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## BOARD OF SUPERVISORS COUNTY OF MONO

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*Scheereen Deadman, Acting Clerk of the Board*

September 7, 2021

Mono County Grand Jury  
Honorable Judge Mark Magit  
Presiding Judge of the Superior Court  
100 Thompsons Way  
P.O. Box 1037  
Mammoth Lakes, California 93546

**RE:    Response to the Mono County 2020-2021 Grand Jury Reports regarding Workforce Housing and Fiber Internet Connection**

Grand Jury Members and Judge Magit:

Please consider this letter and Attachments A and B as the official response to the 2020-2021 Mono County Grand Jury Reports. The Board would like to recognize the efforts of the Grand Jury and thank the Grand Jury for tackling such timely issues. Affordable housing and high-quality internet connectivity are critical issues not only at a local, but at a state-wide level. The County is open to feedback and is always looking for new avenues to address these important problems. The Board would like to take the opportunity in this cover letter to provide some context outside of the formal responses in the enclosures.

Attachment A provides the formal response to the Grand Jury Report “Workforce Housing Crisis.” The Board agrees with the Grand Jury that the availability and production of affordable housing for the employees and residents of Mono County is an ongoing challenge. The Board would like to provide here some background and context for the responses to the findings and recommendations.

First, local government is only a small piece of the housing puzzle. Mono County has explored, and will continue to explore, ways to reduce barriers and incentivize development. However, full implementation of all housing opportunities requires not only that local government enact land use and zoning policies that incentivize housing and to pursue options for publicly-supported and/or operated housing, but also that private landowners and developers propose and construct projects.

In pursuing its contribution, the County anticipates the hiring of a Housing Coordinator and a potentially expanded role for the existing Mono County Housing Authority will help bridge the gap by building relationships with the appropriate stakeholders and utilizing existing and future funding sources. With more staff resources, the County hopes to be able to pursue more innovative housing projects, such as partnerships with private developers, state and federal funding, and other opportunities that will result in increased workforce housing.

The path to addressing the housing crisis will need to be a collective effort. The County is dedicated to doing its part by exploring the full range of potential options, but also understands the vital roles of community engagement, private property-owners and developers and statewide policy.

Attachment B provides the formal responses to the Grand Jury Report “Fiber Internet Connection as Essential Infrastructure in Mono County.” Mono County appreciates the Grand Jury’s inquiry into, and in-depth

consideration of the topic of broadband and the findings and recommendations. At the most fundamental level, Mono County agrees that high-quality broadband is an essential service which should be afforded to the residents and businesses in the County. Among other things, the effects of the COVID-19 pandemic have highlighted the critical importance of reliable, high-quality broadband service for everyday life.

As the Grand Jury may or may not know, Mono County has made a long-standing commitment to broadband. This began in earnest in 2009 with the commitment of resources to the Digital 395 project, including the assignment of Nate Greenberg to serve as a project manager to ensure the County's interest in the effort. Since that time, Mono County has worked tirelessly to leverage Digital 395 for the unique opportunity it has provided this region. This work has included extensive legislative and policy work at the State and Federal levels by County officials and staff – most recently Supervisor John Peters' work resulting in over \$6 billion being allocated for broadband infrastructure in California and Supervisor Corless' work with the Rural County Representatives of California (RCRC) to put forward an innovative solution for addressing broadband issues in rural communities. The County also regularly reviews and re-tools local policies and practices to streamline broadband deployment, and coordinates closely with service providers ultimately responsible for building and delivering last-mile connections. Today, the result of those efforts is evident with more than 90% of the households in Mono County having access to Gigabit internet – a level that is not realized in virtually any other County across the nation.

This is not to say that there are not issues which still require attention, nor that the County's work around broadband is done. As the Grand Jury's report astutely points out, today there exists a mixture of service quality problems, access challenges, and general lack of awareness around broadband. While not all of these items are within the direct purview of Mono County, broadband remains a Strategic Priority for Mono County and as such it receives the same attention as any other regulated utility. We are continuing to dedicate time and staff resources toward leveraging the full potential of Digital 395 including targeted work on current challenges and coordination around broadband expansion.

While the comments included in the enclosed response to the Grand Jury report are aimed solely at the findings and recommendations offered, the County felt it necessary to also react at a higher level. The months ahead provide a unique set of opportunities with regard to broadband with new, unique legislation and funding aimed to help continue to close the "Digital Divide" throughout the State and country. Mono County is positioned to react to and leverage these opportunities fully and looks forward to continuing our work in this critical area.

Again, the Board wishes to thank the Grand Jury for taking on such critical issues. The County looks forward to continuing to pursue solutions and advocacy around these issues in an effort to improve both affordable housing and internet connectivity in Mono County.

Enclosures:

Attachment A: "Responses to Final Report: Workforce Housing Crisis"

Attachment B: "Responses to Final Report: Fiber Internet Connection as Essential Infrastructure in Mono County"



## **Response to Final Report: Workforce Housing Crisis**

### **Findings:**

**F1-C:** The county administration has been advertising for a Housing Coordinator position for a significant period of time and has not been able to fill it; as a result the county has no designated specialist to oversee the housing needs.

