



EASTERN SIERRA COUNCIL OF GOVERNMENTS (ESCOG)

REGULAR MEETING AGENDA

Friday, August 9, 2019

8:30 a.m.

**Bishop City Council Chambers
301 West Line Street
Bishop, California**

Board Members

Mono County Supervisor
Stacy Corless – Vice Chair

Mono County Supervisor
Bob Gardner

Town of Mammoth Lakes Councilmember
Lynda Salcido

Town of Mammoth Lakes Councilmember
John Wentworth

Inyo County Supervisor
Jeff Griffiths –Chair

Inyo County Supervisor
Dan Totheroh

City of Bishop Councilmember
Jim Ellis

City of Bishop Councilmember
Karen Schwartz

NOTICE 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 760-965-3603. 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)

NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

- 1. Call to Order**
- 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. **Approve the Minutes**

June 14, 2019
6. **Status and action regarding amended Joint Powers Agreement Establishing the Eastern Sierra Council of Governments as a separate Legal Entity from its Member Agencies**
7. **Update on the Eastern Sierra Sustainable Recreation Partnership (ESSRP)**
8. **Update on the Town of Mammoth Lakes Sierra Nevada Conservancy Vibrant Tourism and Recreation Grant**
9. **Update regarding Mammoth Yosemite Airport and Bishop Airport**
10. **Update and discussion on General Aviation and Commercial Air Service plans for Mammoth Yosemite and Bishop Airports**
11. **Board and Council Reports**
12. **Call for Agenda Items for Next Meeting**
13. **Adjournment**

The ESCOG will adjourn to the next meeting on Friday, October 11, 2019 at 8:30 a.m. in Mammoth Lakes.



EASTERN SIERRA COUNCIL OF GOVERNMENTS (ESCOG)

REGULAR MEETING MINUTES

Friday, June 14, 2019

8:30 a.m.

**Mammoth Lakes Council Chamber
437 Old Mammoth Road, Suite Z
Mammoth Lakes, CA**

Board Members

Mono County Supervisor
Stacy Corless – Vice Chair

Mono County Supervisor
Bob Gardner

Town of Mammoth Lakes Councilmember
Lynda Salcido

Town of Mammoth Lakes Councilmember
John Wentworth

Inyo County Supervisor
Jeff Griffiths –Chair

Inyo County Supervisor
Dan Totheroh

City of Bishop Councilmember
Jim Ellis

City of Bishop Councilmember
Karen Schwartz

NOTICE TO THE PUBLIC

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NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

1. Call to Order

Chair Jeff Griffiths called the meeting to order at 8:37 a.m.

2. Pledge of Allegiance

Vice Chair Stacy Corless led the Pledge of Allegiance.

3. Roll Call

Chair Jeff Griffiths, Vice Chair Stacy Corless, Board Members Bob Gardner, John Wentworth, Dan Totheroh, and alternate Board Member Bill Sauser were present. Board Members Lynda Salcido, Jim Ellis and Karen Schwartz were absent.

- 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.

There were no comments given at this time.

5. Approve the Minutes

April 12, 2019

ACTION: It was moved by Vice Chair Stacy Corless, seconded by Board Member Dan Totheroh, and carried by a 6-0 voice vote to approve the minutes of the April 12, 2019 Board Meeting.

6. Status and action regarding recommendation on formation of Eastern Sierra Council of Governments Joint Powers Authority

Town of Mammoth Lakes (TOML) Town Manager Dan Holler outlined information in the Staff Report and the final draft of the Joint Powers Authority (JPA) Agreement. Mr. Holler asked if there would be a common presentation made to each member agency regarding the scope of work that the ESCOG would be leading, and wanted to be sure that each of the agencies were presented the same goals, ideas, etc. Mr. Holler said that the ESCOG Board needed to agree on the JPA Agreement before it goes out to the member agencies, and asked for direction from the Board on how and when they wanted to bring it to the member agencies.

There was discussion between Mr. Holler and members of the Board.

SPEAKING FROM THE FLOOR:

Mono County Counsel Stacey Simon commented on the administrative work that had been done on the JPA Agreement since the last meeting. Ms. Simon clarified the costs and funding related to the JPA as well any potential special projects.

There was discussion among members of the Board.

ACTION: It was moved by Board Member Bob Gardner, seconded by Board Member John Wentworth, and carried by a 6-0 voice vote to accept the JPA formation document.

ACTION: It was moved by Board Member Bob Gardner, seconded by Board Member John Wentworth, and carried by a 6-0 voice vote to accept the draft cost estimate to be presented to each member agency.

SPEAKING FROM THE FLOOR:

Mr. Holler clarified the recommendation to develop a scope of work for the JPA and/or a work program for the first year and the process for the scope of work.

Inyo County Administrative Officer Cliff Quilter said that he believed the Board should think through this step before bringing it to their respective boards, and wanted to make sure it doesn't go back and forth between the agencies and the ESCOG. Mr. Quilter said he would like to see an executive director in place for the JPA prior to developing a scope of work.

There was discussion between Mr. Quilter, Mr. Holler and members of the Board

ACTION: It was moved by Board Member Dan Totheroh, seconded by Board Vice Chair Stacy Corless, and carried by a 6-0 voice vote to authorize the JPA subcommittee to be the presenters to each of the member agencies, and to direct staff to prepare a modified staff report that would serve as a backup, and that the scope of work for the JPA would be developed once the executive director was in place.

7. Discussion and possible action regarding support of a ban on the sale of flavored tobacco products

Mr. Holler followed up on the presentation that was made by Mono County Health at the last meeting. He said that this was a region wide concern and that he had asked TOML staff to work on a ban, and to enhance the TOML Police Department's ability to confiscate paraphernalia from underage individuals. He said that would like a recommendation from the ESCOG to support this ban in their respective agencies.

Vice Chair Stacy Corless stated that Mono County already had a modified ban on flavored tobacco products in place.

Chair Jeff Griffiths gave an update on the City of Bishop and Inyo County's conversations regarding a potential flavored tobacco ban.

There was discussion between Mr. Holler and members of the Board.

SPEAKING FROM THE FLOOR:

Mono County Public Health Tobacco Control Coordinator Dustlyne Beavers presented information regarding a survey that was given to businesses that sold flavored tobacco products regarding how a ban would affect their business. Ms. Beavers said the consensus was that it would have a small affect, unless they were strictly a tobacco shop. She said the current ban in Mono County only pertained to E-cigarettes and E-liquid and that the ban would revert back to a full ban on all flavored tobacco products ban in unincorporated Mono County in October 2019.

There was discussion between Ms. Beavers and member of the Board.

SPEAKING FROM THE FLOOR:

Mr. Quilter stated that he was supportive of JPAs and wanted the Board to look at whether the ESCOG as an independent body would be making policy decisions as opposed to just working together on benefit projects and programs that were mutually beneficial. Mr. Quilter stated that the Board should go back to their individual member agencies and let them know that they were going to take policy positions as well if that is what they decided to do, and see how they reacted. He summarized by saying that as a JPA, he wanted the ESCOG to be careful about taking policy actions.

There was discussion between Mr. Quilter and members of the Board.

CONSENSUS: The Board recommended that a presentation on flavored tobacco products be made to the Mammoth Lakes Town Council, then bring information back to the Board for further discussion.

8. Update on the Eastern Sierra Sustainable Recreation Partnership (ESSRP)

Board Member John Wentworth gave an update on the Eastern Sierra Sustainable Recreation Partnership (ESSRP) and said that all are welcome to participate in the ESSRP meetings.

There was discussion among members of the Board.

9. Update on the Town of Mammoth Lakes Sierra Nevada Conservancy Vibrant Tourism and Recreation Grant

Mr. Holler gave an update on the TOML Sierra Nevada Conservancy Vibrant Tourism and Recreation Grant. He also said that TOML would ask the Town Council for a joint effort with Mammoth Lakes Trails and Public Access Foundation (MLTPA) to help facilitate the grant work rather than having a TOML staff person committed to it.

There was discussion between Mr. Holler and members of the Board.

10. Update regarding Mammoth Yosemite Airport and Bishop Airport

This item was taken out of order.

Town of Mammoth Lakes Town Manager Dan Holler gave an update on the Mammoth Yosemite Airport. Mr. Holler spoke about the Airport Layout Plan (ALP) update.

Inyo County Public Works Associate Engineer Ashley Helms gave an update on current improvement projects at the Bishop Airport. She announced that Bishop Airport had been awarded grants from the Federal Aviation Administration (FAA) and Supplemental Appropriations. She said that the airport needs terminal upgrades and parking improvements with an estimated cost of \$1.5-2 million. Ms. Holmes said that they were looking into financing options for those improvements, and said that it would be a multi-use terminal which would be used for general aviation purposes as well as charter flights. She said that they had been working with Mammoth Mountain Ski Area regarding air service. Ms. Holmes also discussed potential long term improvements that are under consideration and stated that if commercial air service moves to Bishop Airport, they could widen the main runway and shift taxiway and create a long range commercial service terminal.

There was discussion between Mr. Holler, Ms. Holmes and members of the Board.

11. Update and discussion on General Aviation and Commercial Air Service plans for Mammoth Yosemite and Bishop Airports

Mr. Holler gave an update on air service at the Mammoth Airport, including charter flights provided by JetSuite X. He said that the current plan was to continue service as is for the summer, and that no decision had been made yet to implement changes to routes next year.

Board Member John Wentworth reported that the Herman C. Bliss Partnership Award had been presented jointly to the Town of Mammoth Lakes and Inyo County in recognition of the partnership they had developed between their respective airports, to create a regional solution to meet the aviation needs of the Eastern Sierra. Mr. Wentworth voiced concerns about the subsidy for air service and the legality of using that subsidy in Bishop, and how it will affect the Tourism Business Improvement District (TBID).

Mr. Quilter gave an update on the Bishop Airport. Mr. Quilter said Inyo County was prepared to discuss changes to how the air subsidy worked and that all of the regional agencies should benefit.

There was discussion between Mr. Holler, Mr. Quilter and members of the Board.

CONSENSUS: The Board recommended that staff from all four agencies have a joint meeting regarding air subsidies and TBID, then collectively present a report to Mono Inyo Airport Working Group (MIAWG).

12. Update from Members on housing projects, programs and initiatives

This item was taken out of order.

IMACA Housing and Planning Director Larry Emerson gave an overview of IMACA's past, present and future housing programs. Mr. Emerson said they are in escrow on a parcel in Bishop upon which they plan to build 70 new units. He said that the project should be completed in 2022. He also discussed the overall issue of homelessness in the Eastern Sierra and the programs that IMACA had in place to combat that issue. Mr. Emerson discussed funding that IMACA had received from the State.

Chair Jeff Griffiths said that the State was allocating a large amount of resources towards addressing homelessness. He discussed projects that Inyo County was working on, including Veteran's Housing, a home that Mono County owns in June Lake that they may sell to IMACA for the Coalition of Care for transitional housing, and a "safe parking lot" equipped with restroom facilities that homeless individuals could stay in without being asked to leave by the police.

There was discussion between Mr. Emerson and members of the Board.

Vice Chair Stacy Corless read an email from Mammoth Lakes Housing (MLH) Executive Director Patricia Robertson with an update on MLH's program, and noted that the MLH Board adopted their 2019-2023 Strategic Plan which could be accessed on the MLH website.

Board Member John Wentworth handed out information cards related to The Parcel project in Mammoth Lakes and gave an update on the progress and upcoming schedule of events surrounding it. Mr. Wentworth said there were people who come to Mammoth Lakes by choice, equipped and ready to live in their cars, vans, etc. and said they would utilize something like a "safe parking" lot with facilities, as described by Chair Griffiths.

Board Member Stacy Corless said that Mono County anticipated creating a new housing position. She reported that Mono County was in the process of selling a property on Davison Road in Mammoth Lakes as restricted sale toward the development of affordable housing. Ms. Corless said that the Mono County Behavioral Health Department was working on permanent support of a housing project in Mammoth Lakes.

Board Member Bob Gardner said the Planning Commission would be considering approval of a 5 unit, affordable housing development in June Lakes.

Chair Jeff Griffiths reported that the City of Bishop's Planning Commission approved the project by the Home Street Nursery which would provide 13 homes and a building for the nursery, with a unit for the caretaker of the nursery to live in.

There was discussion among members of the Board.

13. Board and Council Reports

Board Member Dan Totheroh reported on the Public Safety Power Shutoff (PSPS) situation. He said that information about potential PSPSs could be found on SCE's website www.SCE.com/psp

Chair Jeff Griffiths spoke about pump storage proposals and reported that the Haiwee proposal had been rejected by Inyo County because the upper reservoirs were in the wilderness. He also discussed lithium mine proposals, geothermal leases that were put out, and said that the County put out a round of cannabis applications for licenses. He said that Inyo County was reviewing their short term rental ordinance.

Vice Chair Stacy Corless reported that an open house for the Mono County Administrative Officer candidates would be held on June 24, 2019 in Mammoth Lakes and in Bridgeport. She also reported that Mono County had a visitor impact study done and said that she would distribute the results when she received them.

Board Member John Wentworth reported that the Pacific Crest Trail (PCT) Association had a field representative designated to Inyo and Mono Counties now. Mr. Wentworth said that he had met with Congressman Paul Cook while he was in town and mentioned that Congressman Cook's Legislative Director, Tim Itnyre had relocated from Washington, DC and would now be in the field in our local district along with Field Representative Dakota Higgins. Mr. Wentworth announced that the Town of Mammoth Lakes Town Council approved the Community Recreation Center (CRC), and that Mono County Local Transportation Commission (LTC) had been in talks regarding the unmet transit needs between Bishop and Mammoth.

14. Call for Agenda Items for Next Meeting

It was requested that all current agenda items, with the exception of Item #12, be added to the agenda for the August 9, 2019 ESCOG Board Meeting.

15. Adjournment

Chair Griffiths adjourned 10:55 a.m. to the next regular meeting on Friday, August 9, 2019 at 8:30 a.m. in the Bishop City Council Chambers.

DRAFT

ESCOG STAFF REPORT

Subject: Update on Status of Eastern Sierra Council of Governments Joint Powers Authority (JPA)

Meeting Date: August 9, 2019

BACKGROUND:

The Eastern Sierra Council of Governments (ESCOG) currently exists as a body that shares ideas and discussions between elected officials representing the Town of Mammoth Lakes, City of Bishop, and Inyo and Mono Counties. The ESCOG currently operates under a joint powers agreement. The ESCOG has expressed an interest in creating a Joint Powers Authority (JPA) that would allow the Board to take action on various items affecting the region.

Creation of a JPA would create a new governmental body in the Eastern Sierra. As a separate body, the ESCOG may be delegated certain authority and funding from the member agencies. It may act independently from the members or in concert with member agencies. The structure of the draft JPA blends this model allowing for an independent governmental agency, but links much of the work back to receiving financial support from the members.

The draft JPA agreement was presented to ESCOG on June 14, 2019. The Board authorized the draft to be presented to member agencies. The draft JPA was presented to the Bishop City Council. Based on comments at that meeting a number of changes were recommended. The Attorney's from each member agency worked to draft an updated agreement to address the comments from the meeting.

ANALYSIS:

Mono County Counsel has taken the lead on working to draft a JPA agreement with assistance from other legal counsel from member agencies. The most recent updated draft agreement is attached. At this time ESCOG will need to determine the next course of action to be taken by the Board and member agencies.

Options

1) The Board may request each member agency to comment on the original draft JPA to gather comments and rework a final agreement for member consideration;

2) The Board may request each member agency to comment on the updated draft JPA to gather a consolidated set of comments and rework a final agreement for member consideration.

3) The ESCOG Board may hold a separate workshop on the draft agreement as prepared in June and the updated agreement provided and prepare an amended agreement for member agency consideration.

The administrators from the member agencies will also review the updated draft JPA agreement for comment.

Attachment

A - Updated Draft JPA

**JOINT POWERS AGREEMENT ESTABLISHING THE EASTERN SIERRA COUNCIL OF GOVERNMENTS
AS A SEPARATE LEGAL ENTITY FROM ITS MEMBER AGENCIES**

This agreement, made and entered into this _____ day of _____, by and among the County of Mono, a political subdivision of the State of California (“Mono”), the County of Inyo, a political subdivision of the State of California (“Inyo”), the Town of Mammoth Lakes, a municipal corporation (“Town”) and the City of Bishop, a municipal corporation (“City”) (collectively “Member Agencies” or “Members”), shall supersede and replace, in its entirety, that Amended Joint Powers Agreement Eastern Sierra Council of Government Entities (COG) entered into by and among the Parties on or about February 26, 1999.

I. Recitals

- 1.01 In 1995, the Counties of Inyo and Mono and the Town of Mammoth Lakes executed a joint powers agreement (JPA) establishing the Eastern Sierra Council of Governments (ESCOG). The 1995 JPA was amended in 1999 to add the City of Bishop as a party.
- 1.02 Since its establishment, the ESCOG has functioned as a forum for communication among Member Agencies regarding issues of regional concern and, more recently, for the planning and implementation of regional communications and broadband solutions through the establishment of the Inyo-Mono Broadband Consortium. The ESCOG has not historically operated as a joint powers authority independent from its Members, nor taken the necessary steps to become such an independent legal entity.
- 1.03 The Member Agencies acknowledge and agree that there are circumstances where it is necessary or desirable for the Member Agencies to function collectively on a regional basis, such as where regionalization enhances funding opportunities, provides resources and capabilities that would not otherwise be available, or improves the delivery of services to benefit the interests of the Members’ constituents.
- 1.04 The Member Agencies further agree that the creation of a regional joint powers authority that is a separate legal entity from the Members would position the ESCOG to maximize and take advantage of these opportunities.
- 1.05 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 approved by their governing bodies, to jointly exercise any powers common to them and/or to create a separate legal entity for the purpose of exercising such powers.
- 1.06 It is the intent of the Parties to enter into a joint powers agreement pursuant to the provisions of sections 6500 et seq. to establish a joint powers authority, the Eastern Sierra Council of Governments, which would supersede and replace the historic ESCOG established in 1995 (and modified in 1999), for the purposes of enhancing funding and resource opportunities and providing such programs, services or functions that the Member Agencies, by approval of their governing bodies, deem necessary or desirable.

II. Purposes

- 2.01 The ESCOG shall continue to be organized to: (1) provide a forum for discussion and study of regional issues of interest to the Member Agencies; (2) identify and plan for the solution of selected regional issues requiring multi-governmental cooperation; (3) facilitate actions and agreements among the Member Agencies for specific project development; (4) conduct other region wide functions as the Members deem appropriate.
- 2.02 In addition to the above, the ESCOG shall be organized to identify funding sources and to apply for and receive funding for the planning and implementation of programs of regional impact or significance, and to implement such programs, upon approval of the governing bodies of each Member Agency.

III. Powers

- 3.01 To contract or otherwise participate in, and to accept grants, funds or services from the State or Federal government, their agencies or instrumentalities or from any civic organization or private person (including but not limited to corporations) in connection with any program judged by the ESCOG Board to be relevant to its purposes, and upon approval of the governing bodies of the Member Agencies.
- 3.02 ~~With the approval of the governing bodies of each of the Member Agencies, t~~To accept gifts, bequests or donations, in support of current programs of the ESCOG or to support ongoing operating expenses, provided they will not result in an expense or cost to the ESCOG that exceeds \$25,000. Acceptance of gifts, bequests or donations that will result in expense or cost to the ESCOG in excess of \$25,000 shall be approved by the governing bodies of each of the Member agencies.
- 3.03 To contract for any services judged by the ESCOG to be necessary or convenient for carrying out its purposes and to pay the costs of such services in accordance with section 5.02, provided that any contract for more than \$25,000 shall require the approval of the governing bodies of each of the Member Agencies~~With the approval of the governing bodies of each of the Member Agencies, T~~to contract for any services judged by the ESCOG to be necessary or convenient for carrying out its purposes and to pay the costs of such services in accordance with section 5.02. Such contracts may be with an ESCOG Member, upon agreement by that Member and the ESCOG, or with an outside agency or firm and may include contracts for:
- a. General legal services.
 - b. Litigation or specialized legal services.
 - c. Liability Insurance and, where applicable, workers' compensation insurance.
 - d. Human Resources services.
 - e. Other governmental services required to operate the ESCOG may be provided by a Member, JPA staff or an independent contractor.

- 3.04 ~~The~~ With the approval of the governing bodies of each of the Member Agencies, t~~Without such debts, liabilities or obligations becoming of the ESCOG shall not become the debts, liabilities or obligations of the of the Member Agencies. ,t~~The ESCOG may~~e~~ incur debts, liabilities or obligations in accordance with the above~~that are not the debts, liabilities or obligations of the Member Agencies, except as required by.~~ Notwithstanding the foregoing, and as required by Government Code sections 6508.1, 6508.2, 20574.1 and 20575,~~enacted by AB 1912 in 2018, which require that the~~in the event of dissolution of the JPA, the Member Agencies ~~members of a dissolving joint powers agency~~shall apportion any PERS liability among themselves and allows CalPERS to make the apportionment if the ~~m~~Members cannot agree.
- 3.05 ~~With the approval of the governing bodies of each of the Member Agencies T~~To employ personnel including an Executive Director and/or such other staff as the ESCOG Board of Directors deems appropriate and to establish the powers and duties of such personnel.
- 3.06 ~~With the approval of the governing bodies of each of the Member Agencies, t~~To invest, in accordance with Government Code section 6509.5, monies in the treasury of the ESCOG that is not immediately required for necessities of the ESCOG.
- 3.07 With the approval of the governing bodies of each of the Member Agencies, to raise revenues through the imposition of fees, assessments, taxes or the issuance of bonds, in accordance with applicable laws.
- ~~3.08 — With the approval of the governing bodies of each of the Member Agencies, t~~To incur long or short term indebtedness.
- ~~3.093.08~~ With the approval of the governing bodies of each of the Member Agencies, t~~To~~To expend up to \$25,000 ~~to own~~ purchase, lease or license real or personal property and/or equipment, which is necessary or proper to carry out the purposes of the ESCOG. Leases, licenses or purchases in excess of \$25,000 shall require the approval of the governing bodies of each of the Member Agencies.
- ~~3.09~~ With the approval of the governing bodies of each of the Member Agencies, a~~All~~ other powers that are necessary or proper to carry out the purposes of the ESCOG.
- 3.10 With the approval of the governing bodies of each of the Member Agencies, to take official positions on matters of policy and/or to support or oppose legislation.

Each of the above powers may be exercised by the ESCOG in the same manner, and subject to the same restrictions, as such powers are exercised by the Town of Mammoth Lakes.

IV. Organization - The internal organization of the ESCOG shall be as follows:

- 4.01 Membership. Members shall consist of the County of Inyo, the County of Mono, the Town of Mammoth Lakes and the City of Bishop, upon approval of this agreement by the governing body of each, and the execution of this agreement by an authorized representative of each Member.

Each Member shall be entitled to be represented by two representatives, each of whom shall be a member of the legislative body of such Member.

4.02 Board of Directors, Officers and Meetings.

- a. The ESCOG shall have a Board of Directors comprised of two representatives, and up to two alternates, appointed by each of the governing bodies of its Members. The term of office of each director shall not exceed his or her term of office on the legislative body he or she represents.
- b. Upon execution of this agreement by all four Member Agencies, the ESCOG representatives having previously been appointed by the governing bodies of the Member Agencies shall continue to serve as directors of the ESCOG for the terms for which they were previously appointed. The term of office of each subsequently-appointed representative shall be four (4) years. If a vacancy occurs on the board, it shall be filled by appointment of the governing body of the affected Member and such appointed representative shall serve for the remainder of the term.
- c. The Board of Directors shall elect from among its members a Chair, Vice-chair and Secretary for a term of one (1) year. The members currently serving in those offices shall continue to serve for the remainder of their appointed terms, except that the member, if any, previously appointed to serve as Secretary/Treasurer shall instead serve as Secretary. Notwithstanding the above, the office of Secretary may be an administrative staff person of the ESCOG or of a Member Agency designated by the Board of Directors.
- d. The ESCOG shall establish regular meetings of the Board of Directors which shall be not less than one (1) such meeting each calendar quarter.
- e. Meetings of the ESCOG shall be noticed and carried out in accordance with the provisions of the Ralph M. Brown Act.
- f. A majority of the Board of Directors shall constitute a quorum for the transaction of business. [A majority of the Board of Directors for purposes of a quorum shall include at least one member of each member agency.](#) No resolution or motion shall be passed or become effective without affirmative vote of at least a majority of the membership of the board and, for those actions requiring approval by the governing bodies of the Member Agencies [as specified in Article III of this agreement](#), by each and every Member Agency, unless otherwise indicated.

V. Financial Provisions

- 5.01 Each Member shall contribute to the administrative support of the ESCOG. Administrative support is understood as those costs, expenditures and obligations which maintain up to one (1) 0.5 FTE agency administrative staff person. Each Member's contributions to administrative time

and support shall be accounted for. It is intended that each Member will provide twenty-five percent (25%) of the administrative staff person, unless otherwise agreed by the Board of Directors, and shall agree in advance regarding any additional administrative support.

- 5.02 Members may make financial contributions to the ESCOG in any manner authorized by Government Code section 6504. All contract costs incurred pursuant to section 3.03 and section 5.04 of this JPA shall be divided equally among the Members. Any financial contributions other than for costs under section 3.03 or 5.04 shall be provided on an individual project basis and approved by the governing body of the Member Agency providing such support. Any advances of public funds to the ESCOG shall be repaid in the manner provided in the document authorizing the advance.
- 5.03 The ESCOG's fiscal year shall commence on July 1 of each year and terminate on June 30 of the following year.
- 5.04 The Finance Director of the County of Mono shall serve as the Fiscal Agent, Treasurer and Auditor (hereinafter "Treasurer") for the ESCOG, unless otherwise directed by a majority of the board. The Treasurer shall be responsible for all money of the ESCOG from whatever source, shall be the depository and have custody of the money of the ESCOG, and shall perform all duties and functions of the Treasurer as set forth in Government Code sections 6505, 6505.5, or any other applicable state, federal or local law or regulation. All funds of the ESCOG shall be strictly and separately accounted for and regular reports shall be rendered of all receipts and disbursements during the fiscal year. Members shall share the costs of this service equally.
- 5.05 Nothing contained in this agreement shall bind any Member to a financial commitment on behalf of the ESCOG, except as specifically provided.

VI. Property and Records

- 6.01 Upon any dissolution of the ESCOG, any surplus money or property shall be disposed of by division among the Members in the same proportion as such Members contributed to the ESCOG.
- 6.02 The Town of Mammoth Lakes shall serve as the repository of all records of the ESCOG. Record retention shall conform to the requirements of law. Any record destruction shall first be approved by the Board of Directors. The Board of Directors may provide for record retention beyond the requirements of law.

VII. General Provisions

- 7.01 Amendments. This agreement may be amended at any time by all of the Member Agencies acting through a majority vote of their governing bodies. In the event the ESCOG should determine that an amendment to this agreement would be in the best interests of the ESCOG and its Member Agencies, it may propose such amendment for ratification by the governing

bodies of each Member Agency. This agreement shall be deemed and be so amended upon the date the last governing body approves such amendment.

- 7.02 Voluntary Association. It is understood and agreed that membership and participation in the ESCOG as described in this agreement is voluntary. Any Member may withdraw by giving written notice to the governing bodies of the other Member Agencies in the manner provided in this agreement for the communication of notices.
- 7.03 Withdrawal. A Member may withdraw from the ESCOG by providing written notice to the remaining Members at least ninety (90) days prior to the end of the fiscal year, and shall remain liable for its share of financial support and/or contribution to the ESCOG through the end of that fiscal year. Except for payments required by AB 1912 (2018) and described in section 3.04, a withdrawing Member shall not be liable to the ESCOG nor any of the other Members for payment of contributions or financial support to the ESCOG not previously committed by that Member.
- 7.04 Dissolution and Termination. The ESCOG may be dissolved and this agreement terminated at any time in the same manner as provided for amendment in section 7.01. The ESCOG shall automatically be dissolved upon withdrawal of 2 of its Members.
- 7.05 Effective Date and Term of Agreement. This agreement shall be and become effective for all purposes when approved by the governing bodies of each of the Member Agencies and shall remain in full force and effect unless and until dissolved or terminated in the manner provided in this agreement.
- 7.06 Notices. In the event it is or becomes necessary for a party to this agreement to serve or give notice to any other party, such notice shall be deemed validly served and given if deposited in a United States Post Office with postage thereof fully prepaid, sent registered or certified mail and, if to Inyo County, addressed to the County Administrator, Administrative Center, County of Inyo, PO. Box N, Independence, California 93526; if to Mono County, addressed to the County Administrative Officer at P.O. Box 696, Bridgeport, California 93517; if to the Town of Mammoth Lakes, addressed to the Town Manager at P.O. Box 1609, Mammoth Lakes, California 93546; and, if intended for the City of Bishop, addressed to the City Manager at 337 West Line Street, Bishop, California 93514.
- 7.07 Inurement. This agreement shall inure to the benefit of and be binding upon the parties hereto and their successors.

VIII. Execution

IN WITNESS WHEREOF, the Member Agencies have executed this agreement as of the date last written below.

COUNTY OF INYO

DATED: _____

BY: _____
Chair, Board of Supervisors

ATTEST: _____
Clerk to the Board

APPROVED AS TO FORM:

Inyo County Counsel

COUNTY OF MONO

DATED: _____

BY: _____
Chair, Board of Supervisors

ATTEST: _____
Clerk to the Board

APPROVED AS TO FORM:

Mono County Counsel

TOWN OF MAMMOTH LAKES

DATED: _____

BY: _____
Town Mayor

ATTEST: _____
Town Clerk

APPROVED AS TO FORM:

Town Attorney

CITY OF BISHOP

DATED: _____

BY: _____
City Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney