACE is substantial, which highlights the importance of the illness in western North Carolina, as well as the need for active surveillance, reporting, and prevention programs for the infection.*¹³

¹² Zohrabian A, Meltzer MI, Ratard R, Billah K, Molinari NA, Roy K, et al. West Nile Virus economic impact, Louisiana, 2002. Emerging Infectious Disease, 2004 Oct. Available from <http://www.cdc.gov/ncidod/EID/vol10no10/03-0925.htm>

¹³ Utz, J. Todd, Apperson, Charles S., Maccormack, J. Newton, Salyers, Martha, Dietz, E. Jacquelin, Mcpherson, J. Todd, Economic And Social Impacts Of La Crosse Encephalitis In Western North Carolina, Am J Trop Med Hyg 2003 69: 509-518

The Services to be funded by the assessments will help prevent the likelihood of such outbreaks on property in the Assessment District and will reduce the harm to economic activity on property caused by existing mosquito populations. This is another direct advantage received by property in the Assessment District that would not be received in absence of the assessments.

- **Protection of Assessment District's agriculture, tourism, and business industries.**

The agriculture, tourism and business industries will benefit from reduced levels of harmful or nuisance mosquitoes and other vectors. Conversely, any outbreaks of emerging vector-borne pathogens such as West Nile Virus could also materially negatively affect these industries. Diseases transmitted by mosquitoes and other vectors can adversely impact business and recreational functions.

A study prepared for the United States Department of Agriculture in 2003 found that over 1,400 horses died from West Nile Virus in Colorado and Nebraska and that these fatal disease cases created over \$1.2 million in costs and lost revenues. In addition, horse owners in these two states spent over \$2.75 million to vaccinate their horses for this disease. The study states that "Clearly, WNV has had a marked impact on the Colorado and Nebraska equine industry."¹⁴

Pesticides for mosquito control impart economic benefits to agriculture in general. Anecdotal reports from farmers and ranchers indicate that cattle, if left unprotected, can be exsanguinated by mosquitoes, especially in Florida and other southeast coastal areas. Dairy cattle produce less milk when bitten frequently by mosquitoes¹⁵

The assessments will serve to protect the businesses and industries and the employees and residents that benefit from these businesses and industries. This is a direct advantage and special benefit to property in the Assessment District.

- **Reduced risk of nuisance and liability on property in the Assessment District**

¹⁴ S. Geiser, A. Seitzinger, P. Salazar, J. Traub-Dargatz, P. Morley, M. Salman, D. Wilmot, D. Steffen, W. Cunningham, Economic Impact of West Nile Virus on the Colorado and Nebraska Equine Industries: 2002, April 2003, Available from http://www.aphis.usda.gov/vs/ceah/cnabs/nahms/equine/wnv2002_CO_NB.pdf

¹⁵ Jennings, Allen. (2001). USDA Letter to EPA on Fenthion IRED. United States Department of Agriculture, Office of Pest Management Policy. March 8, 2001.

In addition to health related factors, uncontrolled mosquito and vector populations create a nuisance for the occupants of property in the Assessment District. Properties in the Assessment District, therefore, will benefit from the reduced nuisance factor that will be created by the Services. Agricultural and rangeland properties also benefit from the reduced nuisance factor and harm to livestock and employees from lower mosquito and vector populations.

Agricultural, range, golf course, cemetery, open space and other such lands in the Assessment District contain large areas of mosquito and vector habitat and are therefore a significant source of mosquito and vector populations. In addition, residential and business properties in the Assessment District can also contain significant sources.¹⁶ It is conceivable that sources of mosquitoes could be held liable for the transmission of diseases or other harm. For example, in August 2004, the City of Los Angeles approved new fines of up to \$1,000 per day for property owners who don't remove standing water sources of mosquitoes on their property.

The Services will serve to protect the businesses and industries in the Assessment District. This is a direct advantage and a special benefit to property in the Assessment District.

- **Improved marketability of property.**

As described previously, the Services will specially benefit properties in the Assessment District by making them more useable, livable and functional. The Services also make properties in the Assessment District more desirable, and more desirable properties also benefit from improved marketability. This is another tangible and direct special benefit to property which will not be enjoyed in absence of the Services.¹⁷

BENEFIT FINDING

In summary, the special benefits described in this Report and the expansion of Services in the Assessment District directly benefit and protect the real properties in the Assessment District in excess of the assessments for these properties. Therefore, the assessment engineer finds that the cumulative special benefits to property from the Services are reasonably equal to or greater than the proposed annual assessment amount per benefit unit.

GENERAL VS. SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits

¹⁶ Sources of mosquitoes on residential, business, agricultural, range and other types of properties include removable sources such as containers that hold standing water.

¹⁷ If one were to compare two hypothetical properties with similar characteristics, the property with lower mosquito infestation and reduced risk of vector-borne disease will clearly be more desirable, marketable and usable.

conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund the special benefits to property in the Assessment District but cannot fund any general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

$$\text{Total Benefit} = \text{Total General Benefit} + \text{Total Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit from vector control services. General benefits are benefits from improvements or services that are not special in nature, are not "particular and distinct" and are not "over and above" benefits received by other properties. General benefits are conferred to properties located "in the district,"¹⁸ but outside the narrowly-drawn Assessment District and to "the public at large." SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements and services funded by the assessments.

