EASTERN SIERRA COUNCIL OF GOVERNMENTS

AGENDA

Friday – October 20, 2017
Mammoth Lakes Town Council Chambers – 8:30 a.m.
437 Old Mammoth Road, Suite Z
Mammoth Lakes, California

NOTICES TO THE PUBLIC
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 760-873-5863. Notification 48 hours prior to the meeting will enable the City of Bishop or Town of Mammoth Lakes to make reasonable arrangements to ensure accessibility to this meeting. (See 42 USCS 12132, 28CFR 35.130)

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (City of Bishop, City Hall, 377 West Line Street, Bishop, California. 93514). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (City of Bishop, City Hall, 377 West Line Street, Bishop, California. 93514). Copies will also be provided at the appropriate meeting.

Members of the public desiring to speak on a matter appearing on the agenda should ask the Chair for the opportunity to be heard when the item comes up for the Board consideration. NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

Eastern Sierra Council of Governments (ESCOG) Board Members
Mono County Supervisor
Stacy Corless

Inyo County Supervisor
Jeff Griffiths

Mono County Supervisor
Larry Johnston

Inyo County Supervisor
Mark Tillemans

Town of Mammoth Lakes Councilmember
Shields Richardson

City of Bishop Councilmember
Joe Pecsi

Town of Mammoth Lakes Councilmember
John Wentworth – Vice Chair

City of Bishop Councilmember
Karen Schwartz – Chair
1. CALL TO ORDER – 8:30 A.M. Friday, October 20, 2017

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENT - NOTICE TO THE PUBLIC: This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Chair, please state your name and address for the record and please limit your comments to three minutes. Under California law the Eastern Sierra Council of Governments Board is prohibited from generally discussing or taking action on items not included in the agenda; however, the Eastern Sierra Council of Governments Board may briefly respond to comments or questions from members of the public. Therefore, the Eastern Sierra Council of Governments Board will listen to all public comment but will not generally discuss the matter or take action on it.

5. INYO-MONO BROADBAND CONSORTIUM (IMBC) ADVISORY COUNCIL UPDATES – IMBC Advisory Council Chair Ron Day and IMBC Advisory Council Member Christie Osborne.
   A. IMBC Website Development
   B. Regional Branding Program

6. ESCOG Joint Powers Authority – All Jurisdictions.
   A. Discussion of ESCOG Authority
   B. Identification of Future Needs

7. RELIABLE REGIONAL AIR SERVICE – Town of Mammoth Lakes and County of Inyo.
   A. Mammoth/Inyo Air Working Group (MIAWG) Sub-Committee Update
   B. Discuss need for Revision of Air Service Sub-Committee Membership

8. CANNABIS REGULATIONS (Discussion) – Continue discussions on regional cannabis regulations – All Jurisdictions.

9. ECONOMIC DEVELOPMENT (Discussion) – Review of Economic Development spending across the region – County of Mono.

10. HOUSING (Discussion) – Continue discussions on the progress of housing across the region – All Jurisdictions.

11. RECREATION – All Jurisdictions.
    A. U.S. Forest Service Updates
    B. Increased Recreation Focus Updates and Discussion
    C. County of Mono / Town of Mammoth Lakes Potential Joint Positions Update
12. CALL FOR AGENDA ITEMS FOR NEXT MEETING

13. ADJOURNMENT – Friday, December 8, 2017 at 8:30 a.m. Regular Meeting in the Bishop City Council Chambers located at 301 West Line Street, Bishop, California.
To: Eastern Sierra Council of Governments / Inyo-Mono Broadband Consortium Board  
From: Christie Osborne – IMBC Councilmember, Town of Mammoth Lakes  
Subject: Inyo-Mono Broadband Consortium Website Development

Recommendation  
Receive update on website development; provide feedback/direction to staff.

Discussion  
Based on the direction previously provided by the Inyo-Mono Broadband Consortium Board, IMBC Advisory Council has been working toward the designing of the Consortium’s website.