#### **Response to F1-C:**

*The Board agrees with the finding. The revised advertising plan is to hire a professional consultant to create a brochure and advertise the position nationally.*

#### **Implementation of F1-C:**

*The consultant has been hired, the position has been readvertised and the process for filling the position is underway.*

#### **Timeline for Implementation of F1-C:**

*Administration anticipates having an employee in this position prior to the end of 2021.*

**F2-C:** The county's housing element of the general plan - designed to give the state specific analytical information, is updated to the state annually on the state's prescribed form by the required deadline of April 1. However, there is no detailed annual reporting to the Mono County Board of Supervisors on any specific goals and timelines that are not being met or need to be modified or changed. As a result there is minimal ongoing accountability to and by the Board of Supervisors and that can affect actions.

#### **Response to F2-C:**

*The Board agrees with the finding. Numbers from the Annual Progress Report, along with building permit data and a report on the status of County funding and programs, is reported during the annual Housing Authority meeting. The Housing Authority is comprised of the same members as the Board of Supervisors. However, there is interest in more regular reporting on programs and timelines.*

#### **Implementation of F2-C:**

*The Board has requested that staff report on housing programs and progress on a quarterly basis going forward.*

#### **Timeline for Implementation of F2-C:**

*The first quarterly report will take place by the end of 2021.*

**F3-C(a):** The county's housing element states that there is plenty of land within the county for housing. One of the bigger barriers to developing below market rate (BMR) housing (rental or purchased housing units whose market rate cost must be subsidized if low income wage earners are to afford them) is an attitude that it may be acceptable for the county to support the development of housing for those who need it but it shouldn't be developed in one's own neighborhood, also known as NIMBY.

#### **Response to F3-C(a):**



*The Board agrees in part with the finding. The County’s Housing Element does identify land within the county for housing. The suggestion of the role of Not In My BackYard (NIMBY) attitudes is unclear in this finding and the Board therefore disagrees with it. Public input is required by state law to process development projects and California Environmental Quality Act (CEQA) documents, and members of the public may make any statements they wish. The County cannot dictate content or censure comments. Public input is taken seriously, which is the obligation of a democratic government, and an effort is made to address concerns through project modifications. The staff recommendation to adopt or deny a project is based on substance and not NIMBY comments, and staff has recommended approval of all housing projects that have been proposed in the last year, including those with significant community opposition.*

**Implementation of F3-C(a):**

*The County will not implement any changes in response to this finding for the reasons stated above in the response to F3-C(a).*

**Timeline for Implementation of FC-3(a):**

*None.*

**F3-C(b):** June Lake and Mono Basin, have their own housing elements, however, they contain no specifics of who is responsible for the action plans and there are no timelines. The June Lake Housing Element is reviewed annually, the Mono Basin appears to not have been reviewed since its development in 2012. As a result there is a lack of consistency and accountability.

**Response to F3-C(b):**

*The Board does not agree with the finding. Only one Housing Element exists for the entire county; June Lake and the Mono Basin do not have their own housing elements. These two communities do, however, have their own area plans, which are primarily directed at land use planning. The June Lake Area Plan and Mono Basin Community Plan were citizen-driven planning documents, created out of workshops facilitated by Community Development staff. The plans identify goals and policies for the specific communities on a variety of topics, which may include housing. The primary function of the goals and policies are to inform decision makers during discretionary projects. However, the programs related to housing for these communities are identified in the countywide Housing Element.*

**Implementation of F3-C(b):**

*The County will not implement any changes in response to this finding for the reasons stated above in the response to F3-C(b).*

**Timeline for Implementation of F3-C(b):**

*None.*

**F4-C:** The first of the four goals listed in the county’s housing element is to “Increase Overall Housing Supply, Consistent with County’s Rural Character.” Multi-family housing, tiny houses and Accessory Dwelling Units (ADUs) may be some of the solutions to the County’s deficiency in workforce housing but they have the potential of changing the rural character. As a result the latter constraint can be self-defeating to the primary goal of increasing housing supply.



**Response to F4-C:**

*The Board agrees in part with the finding. Multi-family housing, tiny houses, and ADUs may provide some solutions to the County’s housing needs, but the Board disagrees that these units necessarily change rural character. The idea of “rural character” is intended to encourage development within and adjacent to existing community areas and structures with rustic design character. The design elements noted in the General Plan generally include references to structures that complement the natural environment and may include measures such as fully shielded and downward directed outdoor lighting, dull finishes (rather than reflective), and dark muted colors found in the immediate surroundings (as opposed to bright colors). Such design measures related to rural character do not typically prevent housing from being constructed.*

*The issues with tiny homes are related to the California Building Code and construction type, not rural character. Mobile tiny homes are built on a vehicle chassis and are therefore considered vehicles rather than habitable structures subject to the life safety standards of the building code. Under the current definition, residential use of tiny homes on a chassis would be permitted in the same manner as a recreational vehicle (RV), which is limited to a small number of land use designations. Placement of two or more tiny homes (or RVs) on a single parcel triggers the state definition of a mobile home park and jurisdiction by the state Department of Housing and Community Development (HCD). Mono County would then be required to approve a use permit that sets the density of the mobile home park, and then the applicant would be required to receive permit approvals from HCD. In contrast, tiny homes constructed on a permanent foundation are permissible subject to only a building permit and may be constructed in any community.*

*However, the Board agrees that the term “rural” may imply a mindset that is against the County’s goal to support higher density housing, which is often more affordable by nature. The County intends to schedule a workshop to discuss the “rural character” terminology. In addition, the County supports the increased development of accessory dwelling units (ADUs), as indicated by recent updates to its General Plan ADU chapter (Chapter 16) and development of prescriptive designs for ADUs, which is currently underway. The County is also exploring allowing tiny homes in additional situations, such as one tiny home to provide workforce housing for a business on the same site.*

**Implementation of F4-C:**

*The County is planning to explore additional land use designations where RVs (and therefore, tiny homes on a chassis) may be permitted and will schedule a discussion of the term “rural character.”*

**Timeline for Implementation of F4-C:**

*Community Development Department staff capacity is currently heavily impacted by maternity/paternity leaves and the department recently completed the annual General Plan Amendment to clean up minor changes. Therefore, a realistic timeframe for a General Plan Amendment to address allowing tiny homes in additional situations is the next approximately annual amendment, likely in one year (by the end of September 2022). The discussion of the term “rural character” will be scheduled by the end of 2021.*



**F5-C:** There are instances in the county where zoning for housing is approved for multi-family residences (MFR) but where single-family residences (SFR) exist and may or may not be in good condition. As a result, existing land space is not being effectively used to improve housing availability.