A formula to estimate the general benefit is listed below:

General Benefit =

¹⁸ SVTA vs. SCCOSA explains as follows:

OSA observes that Proposition 218's definition of "special benefit" presents a paradox when considered with its definition of "district." Section 2, subdivision (i) defines a "special benefit" as "a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large." (Art. XIII D, § 2, subd. (i), *Italics added.*) Section 2, subdivision (d) defines "district" as "an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service." (Art. XIII D, § 2, subd. (d), *italics added.*) In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not "particular and distinct" and are not "over and above" the benefits received by other properties "located in the district."

We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefiting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special.

Benefit to Real Property Outside the Assessment District
 + Benefit to Real Property Inside the Assessment District that is Indirect and Derivative
 + Benefit to the Public at Large

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, the overwhelming proportion of the benefits conferred to property is special, since the advantages from the mosquito, vector and disease control/protection funded by the Assessments are directly received by the properties in the Assessment District and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) There currently is minimal mosquito and vector related services being provided to the Assessment District area that are not funded by benefit assessments. These minimal services form the baseline level of services in the Assessment District. Arguably, all of the Services to be funded by the assessment therefore would be a special benefit because the additional Services would particularly and distinctly benefit and protect the Assessment District over and above the previous baseline benefits and service.

Nevertheless, arguably some of the Services would benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

CALCULATING GENERAL BENEFIT

Without this assessment the Program would lack the funds to provide the additional and improved Services to property in the Assessment District. Consistent with footnote 8 of SVTA v. SCCOSA, and for the reasons described above, the Program has determined that all parcels in the Assessment District receive a shared direct advantage and special benefit from the Services. The Services directly and particularly serve and benefit each parcel, and are not a mere indirect, derivative advantage. As explained above, Proposition 218 relies on the concept of “over and above” in distinguishing special benefits from general benefits. As applied to an assessment this concept means that all vector control services, which provide direct advantage to property in the Assessment District, are over and above the baseline and therefore are special.

Nevertheless, the Services may provide a degree of general benefit, in addition to the predominant special benefit. This section provides a conservative measure of the general benefits from the Assessments.

BENEFIT TO PROPERTY OUTSIDE THE PROGRAM

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services funded by the Assessments will be provided directly to protect property within the Assessment District from mosquitoes and vector-borne diseases. However, properties adjacent to, but just outside of, the boundaries may receive some benefit from the Services in the form of reduced mosquito populations on property outside the Assessment District. Since this benefit, is conferred to properties outside the district boundaries, it contributes to the overall general benefit calculation and will not be funded by the assessment.

A measure of this general benefit is the proportion of Services that would affect properties outside of the Assessment District. Each year, the Program will provide some of its Services in areas near the boundaries of the Assessment District. By abating mosquito populations near the borders of the Assessment District, the Services could provide benefits in the form of reduced mosquito populations and reduced risk of disease transmission to properties outside the Assessment District. If mosquitoes were not controlled inside the Assessment District, more of them would fly from the Assessment District. Therefore control of mosquitoes within the Assessment District provides some benefit to properties outside the Assessment District but within the normal travel range of vectors in the form of reduced mosquito populations and reduced vector-borne disease transmission. Since mosquitoes are the predominant vector that would be controlled and mosquitoes most easily travel from their source location to properties in the area, typical mosquito destination ranges will be used to measure the extent that the Services will create reduced vector populations on property outside the Assessment District. This is a measure of the general benefits to property outside the Assessment District because this is a benefit from the Services that is not specially conferred upon property in the Assessment District.

The mosquito potential outside the Assessment District is based on studies of mosquito dispersion concentrations. Mosquitoes can travel up to two miles, on average, so this destination range is used. Based on studies of mosquito destinations, relative to parcels in the Assessment District average concentration of mosquitoes from the Assessment District on properties within two miles of the Assessment District is calculated to be 6%.¹⁹ This relative vector population reduction factor within the destination range is combined with the number of parcels outside the Assessment District and within the destination range to measure this general benefit and is calculated as follows:

CRITERIA:

Mosquitoes may fly up to 2 miles from their breeding source.

¹⁹ Tietze, Noor S., Stephenson, Mike F., Sidhom, Nader T. and Binding, Paul L., "Mark-Recapture of *Culex Erythrothorax* in Santa Cruz County, California", Journal of the American Mosquito Control Association, 19(2):134-138, 2003.

519 parcels within 2 miles of, but outside of the Program, may receive some mosquito and disease protection benefit
 6% portion of relative benefit that is received
 10,994 Parcels in the District

Calculations

Total Benefit = 519 parcels * 6% = 31 parcels equivalents
 Percentage of overall parcel equivalents = $31 / 10,994 = 0.28 \%$

Therefore, for the overall benefits provided by the Services to the Assessment District, it is determined that 0.28% of the benefits would be received by the parcels within two miles of the Assessment District boundaries. Recognizing that this calculation is an approximation, this benefit will be rounded up to 1.0%.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. As explained above, all benefit within the Assessment District is special because the mosquito and disease control services in the Assessment District would provide direct service and protection that is clearly "over and above" and "particular and distinct" when compared with the level of such protection under current conditions. Further the properties are within the Assessment District boundaries and this Engineer's Report demonstrates the direct benefits received by individual properties from mosquito and disease control services.

