

MEETING MINUTES BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

Teleconference Only - No Physical Location

Regular Meeting October 6, 2020

9:02 AM Meeting Called to Order by Chair Corless.

Supervisors Present: Corless, Gardner, Kreitz, Peters, and Stump (all attended via teleconference).
Supervisors Absent: None.

All votes were conducted by roll call.

The Mono County Board of Supervisors stream most of their meetings live on the internet and archives them afterward. To search for a meeting from June 2, 2015 forward, please go to the following link: http://www.monocounty.ca.gov/meetings.

Pledge of Allegiance led by Supervisor Kreitz.

Supervisor Gardner:

 "Effective leadership is not about making speeches or being liked; leadership is defined by results not attributes." – Peter Drucker

Supervisor Corless:

Happy Birthday to Supervisor Stump

Supervisor Stump:

- Happy Birthday to Supervisor Corless
- Acting Inyo National Forest Supervisor Pancho Smith comment: "It's important to be kind to each other in times of stress."

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Owen Page:

Requested update on County data breach in July

2. RECOGNITIONS

A. Domestic Violence Awareness Month

(Caitlin Rea, Wild Iris Advocate) - Proclamation designating October 2020 as Domestic Violence Awareness Month.

Action: Approve Proclamation designating October 2020 as Domestic Violence Awareness Month.

Kreitz moved; Peters seconded

Vote: 5 yes, 0 no

M20-195

Caitlin Rea, Wild Iris Advocate:

- Read proclamation
- Wild Iris update double volume of calls and clients, working with same funding and staffing
- Fundraising virtual wine tasting in conjunction with Bleu Handcrafted Foods

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Dave Wilbrecht, Acting CAO:

- Health update for CAO Lawton
- Recognized Social Services and Sheriff for work preparing for evacuation of Mammoth Lakes if evacuation had been ordered
- Assistant CAO and Housing Coordinator recruitment update

4. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun, Mono County Sheriff:

Update on recent legislation enacted that apply to law enforcement

Jason Canger, Assistant County Counsel:

Litigation updates

Stacey Simon, County Counsel:

- Update on breach of protected health information identified in July 2020
- Phone number for general information if you have received a notice or are concerned and would like to know whether your data was among the data that was potentially accessed: (844) 794-0142

Justin Caporusso, Public Information Manager:

 Phone line County Counsel Simon referenced in department report is available and staffed by a live person during business hours

Alicia Vennos, Economic Development Director:

- Launched Mono C.U.R.E. (County Unified Recovery Effort) business assistance program yesterday (10/5), can apply on the Mono County website on the Economic Development page
- Thanked Board and Finance Director Dutcher for support for this funding allocation through the CARES Act
- Thanked Olivia and Joel in IT for assistance in setting up portal for application process
- Thanked Economic, Development, Tourism, and Film Commissioners for assistance in developing the program

5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Board Minutes - August 18, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on August 18, 2020.

Action: Approve the Board Minutes from the Regular Meeting on August 18, 2020.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-196

B. Board Minutes - September 1, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on September 1, 2020.

Action: Approve the Board Minutes from the Regular Meeting on

September 1, 2020.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-197

C. Board Minutes - September 8, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on September 8, 2020.

Action: Approve the Board Minutes from the Regular Meeting on September 8, 2020.

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Gardner moved; Kreitz seconded Vote: 5 yes, 0 no

M20-198

D. Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief, and Economic Security Act (CARES) Grant Agreement

Departments: Public Health

Proposed grant agreement with the California Department of Public Health and Heluna Health pertaining to Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief, and Economic Security Act (CARES) Grant Agreement #6.NU50CK000539-01-08 DHHS-CDC, Term May 1, 2020 to March 31, 2022.

Action: Approve the Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief, and Economic Security Act (CARES) Grant Agreement for fiscal years 2020-21 and 2021-22, and authorize the Chairperson to sign one (1) copy of the Work Order Agreement with Heluna Health to execute the agreement on behalf of the County as well as authorize the County Administrative Officer and Interim Public Health Director to sign one (1) copy of the agreement as required. Additionally, provide authorization for the Public Health Director to approve minor amendments and/or revisions that may occur during the contract period provided they are approved by County Counsel and do not materially affect the County's rights.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-199

E. Increase in Appropriations and Addition of Three Limited Term Positions in the Department of Public Health

Departments: Public Health

Requested increase in appropriations for the Enhancing Laboratory Capacity/Enhancing Detection Funding (ELC/EDF) and Proposed Resolution amending Mono County List of Allocated Positions to add three limited-term positions within the Department of Public Health related to COVID-19.

Action:

- 1) Approve increasing appropriations in the amount of \$1,587,438 in new grant funding to support the public health response to COVID-19 (requires 4/5ths vote approval).
- 2) Adopt proposed Resolution R20-90, Authorizing the County Administrative Officer to amend the list of allocated positions to add three (3) new limited-term positions consisting of one FTE Epidemiologist, one FTE Community Health Program Coordinator II, and one FTE Community Health Outreach Specialist in the Department of Public Health.

Gardner moved: Kreitz seconded

Vote: 5 yes, 0 no

R20-90

F. Amendment #4 to Contract with Inyo County for Senior Services

Departments: Social Services

(Kathy Peterson) - Amendment #4 to Contract between County of Inyo and County of Mono for an increase in funds related to the Senior Services Program for FY 2019-20

Action: Approve the proposed contract Amendment #4 to the contract with Inyo County for senior services for the period July 1, 2016 through June 30, 2020 and authorize the Board Chair to execute such Amendment on behalf

of the County.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-200

6. CORRESPONDENCE RECEIVED

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

The Board acknowledged receipt of the correspondence.

A. Department of Fish and Wildlife - Public Review of Draft Initial Study/Negative Declaration

Draft Initial Study/Negative Declaration for the Proposed Simplification and Amendments to Statewide Inland Sport Fishing Regulations completed by the California Department of Fish and Wildlife.

B. California Department of Water Resources Letter re: Delta Water Conveyance Facilities

The California Department of Water Resources is currently undertaking environmental review and related planning and design activities regarding new Delta conveyance facilities. The facilities under review would transport water from new intake points on the Sacramento River at the northern edge of the Delta through an underground tunnel running below the natural waterways of the Delta to export facilities at the southern edge of the Delta.

Supervisor Stump:

 These actions are something the Board and County need to be aware of, even if they are in other parts of the state. They may establish precedence that could be used here locally.

C. Letter re: Bridgeport Businesses Violating Public Health Orders

Letter to the Board regarding concerns over Bridgeport businesses not following public health orders.

Supervisor Peters:

 Throughout the challenging COVID time, Bridgeport business have made a tremendous effort to comply with all local and State regulations.

D. NACo Nomination Letters

Letters from National Association of Counties (NACo) to Board of Supervisors regarding nominations as members of the Public Lands Policy Steering Committee, Community, Economic and Workforce Development Policy Steering Committee, Agriculture and Rural Affairs Policy Steering Committee, and Human Services and Education Policy Steering Committee.

E. Federal Energy Regulatory Commission (FERC) Letter re: Incident Report for a Ruptured Penstock Leading to the Poole Powerhouse

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted an incident report for a ruptured penstock leading to the Poole Powerhouse, which is part of the Lee Vining Creek Project, FERC No. 1388.

F. Southern California Edison (SCE) Letter re: Lundy Hydroelectric Project Outage

A letter from Cal Rossi, SCE Government Relations Manager, to the Board regarding the Lundy Hydroelectric Project Outage scheduled to begin October 1, 2020.

7. REGULAR AGENDA - MORNING

A. Update on Wildfires and Review of Open Fire Ban; Urgency Ordinance

Departments: Sheriff, Public Works

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Action: Adopt Urgency Ordinance Continuing Prohibition of Open Fires within the Unincorporated Areas of Mono County; Providing Direction for the Reopening of Lundy Campground; and Superseding and Replacing Mono County Ordinance ORD20-09.

Gardner moved; Corless seconded

Vote: 5 yes, 0 no

ORD20-11

Ingrid Braun, Mono County Sheriff:

- Creek Fire update
- Recommend continuation of temporary ordinance

Joe Blanchard, Parks and Facilities Superintendent:

- Lundy Campground opened on Saturday, fire ban in place
- Closure of campground is based on weather

B. Election Update

Departments: Elections

(Shannon Kendall) - Update on November 3, 2020 General Election.

Action: None.

Scheereen Dedman, Assistant Clerk-Recorder-Registrar:

- Ballot drop box updates thanked Claude in Public Works for his assistance
- Elections page Voter Guide, list of candidates, how to vote, where to vote, register to vote
- BallotTrax

Shannon Kendall, Clerk-Recorder-Registrar:

- All Vote by Mail ballots mailed by vendor yesterday, October 5
- ESUSD Board Race update
- Thanked Finance department for accommodating last minute postage request
- Poll Worker trainings
- Thanked Public Works and IT departments for their assistance
- Security of ballot storage

Break: 10:27 AM Reconvened: 10:36 AM

C. COVID-19 (Coronavirus) Update

Departments: CAO

(Dave Wilbrecht, Dr. Tom Boo) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health. Specific topics include, but are not limited to: Discussion of California's Blueprint for a Safer Economy.

Action: None.

Dr. Tom Boo, Mono County Health Officer:

- Hospital functioning normally
- Limitations on testing due to air quality
- Mono County remains in the second to least restrictive tier: Tier 3/Orange Tier
- Noted that he feels strongly that face covering/masking is proving an effective public heath measure

Supervisor Peters:

CSAC Rural County COVID Working Group update

Stacey Simon, County Counsel:

The masking order in California has not been overturned by any court

Public Comment:

No Name

D. Employment Agreement with Bryan Wheeler as Public Health Director

Departments: Human Resources/CAO

(David R Butters) - Proposed resolution approving a contract with Bryan Wheeler as Director of Public Health, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R20-91, approving a contract with Bryan Wheeler as Director of Public Health, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost for the remainder of fiscal year (2020-2021) will be \$146,421 of which \$89,272 is annual salary, and \$57,150 is the cost of benefits. Cost for a full fiscal year is \$199,443 of which \$121,600 is the annual salary and \$77,843 is the cost of benefits and is included in the approved budget.

Kreitz moved; Peters seconded Vote: 5 yes, 0 no R20-91

Dave Wilbrecht, Acting CAO:

Introduced item

Dave Butters, HR Director:

Reviewed recruitment process

Lynda Salcido, Interim Public Health Director:

Happy to welcome Bryan into the position

Bryan Wheeler, Public Health Director:

• Thanked everyone involved in the process and the confidence they have in him

E. Termination of Town/County/Mammoth Lakes Recreation (MLR) Memorandum of Understanding (MOU) and Adoption of Town/County MOU relating to Joint Recreation Position

Departments: Public Works

(Tony Dublino, Director of Public Works) - Discussion and action regarding the termination of the Town/County/MLR Agreement that governed the work and funding of the Eastern Sierra Sustainable Recreation Coordinator, and adopting a new Town/County Agreement for the same purposes.

Action:

- 1) Approve agreement terminating existing MOU between County, Town and Mammoth Lakes Recreation Regarding the Eastern Sierra Sustainable Recreation Coordinator Position and authorize the Public Works Director to execute termination agreement.
- 2) Approve and authorize Director of Public Works to sign the agreement as presented, or with such minor changes or modifications as may be approved by County Counsel and which do not alter the substantive provisions of the agreement.

Gardner moved; Peters seconded

Vote: 5 yes, 0 no

M20-201

Tony Dublino, Director of Public Works:

Presented item

Jason Canger, Assistant County Counsel:

Addressed option to terminate agreement earlier

Dan Holler, Mammoth Lakes Town Manager:

Provided background on position

Janet Dutcher, Finance Director:

Geothermal revenues are governed by State code. If there are no geothermal
projects (which the County does not have any at this time), revenues can then be
used for either capital or recreation. County policy for the last 3-4 years has been
to use geothermal revenues exclusively for recreational projects.

F. Employment Agreement with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator

Departments: Public Works

(Tony Dublino, Director of Public Works) - Proposed resolution approving a contract with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R20-92, approving a contract with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost for the position for the remainder of fiscal year (2020-2021) will be \$90,045 of which \$51,012 is annual salary and \$39,033 is the cost of benefits. The cost for a full fiscal year would be \$120,060 of which \$68,016 is annual salary and \$52,044 is the cost of benefits.

Peters moved to adopt the proposed resolution approving the 3-year contract; Gardner seconded

Vote: 5 yes, 0 no

R20-92

Tony Dublino, Director of Public Works:

Presented item

Matthew Paruolo, Eastern Sierra Sustainable Recreation Coordinator:

Thanked Board for the opportunity

G. Prop 68 Per Capita Grant Opportunities and Projects

Departments: Public Works

(Tony Dublino, Director of Public Works) - Presentation and discussion of the Prop 68 Per Capita Grant opportunities, and how those opportunities can be applied to identified recreation enhancement projects within the County. A tentative project list, including cost estimates, is included in the staff report for consideration.

Action: None.

Tony Dublino, Director of Public Works:

Presented item

Supervisor Kreitz:

 Would like to focus on recreation improvements, particularly items #2-6 on list in Staff Report

Supervisor Stump:

Focus on items #2-6 on list in Staff Report

Supervisor Gardner:

Would like more information before moving forward

Supervisor Peters:

Focus on items #2-6 on list in Staff Report

Supervisor Corless:

Ensure that we are including equity in the decision-making process

Matthew Paruolo, Eastern Sierra Sustainable Recreation Coordinator:

 Clarified that while there is not a hard deadline to submit an application to the State, the State would like to see the projects submitted at the start of 2021

H. District Attorney Salary Survey and Compensation

Departments: District Attorney

(Tim Kendall, Dave Butters) - Presentation and discussion of 2020 salary survey performed by the District Attorney's office for the positions of Assistant District Attorney and District Attorney.

Action: None.

Tim Kendall, District Attorney:

• Presented item

Dave Butters, HR Director:

Reviewed involvement in salary survey

Dave Wilbrecht, Acting CAO:

· Recommendation has been to put this discussion off until mid-year

Janet Dutcher, Finance Director:

• Reviewed the potential fiscal impact

Supervisor Corless:

 Requested that Acting CAO Wilbrecht consult with CAO Lawton and re-agendize this item for the following week Break: 12:59 PM Reconvened: 1:17 PM

Moved to Item 11A.

I. Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp Cultivation within the Unincorporated Area of the County

Departments: Community Development Department

(April Sall) - Proposed ordinance adding Chapter 5.70 to the Mono County Code prohibiting industrial hemp cultivation within the unincorporated area of Mono County.

Action: Introduce, read title, and waive further reading of proposed ordinance No. ORD20-10, Adding Chapter 5.70 to the Mono County Code Pertaining to the Local Regulation and Permitting of Industrial Hemp Operations within the Unincorporated Area of the County.

Gardner moved; Peters seconded

Vote: 5 yes, 0 no ORD20-10

April Sall, Planning Analyst:

Introduced item

Christy Milovich, Assistant County Counsel:

 Clarified that this item is establishing an ordinance codified within Mono County code that would prohibit cultivation of industrial hemp indefinitely until such time the Board were to decide to make a different decision on hemp.

Public Comment:

Jake Suppa

Nate Reade, Inyo/Mono Agricultural Commissioner:

Invo County requires conditional use permits be issued from planning

Wendy Sugimura, Community Development Director:

 When the regulatory status changes in California, Community Development will bring a report back to the Board to receive further direction.

J. 2020/2021 California State Association of Counties (CSAC) Nominations

Departments: Board of Supervisors

Nomination of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2020/2021. Appointment of individuals nominated by the Board is made by the CSAC Executive Committee and appointments are for one year.

Action: Nominate Supervisor Peters to serve on the CSAC Board of Directors for the 2020/2021 Association year beginning on November 12, 2020; also, nominate Supervisor Kreitz as an alternate member.

Corless moved; Gardner seconded Vote: 5 yes, 0 no M20-202

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

Closed Session: 3:41 PM Reconvened: 4:07 PM

Nothing to report out of Closed Session.

Moved to Item 12.

A. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Mineral County et al v. Lyon County et al. (NV Supreme Court Case No. 75917).

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

11. REGULAR AGENDA - AFTERNOON

A. Presentation and Discussion of Options in Response to Water Management Decisions/Activities on Mill and Wilson Creeks

Departments: County Counsel's Office, Public Works Department

(Jason Canger, Tony Dublino) - Staff presentation, public comment, and discussion of possible options on water management activities on Mill and Wilson Creeks.

Action:

- 1) Receive staff presentation and public comment on recent impacts to Wilson Creek due to water management decisions and activities in the North Mono Basin
- 2) Discuss potential options to address impacts identified by staff, stakeholders, and the public

As a result of a conflict due to owning real property within 500 feet of the creek being discussed, County Counsel Simon recused herself from this item.

Jason Canger, Assistant County Counsel:

Presented item

Gordon Martin, Inyo National Forest Mammoth Mono Lake District Ranger:

Reviewed Forest Service's priorities for use of water right

Thomas Torres, Wildlife Biologist Inyo National Forest:

Reported on investigation and five issues found

Public Comment:

- Paul McFarland
- Cole Hawkins
- Hillary Hansen Jones
- Jeff McQuilkin
- Katie Maloney Bellomo

Break: 3:12 PM Reconvened: 3:18 PM

Moved to Item 7I.

12. BOARD MEMBER REPORTS

Supervisor Corless (submitted via email):

- 9/17: RCRC Board of Directors Meeting: See the meeting highlights memo
 (https://www.rcrcnet.org/sites/default/files/useruploads/Meetings/Board_of_Direct
 ors/2020/September_16_2020/BoardMeeting_Highlights_September_16_2020_F
 INAL.pdf) for more meeting details. Actions include voting to take a "no position"
 position to Proposition 22, and adopting the findings of RCRC's ad-hoc
 Homeowners Insurance Committee. Here are the recommendations:
 - The Committee requests that the RCRC Board of Directors adopt and approve the following recommendations:
 - Instruct RCRC staff to remain engaged with the Legislature, the Department of Insurance and the insurance industry on potential legislation or administrative proposals to appropriately represent the impacts of insurance nonrenewals on rural homeowners and communities in the wake of the failure to pass AB 2167 and SB 292 in their pre-amended forms.
 - 2. Communicate the following list of wildfire mitigation actions to member counties for their consideration:
 - Adopt local ordinances that reinforce and strengthen existing state defensible space mandates.
 - Reinforce the new fire-resistant standards adopted by the state for new building construction.
 - Work in concert with local fire prevention agencies such as Fire Safe Councils and Resource Conservation
 Districts to establish financial assistance programs for low income, elderly and disabled residents that cannot feasibly maintain their own defensible space or afford home hardening upgrades.
 - Encourage community-wide fire mitigation activities along with individual homeowner efforts, such as shaded fuel

- breaks, and work with local fire prevention agencies to leverage state and federal grant funding to complete projects.
- 3. Instruct RCRC's advocacy team to pursue the following state legislative priorities:
 - Support a statewide, permanent funding mechanism for land use planning, home hardening and defensible space efforts for wildfire prevention.
 - Support legislative proposals that will facilitate insurer market penetration into high fire hazard severity zones that also ensure insurance affordability.
 - Support modifications to current insurance reimbursement practices that make it easier for homeowners to recover losses after a catastrophic fire event.
 - Support legislative proposals that include feasible, implementable standards to strengthen defensible space, home hardening and local land use planning requirements for wildfire mitigation.
- 9/18 Golden State Natural Resources Board of Directors
- 9/21 Yosemite Area Regional Transportation System board meeting--continuing to address covid and wildfire related challenges, including amending the agreement with the VIA transit (the bus operator), and agreeing to fund an update to the transit plan.
- 10/1 California Association of Local Behavioral Health Boards and Commissions Meeting/Training
- 10/4 Planning meeting for Diversity, Equity, Inclusion work, will bring a resolution and actions for board consideration at the 10/13 meeting.

Supervisor Gardner:

Defer report to next week

Supervisor Kreitz:

 On October 13 at 5:30 PM, the Town of Mammoth Lakes is doing a Community Conversation on The Parcel and will have 30 minutes available for Q&A

Supervisor Peters:

• Defer report to next week

Supervisor Stump:

 Invited by the California Public Utilities Commission to be on the panel at their meeting tomorrow (10/7) discussing the Frontier Bankruptcy. It is a local government tribal panel, will be joined by Plumas County Supervisor Goss, Mayor of the City of Livingston, and two tribal representatives.

ADJOURNED AT 4:10 PM

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ATTEST
STACY CORLESS CHAIR OF THE BOARD
QUEENIE BARNARD SENIOR DEPUTY CLERK OF THE BOARD