The Advisory Council has engaged Nils Davis Design who is actively working to apply the IMBC Brand Guidelines to the decided upon “Consilium” theme (http://demo.cmssuperheroes.com/drupal/consilium) and begin the process of building out the site.

The intent is to incorporate the Branding efforts and associated language into the site, and have a ‘Minimum Viable Product’ live by late November.

Overall goal of site:
- Everything needs to answer the question of ‘what's in it for [me],[my business],[my industry]…'
- One-stop shop for residents, visitors, businesses

- Site Map / Pages
  - Home
    - Slider includes bold pages below
  - What is Broadband
  - Capacity
  - Regional Branding/Sticker
  - About
  - Contact
  - Meetings
    - Board
    - Schedule
    - Agendas/Granicus

Fiscal Impact  
Approximately $2,000 which is within the $8,300 budgeted amount and approved in the IMBC Y1 Workplan.

Work Plan Alignment
Initiative Focus Area
- 1. Sustainability and Expansion of Broadband Infrastructure
- 2. Policy, Strategy, & Agency Engagement
- 3. Case Studies, Pilot Programs, & Analyses
- 4. Broadband Education & Adoption Campaign

Work Category
- Access
- Adoption
To: Eastern Sierra Council of Governments / Inyo Mono Broadband Consortium Board  
From: Christie Osborne – IMBC Councilmember, Town of Mammoth Lakes  
Subject: Regional Branding Program Update

Recommendation
Receive updated on status of the Regional Branding initiative; provide feedback and direction as appropriate.

Discussion
Since the last ESCOG meeting, substantial work has taken place on the development of print collateral to support the Regional Branding initiative. This item will debut the initial design concepts for those products, and talk about the plans for initiating a pilot program this fall.

Below are the next steps and actions underway with the goal of completion in October:

- **Welcome Kit**
  - One sheet about economic benefits of connected eastern sierra approved broadband  
  - Collateral (table tents / poster)  
    - Infographic(s)
- **Merchandising Components**
  - Table Tent / Posters  
  - Landing page on website
- **Defining Consumer Benefits**
  - Manage your data while traveling  
  - Large file transfer  
  - Live video capabilities  
  - Meeting and video conferencing  
  - Streaming video
- **Troubleshooting (Managing expectations)**
  - Speed still slow? Here's may be why:  
    - Device age
- **Design QA Testing Program**
  - Scripts and spreadsheet for QA testing  
  - Test potential candidates to set up a baseline  
  - Test businesses that have not adopted broadband  
  - Develop reasonable thresholds

Fiscal Impact
Approximately $2,500 which includes design labor and cost for initial print run. This is fully within the $15,000 budgeted for this work item.

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**Work Plan Alignment**

**Initiative Focus Area**
- [x] 1. Sustainability and Expansion of Broadband Infrastructure
- [ ] 2. Policy, Strategy, & Agency Engagement
- [ ] 3. Case Studies, Pilot Programs, & Analyses
- [ ] 4. Broadband Education & Adoption Campaign

**Work Category**
- [x] Access
- [ ] Adoption
GET CONNECTED in the Eastern Sierra
Ask us about our high speed wifi

For more information visit ConnectedEasternSierra.com
AMENDED JOINT POWERS AGREEMENT
EASTERN SIERRA COUNCIL OF GOVERNMENT ENTITIES (COG)

This amended Agreement, made and entered into this 26th day of February, 1999, by, between and among the COUNTY OF INYO, a political subdivision of the State of California (INYO), the COUNTY OF MONO, a political subdivision of the State of California (MONO), the TOWN OF MAMMOTH LAKES, a municipal corporation (TOWN), and the CITY OF BISHOP, a municipal corporation (CITY).

WITNESSETH:

RECITALS

1.01. The parties hereto, the COUNTY OF INYO, the COUNTY OF MONO, the TOWN OF MAMMOTH LAKES, and the CITY OF BISHOP, recognize that each are experiencing continued expansion and growth within their areas of political and/or corporate organization. Governmental problems affecting the unincorporated counties and incorporated cities are expected to increase in the future. By reason of the geography of the area encompassed by the parties and the historical ties existing among them, such problems are often of a common origin and suggest regional solutions.