In determining the Assessment District area, the Program has been careful to limit it to an area of parcels that will directly receive the Services. All parcels will directly benefit from the surveillance, monitoring and treatment that will be provided on an equivalent basis throughout the Assessment District in order to maintain the same improved level of protection against mosquitoes and other vectors and reduced mosquito and vector populations throughout the area. The surveillance and monitoring sites would be spread on a balanced basis throughout the area. Mosquito and vector control and treatment would be provided as needed throughout the area based on the surveillance and monitoring results. The shared special benefit - reduced mosquito levels and reduced presence of vector-borne diseases - would be received on an equivalent basis by all parcels in the Assessment District. Furthermore, all parcels in the Assessment District would directly benefit from the ability to request service from the Program and to have a Program field technician promptly respond directly to the parcel and address the owner's or resident's service need. The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment district is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. The Program therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to

separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services to be provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there would be some indirect general benefit to the public at large.

The public at large uses the public highways, streets and sidewalks, and when traveling in and through the Assessment District they will benefit from the Services. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, street and sidewalk area within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that approximately 1.3% of the land area in the Assessment District is covered by highways, streets and sidewalks. This 1.3% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment District, we find that approximately 2.3% of the benefits conferred by the Mosquito and Disease Control Assessment may be general in nature and should be funded by sources other than the Assessment.

General Benefit =

$$\begin{aligned}
 & 1.0 \% \text{ (Outside the district)} \\
 + & 0.0 \% \text{ (Inside the district - indirect and derivative)} \\
 + & 1.3 \% \text{ (Public at Large)} \\
 \\
 = & 2.3 \% \text{ (Total General Benefit)}
 \end{aligned}$$

Although this analysis supports the findings that 2.3% of the assessment may provide general benefit only, this number is increased by the Assessment Engineer to 5% to conservatively ensure that no assessment revenue is used to support general benefit. This additional amount allocated to general benefit also covers general benefit to parcels in the Assessment District if it is later determined that there is some general benefit conferred on those parcels.

The Mosquito Abatement Program Assessment total budget for mosquito and vector abatement, disease control, capital improvement and incidental costs is \$651,788. Of this total budget amount, the OVMAP will contribute approximately 17% (\$109,836) of the total budget from sources other than the Mosquito Control and Disease Prevention Assessment. This contribution offsets any general benefits from the Mosquito Control and Disease Prevention Assessment Services.

METHOD OF ASSESSMENT

As previously discussed, the Assessments fund enhanced, comprehensive, year-round mosquito control, and disease surveillance and control Services that will reduce mosquito and vector populations on property and will clearly confer special benefits to properties in the Assessment District. These benefits can also partially be measured by the occupants on property in the Assessment District because such parcel population density is a measure of the relative benefit a parcel receives from the Services. Therefore, the apportionment of benefit is partially based the population density of parcels. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed.

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, a fixed assessment amount per parcel for all

residential improved property was considered but was determined to be inappropriate because agricultural lands, commercial property and other property also receive benefits from the assessments. Likewise, an assessment exclusively for agricultural land was considered but deemed inappropriate because other types of property, such as residential and commercial, also receive the special benefit factors described previously. An assessment primarily for the properties with sources of mosquitoes was considered but deemed inappropriate because these properties often have limited economic value and because mosquitoes typically fly from their source breeding locations to places occupied by people and animals. Furthermore, even urban residential properties can and do generate their own, often significant, populations of mosquito and vector organisms.

A fixed or flat assessment was deemed to be inappropriate because larger residential, commercial and industrial properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. (For two properties used for commercial purposes, there is clearly a higher benefit provided to a property that covers several acres in comparison to a smaller commercial property that is on a 0.25 acre site. The larger property generally has a larger coverage area and higher usage by employees, customers, tourists and guests that would benefit from reduced mosquito and vector populations, as well as the reduced threat from diseases carried by mosquitoes and other vectors. This benefit ultimately flows to the property.) Larger commercial, industrial and apartment parcels, therefore, receive an increased benefit from the assessments.

Therefore, the Engineer determined that the appropriate method of assessment apportionment should be based on the type and use of property, its relative population and usage potential, its location and its destination potential for mosquitoes. This method is further described below.

ZONES OF BENEFIT

The OVMAP's mosquito and disease control programs, projects and services that will be funded by the Mosquito and Disease Control Assessment are concentrated on the areas encompassing the Owens Valley Floor. The remaining areas within the Program boundaries receive relatively less mosquito abatement services, and, therefore relatively lesser benefits from the Mosquito Abatement Program. The areas of lesser benefit are defined to include all parcels within Program boundaries that are within the Inyo National Forest, west of the Owens Valley Floor and those parcels generally along the eastern side of Owens Lake. These areas are hereinafter referred to as Zone of Benefit B or Zone B and are depicted on the Assessment Diagram included with this Report. All other parcels within the Program boundaries are within Zone A, which is generally considered to be the areas of the Owens Valley Floor.

Parcels in Zone B receive relatively less mosquito abatement services on a per parcel and land area basis than parcels in the greater Owens Valley Floor area. Approximately 9% of the total parcels within the Program are in Zone B and this area receives approximately 5% of the services. (5% of services / 9% of parcels = 56% of the relative services per parcel.)

Therefore, on a per parcel basis, parcels in Zone B receive approximately one half the relative services as those in Zone A. Alternatively, Zone B encompasses approximately 50% of the total area within Program boundaries. By this measure, Zone B receives approximately 10% of the relative services per acre in comparison to areas in Zone A. (5% of services / 50% of acreage = 10% of relative services per acre.) Using these measures, the relative level of service, which is a measure of relative benefit, is generally 50% on a parcel basis and 10% on an acreage basis. An average of these measures results in a 25% relative level of benefit in relation to Zone A.ⁱⁱ Therefore, it is deemed that the benefits to property in Zone B are 25% of the benefits to similar property in Zone A.