**Response to F5-C:**

*The Board agrees with the finding. Single-family residences (SFRs) exist on multi-family residential (MFR) land use designations which may not be the maximum permissible density or capacity. Development proposals, however, are the right of the private property owner, subject to County standards and regulations.*

**Implementation of F5-C:**

*The County intends to explore options for legally requiring a minimum density or incentivizing additional density on properties intended for multi-family housing.*

**Timeline for Implementation of F5-C:**

*A discussion can be held with the Board within six months, by the end of March 2022.*

**F6-C:** The Board of Supervisors has set aside funding for housing. However, there are no instructions as to the use of these funds. As a result there is a lack of clarity as to the county's management of housing funds and their use.

**Response to F6-C:**

*The Board agrees in part with the finding. The finding does not specify which funds, in particular, lack direction for use. The following County funds have been assigned to housing programs, with the following uses:*

- *General Fund - \$400,000: Housing Coordinator salary & other costs for housing-related programs, such as legal expenses related to affordable housing matters.*
- *Whole Person Care Grant - \$294,053: Housing Coordinator salary, assist those who are homeless or at risk of homelessness; funding was provided to Mammoth Lakes Housing for rental relief programs.*
- *Sale of June Lake property - \$159,088: Board priorities and other programs that meet housing needs through acquisition, rehabilitation, preservation, or subsidy.*
- *Sale of Mammoth Lakes property (Davison House) for redevelopment as deed-restricted affordable housing – \$20,034.*
- *Ongoing discussions with Benton Tribe regarding sale of two units in Benton to provide affordable tribal housing – not to exceed \$10,000.*
- *Contract with Mammoth Lakes Housing to monitor deed restrictions at various units – not to exceed \$25,000 annually.*
- *Mitigation fees - \$15,081: Funding was only acquired in 2020, intended for housing priorities identified by the Board and other programs that meet housing needs through acquisition, rehabilitation, preservation, or subsidy.*

*Community Development Department staff time on Board priorities and housing-related matters, such as applying for grant funding and then implementing programs like the ADU prescriptive design program, greenhouse gas emissions/vehicle miles traveled study CEQA streamlining program, and special district capacity improvement program to support increased*



*housing density, among others, could have been charged to the housing dollars set aside in the funds above. However, this staff time has instead been funded through the department to preserve the funding intended for the Housing Coordinator and provide funding for coordinated implementation. Similarly, Finance Department staff time to apply for and manage HOME and California Development Block Grant (CDBG) funding, and County Counsel staff to prepare and review purchase and sale agreements, deed restrictions, funding documents and other items, has been supported by departmental budgets rather than utilizing these set aside funds. In general, the Board has maintained flexibility for the use of funds by the future Housing Coordinator and for the salary of this position.*

**Implementation of F6-C:**

*The Board will continue to maintain flexibility for use of the funds described in the response to F6-C, but the Board also intends to discuss potential uses for the funds at a future meeting in 2021.*

**Timeline for Implementation of F6-C:**

*The Board will discuss uses of funding at a regularly scheduled meeting before the end of the 2021 calendar year.*

**F7-C:** The Board of Supervisors has adopted a comprehensive housing element plan that brings the housing crisis picture into focus and has plans that should be completed by 2027 - the date set by the state in their RHND. Many of the specific action items are labeled as “ongoing.” Target dates have already slipped on some of the items which casts doubt on the county’s ability to meet the goals.

**Response to F7-C:**

*The Board agrees in part with this finding. The Board does not agree with the finding that labeling action items as “ongoing” is an issue or that the ability of the County to meet goals is in doubt (other than for low-income housing). The Board does agree that the target dates have not been met on some of the action items. Items labeled as ongoing are projects that are continuously worked on and/or applied, as relevant development proposals are processed, and have no end date.*

*The goal of the Housing Element is to meet the Regional Housing Needs Allocation (RHNA), which is reported to the state department of Housing and Community Development (HCD) annually. The most recent report indicates the County is on target to meet RHNA goals except for the low-income housing category, which likely requires a willing developer to deed restrict units to that income level or a public entity to finance, construct and manage such units.*

*Deed restricted units that would meet the low-income housing category could be developed by 1) the County, 2) another public entity, 3) a developer.*

- 1. The County does not currently build housing units, but is continually exploring options to encourage the development of deed restrict units. The County currently offers incentives such as increased density and an exemption from the Housing Mitigation Ordinance fee, but has only received one proposal with a deed restricted unit (which is currently being processed) in the institutional memory of staff.*
- 2. Another public entity, such as a non-profit organization or a Housing Authority, could build deed-restricted units on property it controls. Funding and available land are the*



