



Mammoth Lakes Town Council

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 965-3610

www.townofmammothlakes.ca.gov

October 20, 2021

Honorable Mark Magit
Presiding Judge
Superior Court of California
Mono County
PO Box 1037
Mammoth Lakes, CA 93546

RE: Town of Mammoth Lakes response to the 2020-21 Grand Jury Management of Snow Removal on Easements Final Report

Honorable Judge Magit,

I am pleased to provide responses to the 2020-21 Grand Jury Management of Snow Removal on Easements Final Report and to the specific findings and recommendations related to the Report.

Findings and Responses

F1 Flooding in a long-established subdivision in winter 2016/2017 in an easement deeded to TOML was avoided when frustrated homeowners and volunteers coordinated to shovel snow to successfully prevent snowmelt and rain-on-snow runoff from damaging a number of homes. The project that Mammoth Unified School managed in coordination with the TOML was not required to complete a drainage study, nor was a drainage study completed for the sidewalk project managed by TOML. Despite ongoing discussion and negotiation with TOML management there is no clear path to resolving the issue leaving the homeowners concerned that the situation can and will arise again through no fault of their own.

F1 Response: *The Town agrees in part and disagrees in part with this finding. The Town agrees that some homeowners, volunteers (including Town employees) and workers hired by the HOA have shoveled snow from the easement in question at times. The Town disagrees that no study was undertaken of drainage patterns either for the Town's sidewalk project or the Mammoth Elementary School project. The project design for both projects did include consideration of drainage issues. The Town also disagrees that there is no path to resolving the issue. The Town plans to ensure that the obstructions that have been placed in the easement area that inhibit the flow of water through the easement area are removed. The Town will continue, to the best of its ability, to avoid placing snow in the easement area while conducting snow removal operations on adjacent streets. These areas have been marked with snow poles. The Town will continue to clean out culverts under*

public roads within the subject easements. The Town believes that this will resolve most or all of the normal drainage issues that have been reported.

Recommendations and Responses

R1 The Mono County Grand Jury recommends that the Town Council of Mammoth Lakes establish a policy that the Town prepare a drainage study for any project that the Town is involved in and which might alter existing drainage near public easements just like they require of any developer or contractor. The Town should not claim a “categorical exemption” for any project of their own that involves the possibility of unexpected drainage consequences as in this case. Such policy to be adopted and codified no later than December 31, 2021.

R1 Response: *The Town will not implement this recommendation, because it is not warranted or not reasonable.¹ The Town already prepares drainage studies and other studies for its projects to the extent that such studies are required under applicable law or required in order for the project to be safely and professionally designed and constructed. The Grand Jury’s statement regarding categorical exemptions does not seem to be a recommendation, but if it is intended to be one, the Town will not implement it, because it is not warranted or not reasonable. The Town will continue to conduct appropriate review for all projects, both Town projects and other projects, as required by the California Environmental Quality Act (CEQA). CEQA is among the strictest environmental laws in the United States, and requires environmental review of most projects, but the law recognizes that in some cases extensive review is not productive or required. CEQA allows the use of categorical exemptions or statutory exemptions under specific circumstances, and the Town will continue to make use of such exemptions where appropriate.*

R2 The Grand Jury recommends The Town Council of Mammoth Lakes direct town management to establish a clear policy for managing Town-owned easements and codify it by December 31, 2021.

R2 Response: *The Town will not implement this recommendation, because it is not warranted or not reasonable. No such policy is required, because Town staff already understand the importance of maintaining Town easements so that they function for their intended use and are free from obstructions. The Town maintains easements for many different uses, and each use and location can have different maintenance needs. Town staff make budget requests to the Town Council each year for funds to maintain all Town-owned property, including easements, but the Town Council has to weigh this funding against many other Town priorities. Establishing a policy such as the Grand Jury has recommended would not alter this understanding or provide additional staffing or funding for easement maintenance.*

¹ This is not intended to denigrate the Grand Jury’s recommendation. Penal Code Section 933.05(b)(4) requires this specific language to be used when a recommendation will not be implemented.

I would like to thank the Grand Jury for their efforts and for the service they provide our community. Their efforts add to the overall improvement and transparency of local government and provide an important oversight function for our residents. Thank you also to the Court for the assistance and guidance that is provided to Grand Jury.

Sincerely,

Bill Sauser
Mayor

cc: Town Council
 Town Manager
 Town Clerk
 Town Attorney