The SVTA vs. SCCOSA decision indicates:

In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”

We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefitting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district’s property values).

In the assessment, the advantage that each parcel receives from the Services is direct, and the boundaries for each Zone of Benefit are narrowly drawn so each Zone includes parcels that receive the similar levels of benefit from the Services. Therefore, the even spread of assessment for similar properties in each of the narrowly drawn Zones of Benefit within the District is indeed consistent with the OSA decision.

ASSESSMENT APPORTIONMENT

The special benefits derived from the Assessment are conferred on property and are not based on a specific property owner’s occupancy of property or the property owner’s demographic status, such as age or number of dependents. However, it is ultimately people who do or could use the property and who enjoy the special benefits described above. Therefore, the opportunity to use and enjoy the region within the Assessment District without the excessive nuisance, diminished “livability” or the potential health hazards brought by mosquitoes, vectors, and the diseases they carry is a special benefit to properties in the County. This benefit is related to the number of people who potentially live on, work at, visit or otherwise use the property, because people ultimately determine the value of the benefits

by choosing to live, work and/or recreate in the area, and by choosing to purchase property in the area.ⁱⁱⁱ

In order to apportion the cost of the Services to property, each property in the Assessment District is assigned a relative special benefit factor. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a single family home on an average sized residential parcel. The "benchmark" property is the single family detached dwelling which is one Single Family Equivalent or one SFE.

The calculation of the special benefit apportionment and relative benefit to properties in the Assessment District from the Services is summarized in the following equation:

$$\text{Special Benefit (per property)} = \frac{\sum (\text{Special Benefits})}{\sum (\text{Property Specific attributes such as use, property type, size, as well as vector-specific attributes such as destination potential and population potential})}$$

RESIDENTIAL PROPERTIES

Certain residential properties in the Assessment District that contain a single residential dwelling unit and are on a lot of less than or equal to one acre are assigned one Single Family Equivalent or 1.0 SFE. Traditional houses, zero-lot line houses, and townhomes are included in this category of single family residential property.

Single family residential properties in excess of one acre receive additional benefit relative to a single family home up to one acre, because the larger parcels provide more area for mosquito sources and OVMAP vector services. Therefore, such larger parcels receive additional benefits relative to a single family home on less than one acre and are assigned 1.0 SFE for the residential unit and an additional rate equal to the agricultural rate described below of 0.002 SFE per one-quarter acre of land area in excess of one acre. Mobile home parcels on a separate parcel and in excess of one acre also receive this additional acreage rate.

Other types of properties with residential units, such as agricultural properties, are assigned the residential SFE rates for the dwelling units on the property and are assigned additional SFE benefit units for the agricultural-use land area on the property.

Properties with more than one residential unit are designated as multi-family residential properties. These properties, along with condominiums, benefit from the services and improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in each property, and the average size of each property in relation to a single family home in Inyo County. This Report analyzed Inyo County population density factors from the 2000 US Census as well as average dwelling unit size for each property type. After determining the Population Density Factor and Square Footage Factor for each property type, an SFE rate is generated for each residential property structure, as indicated in Figure 3 below.

The SFE factor of 0.48 per dwelling unit for multifamily residential properties applies to such properties with two to four units (duplex, triplex, fourplex). The SFE factor for multifamily properties with five to twenty units is 0.36 per unit. Properties in excess of 20 units typically offer on-site management, monitoring and other control services that tend to offset some of the benefits provided by the Program. Therefore the benefit for properties in excess of 5 units is determined to be 0.36 SFE per unit for the first 20 units and 0.10 SFE per each additional unit in excess of 20 dwelling units.

FIGURE 2
INYO COUNTY RESIDENTIAL ASSESSMENT FACTORS

	Total Population	Occupied Households	Persons per Household	Pop. Density Equivalent	SqFt Factor	Proposed Rate
Single Family Residential	11,326	4,670	2.43	1.00	1.00	1.00
Condominium	363	176	2.06	0.85	0.70	0.60
Duplex, Triplex, Fourplex	786	330	2.38	0.98	0.49	0.48
Multi-Family Residential, 5+ Units	752	400	1.88	0.78	0.47	0.36
Mobile Home on Separate Lot	4,516	2,079	2.17	0.90	0.45	0.40

Source: 2000 Census, Inyo County and property dwelling size information from the Inyo County Assessor data and other sources.

COMMERCIAL/INDUSTRIAL PROPERTIES

Commercial and industrial properties receive similar benefits from the Services as single family homes because employees and customers of such properties benefit similarly to residents from reduced mosquito and disease risk. However, commercial and industrial properties are generally open and operated for more limited times, relative to residential properties. Therefore, the relative hours of operation can be used as a relative measure of benefits, since residents and employees also provide a measure of the relative benefit to property. Since commercial and industrial properties are typically open and occupied by employees approximately one-half the time of residential properties, it is reasonable to assume that commercial land uses receive one-half of the special benefit on a land area basis relative to single family residential property.

The average size of a single family home with 1.0 SFE factor in Inyo County is 0.25 acres. Therefore, a commercial property with 0.25 acres receives one-half the relative benefit, or a 0.50 SFE factor.

The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously are also related to the average number of people who work at commercial/industrial properties.