1.02. The parties hereto acknowledge that there exists certain planning issues which deserve areawide consideration, and which make it necessary and desirable that a joint powers agency be created and maintained.

1.03. The existence of such a Joint Powers Agency is necessary to qualify the parties hereto and special public agencies and districts for certain State and Federal funding assistance.

1.04. Article 1 of Chapter 5 of Division 7 of Title 1, commencing with Section 6500 of the California Government Code authorizes two or more public agencies, by joint powers agreement entered into by them and authorized by their respective legislative or governing bodies, to exercise jointly any power or powers common to the contracting parties. It is the intent and purpose of the parties hereto to enter into a JOINT POWERS AGREEMENT, pursuant to the provisions of Sections 6500, et seq. of the California Government Code, to create and establish a joint agency as hereinafter recited to be known as the Eastern Sierra Council of Governmental Entities.

AGREEMENT

2.01. The COUNTY OF INYO, the COUNTY OF MONO, and the TOWN OF MAMMOTH LAKES created and established the Eastern Sierra Council of Governmental Entities, hereinafter referred to as the Eastern Sierra COG by Joint Powers Agreement dated May 2, 1996. By this Amended Joint Powers Agreement, the CITY OF BISHOP becomes a party to that Joint Powers Agreement and a regular member of the Eastern Sierra Council of Governmental Entities.

2.02. PURPOSES. The Eastern Sierra COG is organized for: (1) provide a forum for discussion and study of regional problems of mutual interest to the member governmental entities; (2) identify, inventory and comprehensively plan for the solution of selected regional problems requiring multi-governmental cooperation; (3) facilitate actions and agreements among the governmental units for specific project development; and (4) conduct other region wide functions as the membership deems appropriate, including review and approval of local planning documents when state law requires regional approval or when the local creating agency requests regional review and comments.
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2.03. POWERS.

1. The Eastern Sierra COG may make, publish, or assist in making or publishing studies or investigations of the resources of the region and of existing or emerging problems of any nature related to the physical growth and development, living conditions, beauty, or prosperity of the region, or any part thereof (85065.1 G.C.).

2. The COG may offer its services to assist in the solution of problems related to physical development involving two or more governing bodies, planning commissions, agencies, organizations or instrumentalities, public or private, and may otherwise participate in any program or activity intended to seek or find common ground or cooperative solutions to problems related to physical and/or economic development and conservation within the region or any part thereof.

3. The COG shall have power to contract or otherwise participate in, and to accept grants, funds or services from the Federal Government, its agencies or instrumentalities in connection with any Federal program judged by the Board to be relevant to its purposes; and the COG shall similarly have the power to contract or otherwise participate in, and accept grants, funds or services from the State, or any agency or instrumentality thereof, of any city, county, civic organization or private person in connection with any program judged by the COG to be relevant to its authorized purposes.

4. The COG shall have the power to contract with any person, firm, association, or corporation or to contract for any other types of services judged by the COG to be necessary or convenient for carrying out the purposes of the COG.

2.04. ORGANIZATION. The internal organization of the COG shall be as follows:

1. Membership. Membership in the COG shall consist of two (2) categories:

(a) Regular Members. Regular members shall consist only of the County of Inyo, the County of Mono, the Town of Mammoth Lakes, and the City of Bishop. The regular members shall be entitled to be represented by two representatives, each of whom shall be an elected member of the legislative body of such regular member.

(b) Associate Members. Any governmental entity which exercises any sphere of governmental authority, control, influence, power, or own property within the exterior boundaries of Inyo County, and/or Mono County, and/or the City of Bishop and/or the Town of Mammoth Lakes shall be eligible for associate membership. Each
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EASTERN SIERRA COUNCIL OF GOVERNMENT ENTITIES (COG)

such associate member may be represented by not more
than one (1) representative.

(c) Incidents of Membership. Only representatives
of regular members shall be eligible for the Board of
Directors of the COG, and eligible to hold office on said
Board of Directors; entitled to vote, one (1) vote to each
such representative; and attend closed sessions of the
Board of Directors.

(d) Duties of Membership. To enable the COG to
develop enlightened approaches to the problems for
which organized, it shall be the duty of each member of
the COG to completely disclose to the Board of Directors
the member's planning, plans, proposals and concepts
for use concerning its activities or spheres of
governmental concern relative to any specific subject
matter request from the COG.

(e) Miscellaneous. In the event any area
represented by a regular member subsequently hereto
becomes politically subdivided, as a consequence of
which an additional entity is created which exercises the
powers of either a county or city, such entity shall be
entitled to regular member status.

2. Board of Directors. The COG shall have a Board of
Directors which shall be made up and composed only of regular
members. The term of office of each director shall not exceed his term of
office on the legislative body he represents. The directors first selected
upon the formation of the COG shall be selected by each regular member
in the following manner: One (1) representative from each regular
member agency shall serve for a term of two (2) years from the date of
formation of the COG, and the remaining representatives shall each
serve for a term of four (4) years. The directors are selected by an
agency which joins the COG as a regular member after the COG's
formation, shall be selected in the following manner: One (1)
representative from such agency shall serve for a term of two (2)
years from the date that the agency joins the COG, and the other agency
representative shall serve for a term of four (4) years. The term of office
for each director other than directors first selected shall be four (4) years.
If a vacancy occurs on the Board, it shall be filled by an appointment to
be made by the legislative body of the affected regular member.

At its first meeting, the Board of Directors shall elect from its
regular members a Chairman, Vice-chairman and Secretary/Treasurer.
Such officers shall serve for one (1) year terms, or until their successors
are elected. The Secretary/Treasurer may, however, be such Executive
Director to the COG as it selects.
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(3) Meetings. The COG shall, by properly adopted By-laws, prescribe regular meetings of the Board of Directors of the COG, which shall be not less than one (1) such meeting each calendar quarter. All meetings of the COG shall comply with the requirements of the California Government Code. A majority of the Board of Directors shall constitute a quorum for the transaction of business. No resolution or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the Board of Directors.

2.06. FINANCIAL PROVISIONS. Each regular member shall contribute to the administrative support of the COG. Administrative support is understood as those costs, expenditures, and obligations which maintain one (1) agency on a daily operating basis. Administrative support shall be provided on an in-kind basis and each agency's contributions to in-kind administrative time and support shall be accounted for. It is intended that each regular member agency will provide 33% 28% of the administrative support of the COG. All financial provisions other than administrative shall be on an individual project basis. The COG shall adopt a fiscal year to commence on July 1 of each year and terminate on June 30 of the following year. The Treasurer of the Town of Mammoth Lakes is designated depository of this Agency (G.C. 65015-5). Nothing contained in this Joint Powers Agreement shall bind any member to a financial commitment on behalf of the COG.

2.08. SURPLUS PROPERTY. The surplus money or property of the COG shall be disposed of by dividing it among the regular members of the COG in the same proportion as such regular members contributed to the most recent fiscal budget of the COG.

2.07. RECORDS REPOSITORY. The Town of Mammoth Lakes shall serve as repository of JPA records. Record retention shall conform to the requirements of law. Any record destruction shall first be specifically approved by the Board of Directors. Said Board of Directors may provide for record retention beyond the requirements of law.

GENERAL PROVISIONS

3.01. AMENDMENTS TO AGREEMENT. This Agreement may be amended at any time by a majority vote of the legislative bodies of each of the regular members. In the event the COG should determine that an amendment to this Agreement would be in the best interests of the COG and each of the regular members thereof, it may propose such amendment for ratification by the legislative bodies of each of the regular members, and upon being approved by majority vote of each of the regular members' legislative bodies, this Agreement shall be deemed and be so amended upon the date the last legislative body votes therefore.