*main barriers; County-owned land is currently being evaluated for the highest and best use, which could be housing, but another public entity would still need to acquire funding to construct and manage the units. The County has limited funding to contribute as the rate of development in Mono County simply does not generate significant numbers. For example, the Housing Mitigation Ordinance fees are one option of ongoing funding and generated a total of \$15,081 in 2020, which is not sufficient to build a housing project in a reasonable period of time. The Housing Coordinator could potentially develop partnerships or capacity to pursue these programs. The work is not appropriate for the Community Development Department due to the regulatory role of the department in processing applications for approval consideration. The CDD must remain objective and not an advocate either for or against proposals.*

- 3. While the County can offer incentives and discuss the option with developers, ultimately a private property owner or developer must be willing to provide a deed-restriction. The County has no developers that specialize in affordable housing projects, although staff has inquired with HCD for a list of these developers in the event partnerships could be formed. No information was received from HCD. Staff consistently suggests deed restrictions to developers proposing multiple units which, as previously stated, is typically not received favorably.*

**Implementation of F7-C:**

*The Board will review Housing Element actions and target dates, and provide direction as needed.*

**Timeline for Implementation of F7-C:**

*The Board will review Housing Element actions and target dates by the end of 2021.*

**F8-C:** The current 2020 HCD Report to the state updates 2014 goals rather than addressing the 2019 goals to determine progress. As a result the severity of the housing needs may be misstated.

**Response to F8-C:**

*The Board agrees with this finding. The 2020 HCD Report followed the previous reporting template for submittal to the state, but was not modified to reflect the recently adopted 2019-2027 Housing Element goals. However, the Board disagrees with the part of this finding indicating that the severity of housing needs may be misstated. Stated housing needs are based on the RHNA issued for that housing element cycle and census data (including the American Community Survey), and may be supplemented by local data and studies. For the 2019-2027 Housing Element, information from the 2017 Mono County Housing Needs Assessment was incorporated.*

**Implementation of F8-C:**

*The Board will review 2019-2027 Housing Element actions and target dates and provide direction as needed.*

**Timeline for Implementation of F8-C:**

*The Board will review Housing Element actions and target dates by the end of 2021.*





**F9-C:** The county has some excellent objectives related to rehabilitation of existing properties but did not receive any CDBG funds in 2020 to effect those goals.

**Response to F9-C:**

*The Board agrees with the finding, but would like to provide further explanation. Mono County applied for and received housing rehabilitation funds in the 2013 HOME grant but received no applications to utilize those funds. As a result, the County strategically focused on homebuyer assistance funding, which was in demand and has resulted in the successful utilization of funds. The CDBG and HOME programs are competitive grants, and the County is penalized by becoming less competitive and/or ineligible for future grant rounds if the awarded funding is not spent. Therefore, given the lack of demand demonstrated for rehabilitation, seeking funding for rehabilitation could jeopardize the County's ability to receive homebuyer assistance funding in future Notice of Funding Available (NOFA) rounds. A barrier to use of the funds appears to be that state funds require applicants to be low-income qualified, which severely restricts eligible applicants.*

**Implementation of F9-C:**

*The County will continue to evaluate when an application for funds is appropriate.*

**Timeline for Implementation of F9-C:**

*Evaluations of applications for funds will be ongoing.*

**Recommendations:**

**R1-C:** In light of the high priority need for the Housing Coordinator position, the Mono County Civil Grand Jury recommends that the County Board of Supervisors review the current hiring strategy and examine how it is promoting the position, the position description, payscale and any other elements of the position that might influence a potential candidate and expedite any administrative roadblocks. This review should be completed by August 31, 2021 and a candidate hired by December 31, 2021.

**Response to R1-C:**

*The Board agrees with the finding. Administration has reviewed the hiring strategy, promotion, description and pay scale for the position. This has resulted in a revised plan to find a qualified candidate for the position.*

**Implementation of R1-C:**

*As noted above, the position is currently being advertised by a national recruiting firm and Administration anticipates meeting the recommendation of the Grand Jury and having an employee on board prior to December 31, 2021.*

**Timeline for Implementation of R1-C:**

*The County anticipates filling the Housing Coordinator position by the end of 2021.*

**R2-C:** The Mono County Civil Grand Jury recommends that the County Board of Supervisors work with the County Administrator to revisit the goals and timelines of the housing element of the general plan on an annual basis - at a minimum, starting with a meeting no later than September 30, 2021. The goal of this



process is to recognize any modifications that will be necessary to meet the goals as specified in the general plan.

**Response to R2-C:**

*The Board agrees with the recommendation. The goals and timelines of the Housing Element will be reviewed on an annual basis, with the first review occurring by September 30, 2021.*

**Implementation of R2-C:**

*The Board plans to review the goals and timelines in the Housing Element on an annual basis.*

**Timeline for Implementation of R2-C:**

*The first annual review will occur by September 30, 2021.*

**R3-C:** Community ownership in the housing plans is a step toward mitigating NIMBY. The Mono County Civil Grand Jury believes that when individual communities take ownership in creating housing plans, the goals are more likely to be achieved. It therefore recommends that the Board of Supervisors direct communities within the county to take responsibility for increasing housing and do the following by December 31, 2021, and annually thereafter and provide funds to accomplish this goal:

- (a) Review the June Lake and Mono Basin Community Housing Plans and include specific responsibilities and timelines for achieving the goals.