To determine employee density factors, this Report utilizes the findings from the San Diego County Association of Governments Traffic Generators Study (the "SANDAG Study") because these findings were approved by the State Legislature which determined the SANDAG Study to be a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. As presented in Figure 4, the SFE factors for other types of businesses are determined relative to their typical employee density in relation to the average of 24 employees per acre of commercial property.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per quarter acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres. Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate. Figure 4 lists the benefit assessment factors for business properties.

AGRICULTURAL, RANGELAND, GOLF AND CEMETERY PROPERTIES

Utilizing research and agricultural employment reports from UC Davis and the California Employment Development Department and other sources, this Report calculated an average usage density of 0.05 people per acre for agriculture property, 3.0 for golf courses, 0.01 for rangelands and timber and 1.2 for cemeteries. Since these properties typically are a source of mosquitoes and/or are typically closest to other sources of mosquitoes and other vectors, it is reasonable to determine that the benefit to these properties is twice the usage density ratio of commercial properties. The SFE factors per 0.25 acres of land area are shown in the following Figure 4.

FIGURE 3

Commercial/Industrial Benefit Assessment Factors

Type of Commercial/Industrial Land Use	Average Employees Per Acre ¹	SFE Units per Fraction Acre ²	SFE Units per Acre After 5
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Industrial	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	
Golf Course	3.00	0.13	
Cemetery	1.20	0.05	
Agriculture	0.05	0.002	
Rangelands/Timber	0.010	0.00042	

1. Source: San Diego Association of Governments Traffic Generators Study, University of California, Davis and other sources.

2. The SFE factors for commercial and industrial parcels indicated above are applied to each quarter acre of land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.)

VACANT PROPERTIES

The benefit to vacant properties is determined to be proportional to the corresponding benefits for similar type developed properties. However, vacant properties are assessed at

a lower rate due to the lack of active benefits, as measured by use by residents, employees, customers and guests. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. An analysis of the assessed valuation data from the County of Inyo found that 50% of the assessed value of improved properties is classified as land value. Since vacant properties have very low to zero population/use densities until they are developed, a 50% benefit discount is applied to the valuation factor of 0.50 to account for the current low use density and potential for harm or nuisance to the property owner or his residents, employees, customers and guests. The combination of these measures results in a 0.25 factor. It is reasonable to assume, therefore, that approximately 25% of the benefits are related to the underlying land and 75% are related to the day-to-day use of the property. Using this ratio, the SFE factor for vacant parcels is 0.25 per parcel.

OTHER PROPERTIES

Article XIID stipulates that publicly owned properties must be assessed unless those properties are reasonably determined to receive no special benefit from the assessment.

All properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property. Other public properties such as watershed parcels, parks, open space parcels are determined to, on average, receive similar benefits as a single family home. Therefore such parcels are assessed an SFE benefit factor of 1. Miscellaneous, small and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers or guests and have limited economic value. These miscellaneous parcels receive minimal benefit from the Services and are assessed an SFE benefit factor of 0.

Church parcels, institutional properties, and property used for educational purposes typically generate employees on a less consistent basis than other non-residential parcels. Therefore, these parcels are determined to, on average, receive similar benefits as a single family home. Therefore such parcels are assessed an SFE benefit factor of 1.

APPEALS AND INTERPRETATION

Any property owner, who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Commissioner of the Inyo County Agriculture Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current Fiscal Year or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Commissioner or his or her designee will promptly review the appeal and any information provided by the property owner. If the Commissioner or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of Inyo for collection, the Commissioner or his or her designee is authorized

to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Commissioner or his or her designee shall be referred to the Board of Supervisors of the County of Inyo and the decision of the Board of Supervisors of the County of Inyo shall be final.

ASSESSMENT

WHEREAS, the Board of Supervisors contracted with the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs of Services, a diagram for a benefit assessment Program, an assessment of the estimated costs of Services, and the special and general benefit conferred thereby upon all assessable parcels within Owen Valley Mosquito Abatement Program – Mosquito and Disease Control Assessment;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under Article XIID of the California Constitution, the Government Code and the Health and Safety Code and the order of the Board of Supervisors of Inyo County, hereby make the following determination of an assessment to cover the portion of the estimated cost of the Services, and the costs and expenses incidental thereto to be paid by the Mosquito Control and Disease Prevention Assessment.

The amount to be paid for the services and improvements and the expenses incidental thereto, to be paid by the Owens Valley Mosquito Abatement Program for the fiscal year 2015-16 is generally as follows:

Figure 4

**SUMMARY COST ESTIMATE
FISCAL YEAR 2015-16 BUDGET**

Mosquito Control Services	\$	392,700
Fixed Asset & Capital Equipment		111,409
Incidentals & Reserves		31,000
Total Budget		535,109
Less:		
District Contribution & Current Rev.		(335,126)
Net Amount To Assessments	\$	<u>199,983</u>

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment Program. The distinctive number of each parcel or lot of land in the Assessment Program is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby determine and apportion the net amount of the cost and expenses of the Services, including the costs and expenses incidental thereto, upon the parcels and lots of land within the Mosquito Control and Disease Prevention Assessment, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate hereto attached and by reference made a part hereof.

The assessment determination is made upon the parcels or lots of land within the Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from the Services.

The assessment is subject to an annual adjustment tied to the Consumer Price Index for the Los Angeles Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. The assessment rate per single family equivalent benefit unit for the Mosquito Abatement Program Assessment may increase in future years by an amount equal to the annual change in the CPI, not to exceed 3% per year. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3%.