3.02. VOLUNTARY ASSOCIATION. It is understood and agreed that the COG of the parties hereto is voluntary. Any regular member may withdraw by giving written notice thereof to the legislative bodies of the other regular members in the manner hereinafter provided for the communication of notices. A regular member which withdraws shall not be liable to the COG or any of its members for payment of further contributions or financial support to the COG, or the success or failure thereof.

3.03. DISSOLUTION AND TERMINATION. The COG may be dissolved and this Agreement terminated, at any time in the same manner as hereinabove provided for the amendment of this Agreement.
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3.04. EFFECTIVE DATE AND TERM OF AGREEMENT. This Agreement shall be and become effective for all purposes when resolutions of the legislative bodies of each of the parties hereto authorizing such agreement and execution thereof have been passed, approved and adopted. This Agreement shall continue in full force and effect unless and until dissolved or terminated in the manner hereinbefore provided.

3.05. NOTICES. In the event it is or becomes necessary for either party hereto to serve or give notice to any other party hereto, such notice shall be deemed validly served and given if deposited in a United States Post Office with postage thereon fully prepaid, sent registered or certified mail, and if intended for INYO, addressed to the at County Administrator, the Administrative Center, County of Inyo, P.O. Box N, Independence, California 93521; and if intended for MONO, addressed to it at the Court House, Bridgeport, California 93517; and if intended for TOWN, addressed to it at P.O. Box 1609, Mammoth Lakes, California 93546, and if intended for CITY, addressed to it at 337 West Line, Bishop, CA 93514.

3.06. INUREMENT. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their successors.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

COUNTY OF INYO

BY: 
Chairperson, Board of Supervisors

DATED: December 15, 1998

ATTEST: 
Clerk to the Board

COUNTY OF MONO

BY: 
Chairperson, Board of Supervisors

DATE: January 12, 1999

ATTEST: 
Clerk to the Board

TOWN OF MAMMOTH LAKES

BY: 
Mayor, Kirk A. Stapp

DATE: 2-26-99

ATTEST: 
Clerk to the Town of Mammoth Lakes

CITY OF BISHOP

BY: 
Mayor, City of Bishop BOB KIMBALL

DATE: November 24, 1998

ATTEST: 
Clerk to the City of Bishop

E80081.JFA
EASTERN SIERRA COUNCIL OF GOVERNMENTS

Executive Summary: The Eastern Sierra Council of Governments (ESCOG) is recognized by the California Governor's Office of Planning and Research (OPR) as an association of city and county governments created to address regional issues, but not as a formal Regional Planning District. Such recognition is required for ESCOG to fully exercise its powers under the Amended Joint Powers Agreement (JPA).

Background:

State law provides that two or more public agencies may jointly exercise any power common to the contracting parties if authorized by their legislative bodies. Councils of governments (COGs) differ from other joint power agreement agencies in that they are primarily policymaking and not service delivery organizations. COGs lack general governmental authority in that they are not directly elected, do not have taxation powers, and do not have police powers or regulatory authority.

COGs are provided as specific powers as regional planning districts formed pursuant the Regional Planning Law (Government Code § 65060 et seq.). The Joint Powers of Exercise Act (Government Code § 5600 et seq.) provides additional specified powers to specific COGs. Eight California counties (Del Norte, Lassen, Madera, Mariposa, Modoc, Plumas, Shasta, and Trinity) are not members of a COG.

The California Association of Councils of Governments (CALCOG) represents 30 California regional planning agencies. The National Association of Regional Councils (NARC) serves the interests of regional councils nationwide.

Status of ESCOG:

The current amended joint powers agreement forming ESCOG was ratified on February 26, 1999 and specifies the purposes (Section 2.01) and powers (section 2.03) of the Council (see Attachment A). The Governor's Office of Planning and Research (OPR) does recognize ESCOG as an association of city and county governments created to address regional issues and has included it on its roster of Councils of Governments in the current Planner's Book of Lists.

However, ESCOG is not currently formally recognized as a Regional Planning District as defined in the Regional Planning Law. Regional Planning Law recognized the Governor's Council on Intergovernmental Relations as the organization to acknowledge ESCOG as the JPA for regional planning activities in the region. Unfortunately, such a Council no longer exists. Government Code § 65040.4 (b) provides “The regional planning districts established by the Council on Intergovernmental Relations pursuant to former Section 34216 shall remain in effect as the regional planning districts of the office until changed by the office.”

Until recognized, ESCOG is unable to perform the powers of a Regional Planning District as provided by Government Code §65065.1 - 65065.3 (see Attachment B). ESCOG is also precluded from other regional planning tasks performed by many COGs including:

- Serving as the Regional Transportation Planning Agency for development of Regional Transportation Plans and Regional Transportation Improvement programs;
- Serving as a regional census data affiliate to the Bureau of the Census and Department of Finance Demographic Research Center;
- Officially reviewing Environmental Impact Reports for projects having regional significance for consistency with regional plans;
- Preparing regional housing needs allocations under State Housing Element Law (Government Code §65580 et seq.); and
- If the region were to reach 50,000 in population, serving as a Metropolitan Planning Organization (MPO) and perform intergovernmental review or programs proposed for federal financial assistance and direct development activities.

A separate, but related, matter is the consideration amendment of the powers granted ESCOG by the 1999 amended JPA. The current JPA is not consistent with the language of Government Code 65065.1 in that there is no authorization for preparation of a Regional Plan. Such a plan is defined by Government Code § 65060.7 as:

"A comprehensive, long-term general plan for the physical development of the region, and any land outside its boundaries which in the board's judgment bears relation to its planning. The regional plan shall consist of a text and a map or maps, and such recommendations of the regional planning board concerning current or future problems as may in its opinion affect the region as a whole and are proper for inclusion in the regional plan."

Recommendation:

If it chooses, ESCOG should request formal recognition from Mr. Tal Finney, Acting Director of OPR pursuant to Government Code § 65040.4 (b). If ESCOG chooses to become involved in regional housing or transportation issues, it should also notify Ms. Maria Contreras-Sweet, Secretary of the Business Transportation & Housing Agency, which oversees both the Department of Housing and Community Development and Department of Transportation.

CST

attachments
Powers of a Regional Planning District
(Government Code §65065.1-65065.3)

65065.1. The district may perform the following four major functions:
(a) The district may prepare, maintain, and regularly review and revise, a regional plan as defined in Section 65060.7, and may, after at least two public hearings in different parts of the region and such other public meetings as may appear to it advisable, adopt such plan as the regional plan for the region. In preparing, adopting, maintaining, reviewing and revising the regional plan, the board shall take account of and seek to harmonize, within the framework of the needs of the regional community as a whole, the master or general plans of cities and counties within the region, and the plans and planning activities of state, federal and other public and private agencies, organizations and instrumentalities within the region and adjacent to it.
(b) The district, acting in its own judgment, may make, publish, or assist in making or publishing, studies or investigations of the resources of the region and of existing or emerging problems of any nature related to the physical growth and development, living conditions, beauty, or prosperity of the region, or any part thereof.
(c) The district may, acting in its own judgment, offer its facilities and services to assist in the solution of problems related to physical development involving two or more governing bodies, planning commissions, agencies, organizations or instrumentalities, public or private; and may otherwise participate in any program or activity intended to seek or find common or co-operative solutions to problems related to physical development or the integration of policies related to physical development and conservation within the region, or any part thereof.

65065.2. The district shall have power to contract or otherwise participate in, and to accept grants, funds, or services from the federal government, its agencies or instrumentalities in connection with any federal program judged by the board to be relevant to its functions; and the board shall similarly have the power to contract or otherwise participate in, and to accept grants, funds, or services from the State, or any agency or instrumentality thereof, or any city, county, civic organization or private person in connection with any program judged by the board to be relevant to its function.

65065.3. The district shall have power to contract with any person, firm, association, or corporation, or to contract for any other types of services judged by the board to be necessary or convenient for carrying out the purposes of the district.