**Response to R3-C(a):**

*The Board does not agree with the recommendation. As stated under the Findings, community housing plans do not exist for June Lake or the Mono Basin communities. The required format under California law includes all the communities within the Housing Element.*

*The County practices community-based planning and therefore communities are engaged in discussions about housing and other land use issues through the Regional Planning Advisory Committees (RPACs). The RPACs and communities have the flexibility to form working groups to address specific issues such as housing, if desired, and individuals may engage with private developers to influence project design. However, communities have no authority to encumber private property or build projects on land owned by others, and therefore cannot take direct responsibility for increasing housing.*

**Implementation of RC-3(a):**

*The County will not implement changes in response to R3-C(a) for the reasons stated above, in particular that no separate housing plans exist for June Lake or the Mono Basin.*

**Timeline for Implementation of RC-3(a):**

*None.*

- (b) All other communities (RPACs) outlined in the county housing element who have not previously developed their own community housing plan are to develop one and include specific



responsibilities and timelines for achieving the goals with the assistance of the County administrators.

**Response to R3-C(b):**

*The Board does not agree with the recommendation for the reasons stated in R3-C(a).*

**Implementation of R3-C(b):**

*The County will not implement any changes in response to R3-C(b) for the reasons stated in R3-C(a).*

**Timeline for Implementation of R3-C(b):**

*None.*

(c) To accomplish community support the County Board of Supervisors is asked to identify those findings by January 31, 2022.

**Response to R3-C(c):**

*The Board does not agree with the recommendation for the reasons stated in R3-C(a).*

**Implementation of R3-C(c):**

*The County will not implement any changes in response to R3-C(c) for the reasons stated in R3-C(a).*

**Timeline for Implementation of R3-C(c):**

*None.*

**R4-C:** The Mono County Civil Grand Jury recommends the Board of Supervisors encourage development of tiny houses and ADUs by having staff develop several sample pre-approved building plans that meet county codes and have them available to interested parties by December 31, 2021.

**Response to R4-C:**

*The Board agrees with the recommendation. The County is already in the process of implementing prescriptive designs for ADUs. The County has hired a consultant to create prescriptive designs for ADUs. The County is exploring a General Plan amendment to allow one tiny home/RV on Commercial, Mixed Use, and potentially other land use designations in support of workforce housing for a business on site.*

**Implementation of R4-C:**

*The County is developing prescriptive designs for ADUs and developing policy language to allow one tiny home/RV in support of workforce housing.*

**Timeline for Implementation of R4-C:**

*Completion of prescriptive designs for ADUs is expected by June 2022. The Board will review a General Plan recommendation regarding tiny homes on expanded land use designations within the next year (by the end of September 2022).*



**R5-C:** The Mono County Civil Grand Jury recommends the Board of Supervisors direct staff to identify areas of multi family residential (MFR) zoning that have single family residential (SFR) dwellings in poor condition in order to encourage MFR building in lieu of rehabilitation of the existing SFRs and apply to the state for CDBG funds to accomplish the rehabilitation. Staff to report back to the Board by October 31, 2021.

**Response to R5-C:**

*The Board does not agree with the recommendation. The County does not have right of entry to evaluate conditions of existing structures unless probable cause exists to believe that a violation or public health and safety issues are being investigated and an inspection warrant is issued by the Court. If the conditions are confirmed, the County may “condemn” a building and revoke occupancy rights through legal processes. Beyond health and safety standards, the County does not determine whether living conditions are satisfactory. The County has provided a financial program to encourage rehabilitation of existing units which was not well utilized (see response to F9-C).*

**Implementation of R5-C:**

*The Board may consider applying for rehabilitation funds again and would need to consider demand for this funding given grant requirements and the potential impacts to the County’s competitiveness and eligibility for future grant rounds.*

**Timeline for Implementation of R5-C:**

*The Board will make a determination regarding re-applying for rehabilitation funds when a future funding opportunity is available.*

**R6-C:** With respect to the Housing Fund, the Mono County Civil Grand Jury recommends that the Board of Supervisors develop a specific plan for the management of the housing fund including priorities, timelines and responsibilities to administer the money designated as the housing fund. The plan to be completed and approved by December 31, 2021.

**Response to R6-C:**

*The Board agrees in part with the recommendation. A plan exists for a significant portion of the housing fund which includes funding the salary of the Housing Coordinator and program development efforts to ensure a collaborative and organized approach. The Board agrees, however, that not all funding has been allocated to specific projects or actions. A plan for the management of housing funds is tasked to the Housing Coordinator, once hired. The Board disagrees with the recommendation to develop a plan by December 31, 2021 because a plan will be developed by and in consultation with the Housing Coordinator, once hired.*

**Implementation of R6-C:**

*Once hired, this implementation strategy will be a top priority for the Housing Coordinator.*

**Timeline for Implementation of R6-C:**

*The County expects to have filled the Housing Coordinator position by December 31, 2021.*



**R7-C:** The Mono County Civil Grand Jury recommends that the Board of Supervisors direct the County Administrator to develop a long-range funding plan to address the housing crisis. The plan should be developed by January 31, 2022 for consideration by the County Board of Supervisors.

**Response to R7-C:**

*The Board agrees with the recommendation. A long-range funding plan needs to be developed and is necessarily dependent upon the implementation strategy. As explained in the response to F6-C, the County has been meticulous about preserving allocated funding for the Housing Coordinator position so that resources are available to create a comprehensive strategy and integrate with implementation. The Board disagrees that a plan should be developed by January 31, 2022, but rather should be developed by and in consultation with the Housing Coordinator, once hired. Such a plan would be reviewed ahead of the next annual budget approval in June 2022.*

**Implementation of R7-C:**

*Both the implementation strategy and funding plan are tasked to the Housing Coordinator. Once this position is filled, expected to be completed by December 31, 2021, this will be a top priority. As the Board of Supervisors approves the annual budget in June of each year, it is anticipated that the long-range funding plan will be approved by the Board of Supervisors at that time.*

**Timeline for Implementation of R7-C:**

*The County expects to have someone in the Housing Coordinator position by December 31, 2021. The Board will review long-range funding plans ahead of the approval of the next annual budget in June 2022.*

**R8-C:** The Mono County Civil Grand Jury recommends that the Board of Supervisors direct County Administrator to review and modify goals including target dates in the housing element no later than December 31, 2021, utilizing the most current (2019) housing element goals with the intent to bring as many dates forward as possible. This recommended action to be done in recognition that the need for acting on the housing crisis is now, especially in light of the added pressures of the Mountainview Fire.

**Response to R8-C:**

*The Board agrees in part with this recommendation. The Board agrees the 2019-2027 Housing Element actions and timelines should be reviewed, as stated in F8-C. However, the Board does not agree with modifying the Housing Element, as it does not have the authority to unilaterally do so without completing a process of many months, that includes public input, HCD approval, and a General Plan Amendment. A much more efficient and effective strategy would be to implement the housing actions that will most benefit the local communities separate and apart from the Housing Element. Further, direction to implement Housing Element programs is dependent upon resources and capacity. The Board has already raised the following policy concepts for further consideration: adding housing as a permitted use in the Specific Plan Land Use Designation, adding duplexes as an outright permitted use in certain single family residential designations, considering the ability for multi-family developments to add more ADUs than currently allowed by the State, among other policies. Some of these policy discussions are outside of identified Housing Element actions, but should be pursued regardless, if deemed to be priorities that can make a difference to the housing situation in*



*Mono County. Finally, regardless of policies, regulations, and standards, the County cannot impose a certain development project on a private property owner. Therefore, a willing private property owner and/or developer is required for any successful project.*

**Implementation of R8-C:**

*The Board will review 2019-2027 Housing Element Actions and target dates, and provide direction as needed. The County expects that the Housing Coordinator will explore opportunities for public/private partnerships and other affordable housing advocacy.*

**Timeline for Implementation of R8-C:**

*The Board will review Housing Element actions and target dates by the end of 2021. The County expects that the Housing Coordinator position will be filled by December 31, 2021.*

**R9-C:** The Mono County Civil Grand Jury recommends that the Board of Supervisors direct county administration to review and modify goals regarding ways to expedite rehabilitation of existing properties including developing a list of those properties, assigning target dates, developing department objectives where appropriate and assigning a responsible party to manage the rehabilitation goals no later than January 31, 2021.

**Response to R9-C:**

*The Board does not agree with this finding. As stated in R5-C, the County does not have right of entry to private properties except under specific circumstances, nor the authority to determine satisfactory living conditions beyond health and safety requirements. Further the County has provided funding for rehabilitation projects and received little to no interest, as explained in F9-C. The County does not manage private properties, including the condition of those properties.*

**Implementation of R9-C:**

*The County will not implement any changes in response to R9-C for the reasons stated above.*

**Timeline for Implementation of R9-C:**

*None.*



## **Responses to Final Report: Fiber Internet Connection as Essential Infrastructure in Mono County**

### **Findings:**

**F1-C:** Broadband access in parts of unincorporated Mono County is inadequate leading to frustration among the citizenry. This unequal access to services negatively affects students requiring online instruction as well as the economic vitality of the region.

#### **Response to F1-C:**

*The Board agrees with this finding. Nearly all of the unincorporated communities in Mono County have some form of internet access, although in some areas it may be less than adequate, as noted in the finding. In most cases internet is provided through a fiber-optic network with Gigabit capacity. However, some of our smaller communities only have wireless internet. In addition, there have been continual issues with the level of internet service provided within June Lake by Suddenlink.*

#### **Implementation of F1-C:**

*Mono County is actively working with internet providers to encourage expansion of broadband services into unserved or underserved communities. In addition, the County is investigating and pursuing various options for improving the service of existing providers and/or attracting new providers to the region. These include working with the neighboring jurisdictions of Placer, Inyo and Nevada Counties, the Towns of Truckee and Mammoth Lakes and the CPUC to hold Suddenlink to a higher standard of service and to influence state legislators and regulators to address broadband issues in our area. The County has also recently been informed of an effort through RCRC to establish a public broadband service using a joint powers agency comprised of rural counties. The County has expressed interest in this option and is exploring it further. Finally, there is legislation both pending and recently-approved which is intended to enhance broadband access throughout the State and from which Mono County will likely benefit. For example, a \$6 billion broadband infrastructure package passed the California Legislature on July 12 with the express purpose of improving service and closing service gaps. Examples of legislation still pending are described below under F1-C&T.*

#### **Implementation Timeline for F1-C:**

*Uncertain. None of the actions described above can be completed on a fast timeline, and all involve actions outside of Mono County's control, but within the control of the State legislature, Congress, the CPUC or private providers. Even the possibility of the County joining a joint powers agency for the provision of broadband in rural counties relies on the work and participation of others. For these reasons it is not possible to provide a specific timeline for implementation.*

**F2-C:** Starlink is a possible provider of broadband services in unincorporated and remote areas of Mono County. However, it is not clear at this point whether the service would be sufficient and affordable to residents in areas suffering from poor access.

#### **Response to F2-C:**



*The Board agrees with this finding. Mono County sees Starlink as a good solution for the most remote and least dense unincorporated communities where wireline service is unlikely to be developed.*

**Implementation of F2-C:**

*Implementation of this solution ultimately requires action by a private entity – Starlink. The Board notes that startup costs for Starlink are expected to be high and may be a barrier to entry for some residents.*

**Implementation Timeline for F2-C:**

*Uncertain. Implementation depends upon actions of a private entity.*

**F1-C&T:** The Grand Jury is aware that state of California legislation is not within our purview. However, considering how great the impact of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) is and how immense the frustration at all levels from citizen customers through county and town staff up to and including the Mono County Board of Supervisors and Town of Mammoth Lakes Town Council, the Grand Jury feels it is necessary to address this issue as a finding. The fact that all control of franchise agreements and enforcement of penalties for poor customer service have been removed from local control results in tremendous frustration at every level. The Grand Jury sees how it also results in unintended consequences as the local jurisdictions seek ways to work around the restrictions and support their citizens' needs. At the same time local citizens are attempting to deal with the situation through homeowners' associations and other informal groups to access more robust broadband service.

**Response to F1-C&T:**

*The Board agrees in part with this finding and disagrees in part with this finding. The Board agrees that DIVCA standardizes video franchise agreements through the State, depriving local governments of previously-held regulatory authority. However, there are provisions in DIVCA which reserve authorities to local governments, the extent of which are not entirely clear and will likely be tested through the courts. Counties also have the ability to influence state and federal legislation on behalf of their citizenry – including legislation related to broadband.*

**Implementation of F1-C&T:**

*Mono County is an active member of the California State Association of Counties (CSAC), Rural Counties Representatives of California (RCRC) and the National Association of Counties (NACo), all of which are involved in efforts to increase broadband access and reliability by influencing State and federal legislation and decision makers.*

*Through Supervisor Peters' participation as Co-Chair of the CSAC Broadband Task Force, representing rural counties, Mono County advocated for language that was ultimately included in SB 156, which passed in July 2021. The text of SB 156 provides that there will be local authority over the funds that are allocated to be spent by the state for middle-mile and last-mile fiber network construction. The Broadband Taskforce successfully advocated with the CPUC and the State that the standard will be 100 symmetrical in determining whether an area is unserved, under-served, or adequately served. SB 156 also requires existing internet providers to*





*disclose the locations of their fiber networks to allow for other internet service providers to compete to construct middle- and last-mile connections from existing fiber. The 6.1 billion in funding made available by SB 156 will assist in the development of last-mile connections from Digital 395 to under-served areas in Mono County.*

*Similarly, Though Supervisor Corless' work as the Chair of RCRC, RCRC is spearheading efforts to expand broadband in Rural California through its Golden State Connect Joint Powers Agency. That program will create a competitive environment for internet service providers which will ultimately benefit Mono County.*

*Further, Supervisor Peters is the only representative from California appointed to serve on the NACo Broadband Taskforce, which is comprised of elected officials, school districts, student internet equity coalitions, rural electric cooperatives and corporate representatives from around the country. Through this taskforce, broadband issues affecting counties and rural communities are being addressed at a national level. Among the findings and recommendations of the 36-page NACo report issued in July of 2021 is that broadband should be regulated as a utility to eliminate the digital divide effectively and comprehensively.*

*Finally, there is legislation pending in California, including SB 28: "Rural Broadband and Digital Infrastructure Video Competition Reform Act of 2021"; "AB 34: "Broadband for All Act of 2022", which may offer full or partial solutions, including enhancing CPUC and/or local authority over broadband providers and service.*

**Implementation Timeline for F1-C&T:**

*Ongoing but uncertain. As with the above, the timelines for legislative progress to address broadband internet deficiencies depend on the work of agencies outside of Mono County and therefore cannot be predicted. However, Mono County's work in furtherance of these changes is ongoing.*

**F2-C&T:** Mono County and the Town of Mammoth Lakes have little leverage over customer service standards that are established at the state level through DIVCA. Suddenlink (Altice) provides inconsistent and/or poor customer service. Further, Suddenlink (Altice) is using the County and Town IT staff to help manage its customer service without paying for the service provided, resulting in a strain on staff and frustration for customers and staff.

**Response to F2-C&T:**

*The Board agrees in part and disagrees in part. The Board agrees that Suddenlink (Altice) is unable to provide effective customer service. The Board notes that Broadband providers are required by DIVCA to have in place customer service standards and to provide their standards to local governments and to customers. After more than 3 years of requesting standards from Suddenlink, the County (and its partners in Placer and Nevada Counties and the Towns of Mammoth and Truckee) just received them in July of 2021. Whether local government is empowered to enforce these standards is the subject of disagreement and debate and will likely be litigated. Separately, the County is currently able to exert political pressure through its elected and appointed representatives which may be effective in addressing customer service*



*issues in a shorter timeframe. In terms of a strain on staff, Mono County's IT department created a Suddenlink Escalation Portal, which reduces strain on staff, but does not appear to have had much effect in improving customer service. Other strain occurs when staff in IT and other departments work on legal, political and other solutions. That work is time consuming and complex.*

**Implementation of F2-C&T:**

*The County continues to work with agency partners to achieve legal and political solutions. The Suddenlink Escalation Portal continues to operate.*

**Implementation Timeline for F2-C&T:**

*Ongoing.*

**F3-C&T:** Recently a Suddenlink (Altice) escalation portal on the Mono County website has been created to address the ongoing customer service issues in the county and town and is intended to alleviate frustration among the citizenry. Little instruction is provided on how to use the escalation portal.

**Response to F3-C&T:**

*The Board agrees with this finding.*

**Implementation of F3-C&T:**

*Mono County's IT Department has recently added basic language on how to use the escalation portal.*

**Implementation Timeline for F3-C&T:**

*Complete.*

**Recommendations:**

**R1-C:** The Mono County Board of Supervisors instruct staff to create a list of areas in Mono County that have inadequate broadband access and assign a priority sequence to the list by September 30, 2021.

**Response to R1-C:**

*The Board agrees with this recommendation.*

**Implementation of R1-C:**

*Mono County's IT Department has already created a such a priority list.*

**Implementation Timeline for R1-C:**

*Complete.*

**R2-C:** Using the priority list created in recommendation R1-C above, the Mono County Board of Supervisors instruct staff to create and commit to a timeline for addressing the inadequate broadband access in the county. This timeline should identify funding sources to complete the project. Staff should produce a comprehensive management plan for Internet access throughout the county by December 31, 2021 and update the Board of Supervisors quarterly.



**Response to R2-C:**

*The Board agrees in part and disagrees in part with this recommendation. Mono County staff are actively monitoring broadband legislation and associated opportunities, as well as working with broadband providers to seek out new broadband solutions for as many residents of Mono County as practicable. Mono County also engages in advocacy at the state and federal levels through participation in the Rural County Representatives of California, the California State Association of Counties Broadband Task Force, and the National Association of Counties Broadband Task Force. However, Mono County does not have the authority or purview to regulate or direct the development of broadband and therefore it is challenging to produce a comprehensive management plan as suggested.*

**Implementation of R1-C:**

*Mono County Information Technology will continue to work on strategies around further developing broadband, however, it will likely be difficult to create a formal comprehensive management plan.*

**Implementation Timeline for R1-C:**

*By December 31, 2021 Mono County Information Technology will make a presentation to the Board of Supervisors regarding the state of broadband in Mono County and an overarching set of strategies.*

**R1-C&T:** The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) encourage their legal counsels to continue to coordinate with each other and other jurisdictions to address the shortcomings of the DIVCA legislation. A quarterly report detailing progress should be presented to the BOS and MLTC no later than October 31, 2021. Ongoing.

**Response to R1-C&T:**

*The Board agrees with this recommendation.*

**Implementation of R1-C&T:**

*The Mono County Counsel, Town Attorney for both Truckee and Mammoth Lakes, as well as the Inyo, Placer and Nevada County Counsels communicate regularly with each other regarding legislative and legal solutions. Recently, counsel worked together with IT staff from Placer and Mono Counties to draft a letter to Suddenlink, and copied to the CPUC and our state legislators regarding the need for reform. That letter was approved by the Boards of Supervisors of the three counties and by the Towns of Truckee and Mammoth. Subsequently, Inyo County sent a follow-up letter expressing similar issues.*

*Regular meetings among Mono, Inyo, Placer, Nevada, Truckee and Mammoth commenced in June of 2021 and continue to take place. Some of these meetings include representatives from the CPUC and Suddenlink, as invited.*

**Implementation Timeline for R1-C&T:**

*Ongoing.*



**R2-C&T:** The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the of Mammoth Lakes town manager and Mono County CAO respectively to coordinate with their respective staff and legal counsel to develop a plan to pursue enforcement of the customer service standards outlined by DIVCA, which may include leveraging penalties for not meeting customer service standards. The joint plan to be submitted to the MLTC and BOS by October 31, 2021 with quarterly follow-up.

**Response to R2-C&T:**

*The Board agrees with the recommendation that agency staff coordinate to improve customer service provided by Suddenlink, but notes that there may be barriers to enforcement and the imposition of penalties.*

**Implementation of R2-C&T:**

*In July of 2021 Suddenlink finally provided the County with its Customer Service Standards as required by DIVCA. Under DIVCA, the County must give Suddenlink notice of standards being violated and then provide a period in which the violation is corrected before fines are imposed. Some legal commentators take the position that local enforcement authority applies only to video service (i.e., not to broadband alone). This issue requires resolution. Further, with the implementation of the escalation process between Suddenlink and the agencies, it is unlikely that the time thresholds in DIVCA would be crossed making it difficult to further enforce the standards (currently the average time for resolution of issues is 12 days).*

**Implementation Timeline for R2-C&T:**

*Ongoing. A report will be made to the BOS by October 31, 2021.*

**R3-C&T:** The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to follow up on complaints submitted on the Suddenlink (Altice) escalation portal to determine if they are successfully resolved. This may necessitate follow-up communications to complainants and could include expanding the IT department. Follow-up on complaints to be addressed monthly and reported back to MLTC and BOS beginning no later than October 31, 2021.

**Response to R3-C&T:**

*The Board agrees with this recommendation.*

**Implementation of R3-C&T:**

*The Mono County IT Department does follow-up on complaints and tracks their resolution (or lack of resolution).*

**Implementation Timeline for R3-C&T:**

*Ongoing. A report will be made to the BOS by October 31, 2021.*

**R4-C&T:** The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to create more detailed and easy-to-follow instructions on how to use the newly established Suddenlink escalation portal no later than September 30, 2021.



**Response to R4-C&T:**

*The Board agrees with this recommendation.*

**Implementation of R4-C&T:**

*Corrective action has already been taken to provide more clear instructions on the Suddenlink Escalation Portal.*

**Implementation Timeline for R4-C&T:**

*Complete.*