The change in the CPI from December 2013 to December 2014 was 0.73% and the Unused CPI carried forward from the previous fiscal year is 0.00%. Therefore, the maximum authorized assessment rate for fiscal year 2015-16 can be increased by 0.73% which equates to \$23.28 per single family equivalent benefit unit. The estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2015-16 at the rate of \$23.28 for Zone A and \$5.82 for Zone B, which is the maximum authorized assessment rate.

The assessment may be continued annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are continued at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

If property owners, in an assessment ballot proceeding, approve the initial assessment including the CPI adjustment schedule, the assessment may be levied annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding.

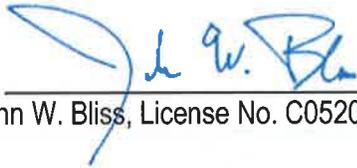
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Inyo for the fiscal year 2015-16. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Assessor of the County of Inyo

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2015-16 for each parcel or lot of land within the Mosquito Control and Disease Prevention Assessment District.

Dated: June 25, 2015

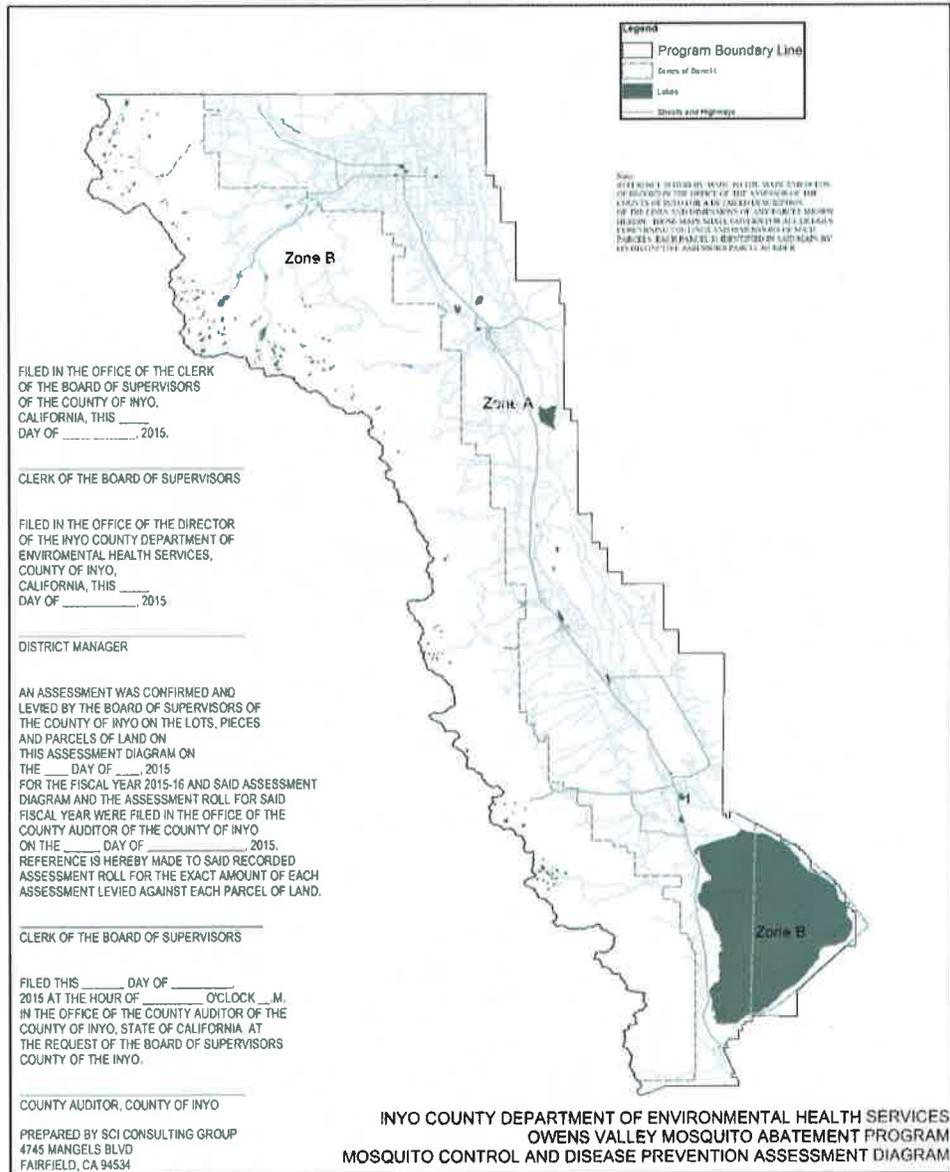
Engineer of Work



By 
John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

The boundaries of the Owens Valley Mosquito Abatement Program area are displayed on the following Assessment Diagram.



APPENDICES

ASSESSMENT ROLL, FY 2015-16

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the Program Manager of the Program, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.

END NOTES

- i . Assembly Concurrent Resolution 52, chaptered April 1, 2003
- ii . In addition to benefits based on the level of service, parcels in Zone B receive benefits from a mosquito reduced environment in the town/shopping areas of the Program, which are mainly located in Zone A.
- iii . It should be noted that the benefits conferred upon property are related to the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner.

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INYO COUNCIL FOR THE ARTS

137 S. Main St. Bishop, CA 93514 Phone: 760-873-8014 Fax: 760-873-5518 E-mail: inyoarts@inyo.org

July 10, 2015

Inyo County Board of Supervisors
P.O. Drawer N
Independence, CA 93526

Dear Supervisors:

The Inyo Council for the Arts (ICA) requests closure of the Millpond Recreation Area to the public from Friday, September 18, 2015, at 6:00 a.m., through Sunday, September 20, 2015 at midnight, so that ICA can hold the 24th annual Millpond Music Festival.

We have booked the line-up for the Festival. Inyo and Mono County students through eighth grade will be admitted free. Free tickets are also offered to underserved constituents including Owens Valley seniors and the Owens Valley Native American tribes.

In addition, many of the Millpond performers will be giving performances at Inyo County schools before and after the festival.

Thank you for your continued support and cooperation.

Sincerely,

Lynn Cooper
Executive Director

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Southern Inyo Fire Protection District



PO Box 51, Tecopa, CA 92389 • Phone & Fax (760) 852-4130



Inyo County Board of Supervisors
PO Box N
Independence CA 93526

July 17, 2015

Please find enclosed Southern Inyo Fire Protection District Resolution # 2015-07-16 for consideration by the Board of Supervisors. Included is Resolution # 2015-06-18 as supporting documentation. A Word version of the Ballot Measure was sent as an attachment to Pat Gunsolley's e-mail.

I am available to answer any questions at (760) 852-4542 or levy2717@access4less.net.

Larry Levy, Fire Chief
Southern Inyo Fire Protection District

Cc Kammi Foote

RESOLUTION NO. 2015-07-16

**A RESOLUTION OF THE BOARD OF THE
SOUTHERN INYO FIRE PROTECTION DISTRICT
ORDERING THAT THE SPECIAL ELECTION CALLED BY THE DISTRICT
TO BE CONDUCTED ON November 3, 2015
BE CONSOLIDATED WITH THE UNIFORM DISTRICT ELECTION LAW
ELECTION HELD ON THAT SAME DATE;
AND REQUESTING A FISCAL IMPACT STATEMENT**

WHEREAS, the Board of the Southern Inyo Fire Protection District of Inyo County (hereinafter referred to as "District") has ordered and called for a special election to be conducted within the boundaries of the District on November 3, 2015 for the purposes of submitting to the qualified voters of the District a measure imposing and levying a Supplemental Special Emergency Response Services Tax upon fee simple interests in real property within the District, all as is set forth in the attached resolution of the District's Board (Attachment 1);

WHEREAS, such special election is required to be consolidated with the Uniform District Election Law election held on November 3, 2015; and

WHEREAS, Health and Safety Code Section 13887 provides that the expense of such election shall be a charge against the District.

NOW, THEREFORE, THE BOARD OF THE SOUTHERN INYO FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

- Section 1. That the special election ordered and called by the Southern Inyo Fire Protection District to be conducted on November 3, 2015 be consolidated with the Uniform District Election Law election on that same date; and that the District shall pay the County's expenses for conducting such consolidated special election.
- Section 2. That the Inyo County Auditor prepare a fiscal impact statement for the District's ballot measure which will be submitted to the voters on November 3, 2015.

PASSED AND ADOPTED this 16th day of July, 2015 by the following vote:

AYES:

3

NOES:

0

ABSENT:

2 Myra (Toni) Kizzia, one vacant seat

ABSTAIN: 0



Chairperson
Southern Inyo Fire Protection District Board

ATTEST:



Secretary
Southern Inyo Fire Protection District

**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTHERN INYO
FIRE PROTECTION DISTRICT CALLING A SPECIAL ELECTION ON
NOVEMBER 3, 2015 FOR THE PURPOSE OF SUBMITTING TO THE
VOTERS OF THE DISTRICT A MEASURE TO AMMEND THE SPECIAL
EMERGENCY RESPONSE SERVICES TAX**

Whereas, the Southern Inyo Fire Protection District (hereinafter referred to as "District") is a duly formed and organized Fire Protection District within the State of California; and is authorized under Health and Safety Code Section 13861 and 13862 to provide emergency medical and fire protection services within its established boundaries;

Whereas, the District did, as authorized by Health and Safety Code Sections 13910 and 13913, propose a special non ad valorem property tax pursuant to Government Code Section 53978 and in accordance with Articles 13A Section 4 and 13C Section 2 of the California Constitution and Sections 53722 and 53724 of the Government Code;

Whereas, the District voters approved the **Special Emergency Response Services Tax** on November 6, 2001;

Whereas, the revenues available to the District are inadequate to meet the costs of providing emergency medical and fire protection services;

Whereas, the **Special Emergency Response Services Tax** approved on November 6, 2001 did not include a provision to adjust the tax each year to offset the increase in the cost of living (inflation);

NOW, THEREFORE, THE GOVERNING BOARD OF THE SOUTHERN INYO FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1) That a special election be held and the same is hereby called to be held within the boundaries of the District on November 3, 2015, for the purpose of submitting to the qualified voters of the District a measure amending the **Special Emergency Response Services Tax**.

Section 2) That language of the measure amending the **Special Emergency Response Services Tax** shall be set forth in Attachment A to this resolution.

Section 3) The special election called by this resolution to be held on November 3, 2015 will be conducted in conformity with the Uniform District Election Law (Elections Code Sections 10500 et seq.) and constitutional and statutory voting requirements.

Section 4) If this measure, amending the **Special Emergency Response Services Tax**, is approved by two-thirds (2/3) of the qualified voters voting upon the measure, such tax increase shall be declared approved.

Section 5) The Fire Chief, acting as Secretary of the Governing Board is hereby directed to forthwith deliver to the County Clerk, a certified copy of this Resolution. Further, the Fire Chief is hereby authorized and directed to cause such publication of this Resolution as may be required by law. Further, The Fire Chief is hereby authorized to take all actions required to insure that the measure set forth in this resolution appears on the November 3, 2015 ballot.

PASSED AND ADOPTED this 18th day of June, 2015 by the following vote:

AYES: Flinchum, Noel, Kizzia, Barkley

NOES:

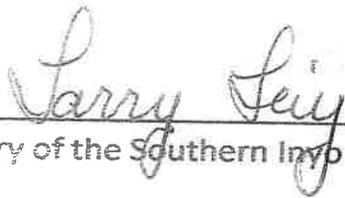
ABSENT: Cox

ABSTAIN:



Chairperson
Southern Inyo Fire Protection District Board

ATTEST:



Secretary of the Southern Inyo Fire Protection District (acting)

SOUTHERN INYO FIRE PROTECTION DISTRICT

MEASURE J AMENDMENT

SOUTHERN INYO FIRE PROTECTION DISTRICT SUPPLEMENTAL SPECIAL EMERGENCY RESPONSE SERVICES TAX

Shall the Southern Inyo Fire Protection District (hereinafter "the District") impose and levy a Supplemental Special Emergency Response Services Tax upon fee simple interests in real property within the District as follows?

1. Purpose of Tax: The Supplemental Special Emergency Response Services Tax will enable the District to continue and improve emergency services. The revenues from the Supplemental Special Emergency Response Services Tax shall be used by the District for the purpose of augmenting the existing Measure J 2001 Special Emergency Response Services Tax for obtaining, furnishing, operating, and maintaining fire suppression and emergency response personnel, and for such other emergency response and prevention expenses of the District. The revenues from this tax shall not be used for any other purpose. Without passage of this measure of the District will be unable to augment the current response times and levels of emergency services which have remained unchanged since on and after January 1, 2002.
2. Taxable Property: The Supplemental Special Emergency Response Services Tax is imposed upon all fee simple interests in real property located within the District's boundaries, except that the tax shall not be imposed upon property belonging to the federal, state or other local government agency.
3. Annual Tax and Operative Date: The Supplemental Special Emergency Response Services Tax is imposed, and levied annually each fiscal year, commencing July, 2016.
4. Basis and Amount of Annual Tax: The Supplemental Special Emergency Response Services Tax is imposed and levied annually upon each parcel of taxable property within the District according to the County Assessor's classification of the use of the parcel, and in the amount set forth in the Schedule below:

**SOUTHERN INYO FIRE PROTECTION DISTRICT
SUPPLEMENTAL SPECIAL EMERGENCY RESPONSE SERVICES TAX RATE
SCHEDULE**

ASSESSOR'S CLASSIFICATION CODE	DESCRIPTION OF USE	ANNUAL TAX RATE PER PARCEL
111	Residential – Single	\$38.64 plus \$1.50 per acre or part thereof
112	Mobile Home - Private	\$38.64 plus \$1.50 per acre or part thereof
119	Travel Trailer	\$24.84 plus \$1.50 per acre or part thereof
132-135	Multiple Residence	\$38.64 per Residence plus \$1.50 per acre or part thereof
160-161	Mobile Home Park	\$20.70 per Mobile Home Space \$13.80 per RV space
170	Accessory Residential	\$24.84 plus \$1.50 per acre or part thereof
190 and 940	Vacant Parcel	\$24.84 plus \$1.50 per acre or part thereof
231	Multiple Commercial and Residential	\$690.00
400	Mineral Production and Processing	\$1.50 per acre or part thereof
610	Resort	\$20.70 per Motel Room \$13.80 per RV Space plus \$1.50 per acre or part thereof
810-850	Utility	<u>\$1,000.00 plus \$20.00 per acre or part thereof</u>

410	Industrial – Light	<u>\$500.00 plus \$1.50 per acre or part thereof</u>
420	Industrial – Heavy	\$1,000.00 plus \$20.00 per acre

5. Cost of Living Increase: The Supplemental Special Emergency Response Services Tax shall be increased by the amount reported periodically during any calendar year by the United States Department of Labor Index for the Los Angeles – Long Beach Area effective the first of January of the following calendar year.
6. Tax Collection: The Supplemental Special Emergency Response Services Tax shall be collected on behalf of the District by the County of Inyo in the same manner and subject to the same penalties interest, fees, and costs as, or with, other charges and taxes fixed and collected by the County. The County may deduct its reasonable costs incurred for such service before remitting the balance of the tax proceeds to the District.
7. Appeal: Each property owner in the District shall, within thirty (30) days after mailing of the tax bill including the Supplemental Special Emergency Response Services Tax for that fiscal year, have the right to file a written appeal with the District protesting the levy and imposition of such tax. The filing of an appeal is not grounds for failing to timely pay the entire amount of taxes specified as due on the tax bill. The District Board, after giving at least 30 calendar days written notice to the appealing property owner by first class mail, shall conduct the appeal hearing in an open and public meeting. If as a result of the appeal, the special tax is either reduced or increased by the District Board, the District shall either refund the excess amount collected, or collect any additional amount due.
8. Effect of Vote: If two-thirds of the registered voters voting on this matter do not approve it, the Special Emergency Response Services Tax (Measure J) of 2001 shall, none the less remain in full force and effect.

YES:

NO: