



Town Council Agenda Wednesday, April 22, 2020 - 1:00 PM

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town of Mammoth Lakes at (760) 965-3600. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)

NOTE: Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public inspection in the Town Offices located at 437 Old Mammoth Road, Suite 230 during normal business hours. Such documents are also available on the Town of Mammoth Lakes website at www.townofmammothlakes.ca.gov subject to staff's ability to post the documents before the meeting.

NOTE: All comments will be limited to a speaking time of five minutes.

NOTE

This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. It is strongly encouraged that you watch the Town Council meetings on the Town of Mammoth Lakes' website at www.townofmammothlakes.ca.gov or on the local government cable channel 18. Public comments can be submitted to the Town Clerk at jgray@townofmammothlakes.ca.gov before and during the meeting.

NOTE

The first two items of this agenda will be held jointly with the Mono County Board of Supervisors.

ROLL CALL

Councilmembers Cleland Hoff, Kirk Stapp, John Wentworth, Mayor Pro Tem Lynda Salcido, and Mayor Bill Sauser. Mono County Board of Supervisors Stacy Corless, Bob Gardner, Jennifer Kreitz, John Peters, and Fred Stump.

PUBLIC COMMENTS

The Public Comment portion of the agenda provides the public with an opportunity to address the Town Council on matters not otherwise listed on the agenda. Under California law the Town Council is prohibited from generally discussing or taking action on items not included in the agenda; however the Town Council may briefly respond to comments or questions from members of the public. Therefore, the Town Council will listen to all public comment, but will not generally discuss the matter or take action on it. Requests for service from the Town may also be made at the Town offices during regular business hours. Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration.

POLICY MATTERS

- 1. Proposed closures of defined facilities and areas within the Inyo National Forest (This is a joint item between the Town Council of the Town of Mammoth Lakes and the Mono County Board of Supervisors.)**
[Forest Order Emergency Closure](#)
[Draft Letter](#)
[USFS Closure Support Letter EOC](#)
[USFS road closure endorsement letter Apr 20 2020](#)
- 2. COVID-19 Update and Discussion. (This is a joint item between the Town Council of the Town of Mammoth Lakes and the Mono County Board of Supervisors.)**
[Presentation](#)
- 3. Town of Mammoth Lakes Rental Assistance Program.**
[COVID 19 Rental Assistance Program](#)
[COVID 19 Rental Assistance Application](#)
- 4. Urgency Ordinance amending sections 3.12.080 and 5.04.340 of the Mammoth Lakes Municipal Code regarding transient occupancy tax reporting and remittance and business tax certificates and a staff update on the status of short-term rental activity.**
[Ordinance](#)
[Short-term Rental Enforcement to comply with StayAtHome Order](#)
[Public Health Order for Short-Term Rentals Amended](#)
- 5. Mammoth Lakes Tourism Update, Discussion and Direction.**

ADJOURNMENT

The Town Council will adjourn to a special meeting to be held on Wednesday, April 29, 2020 at 1:00 p.m.

**Mammoth Lakes Town Council
Agenda Action Sheet**

Meeting Date: April 22, 2020

Prepared By: Daniel C. Holler, Town Manager

Submitting Department: Administration

Title: Proposed closures of defined facilities and areas within the Inyo National Forest (This is a joint item between the Town Council of the Town of Mammoth Lakes and the Mono County Board of Supervisors.)

Recommended Motion: Provide staff direction on providing a letter of support regarding the temporary closures of defined facilities and areas within the Inyo National Forest from Town and County elected officials.

Background Information: The Forest Supervisor is proposing to close specific facilities (roads or trails) within four sites in the Inyo National Forest. The Forest Service is requesting a letter of support for the closures from the impacted local governments. A draft letter from the Town of Mammoth Lakes and Mono County is provided for consideration. The closure areas are outlined in the attached information. The two areas in the Town and Mono County include the roads within the Lakes Basin including the access via Old Mammoth Road, the roads at Minaret Vista to Reds Meadow, and the Joaquin Ridge Road. The proposed action supports the efforts of the Emergency Operations Center (EOC) and the Unified Command that has been put in place to respond to the COVID-19 Pandemic. The EOC is actively working on plans to establish a slow and gradual re-opening of the community. This will be guided by the medical community and in line with guidance from State and Federal Agencies and implemented as necessary under local authority. For the two areas in the Town and Mono County, the proposed closures do not limit all access or close trails, but access is limited. The practicality of opening the areas to the public is also a challenge for the Federal agencies due to staffing and required actions necessary to open facilities for public use. The Eastern Sierra Sustainable Recreation Partnership (ESSRP) will discuss this matter on Monday, April 20th and comments will be provided to the Council and Board. Information presented at this meeting is attached.

Attachments:

-



Date: April 14, 2020

To: File

From: Tammy Randal-Parker, Forest Supervisor

Re: Forest Order No. 05-01-20-02 COVID19 Emergency Closure

I am issuing Forest Order No. 05-04-20-02 to provide for both public and employee health and safety in response to the COVID19 pandemic by closing specific roads, trails, and trailheads within the Inyo National Forest.

This Forest Order will be in effect from April 14, 2020 until June 30, 2020 and will address public health and safety concerns related to public recreation.

Specific roads and trails are depicted in exhibits A-E and identified in exhibit F.

Coronavirus disease (COVID-19) is an infectious and potentially fatal disease caused by a newly discovered coronavirus which leads to respiratory illness. The virus is thought to spread mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. There is currently no vaccine to prevent COVID-19. As a result, the best way to prevent illness is to avoid being exposed to the virus.

California and the rural areas of Inyo and Mono County have seen a rapid community spread of the coronavirus. As a result, the Governor of California recently issued Executive Order N-33-20, which directs all individuals living in the state to stay home or at their place of residence. These requirements were implemented to preserve public health and safety, and to ensure that healthcare delivery systems are capable of serving all residents. Inyo and Mono County also issued a Safer at Home Order for Control of Covid-19 (including an Addendum for the Temporary Closure of Public Trails and Trailheads, prohibiting non-essential activities and group gatherings of 10 or more. Typically, the Inyo National Forest and local counties welcome visitors and recreationists as tourism is the economic driver for the local area. With COVID-19, however, we join our local partners in their concern regarding the potential for a large outbreak of COVID-19 and our ability to successfully respond as rural communities.

This decision was based on recommendations from the Centers for Disease Control and Prevention (CDC) as well as state and local health authorities. Developed recreation, to include National Forest System trails, within the Inyo National Forest have experienced an extreme level of recreational use. In some areas the increase in public use is so great that social distancing is not possible. Observed behaviors, and the continued announcements of additional local, county, federal, and state, recreational opportunity closures in response to the COVID-19 outbreak, result in the high likelihood that the Inyo National Forest will become increasingly congested. The Forest Service is focused on ensuring the health and safety of our employees and the public while maintaining our ability to provide mission critical services including the emergency response capability of fire, law enforcement, and support for the Federal Emergency Management Agency.



These roads, trails, and trailheads typically draw large groups of people at any given time creating mass gatherings and concentrated groups of forest visitors in these areas. It is common for these roads, trails, and trailheads to have hundreds of forest visitors creating public health and safety concerns relative to the most recent COVID-19 pandemic and require significant management oversight, especially during the high-use conditions now being realized. This management burden puts Forest personnel at additional risk of exposure to COVID-19. In several instances already, Forest employees have run out of the necessary personal protective equipment and cleaning supplies to perform site maintenance activities safely while mitigating the risk of exposure.

Additionally, these roads and are located adjacent to residential communities. The high-use recreation traffic is creating additional exposure risks to the community residents. Roads and trails that connect multiple communities create unmanageable vectors for further community spread of COVID-19. Trails that begin off the National Forest and are closed by local authorities but remain open on National Forest System lands create circumstances in which the public is using dangerous and damaging off-trail routes to gain access to the open portions, causing environmental damage and increasing the risk for search and rescue personnel when injuries occur. These roads and trails also have a high number of emergency responses and search and rescue operations straining local medical resources. Closing these roads, trails, and trailheads will help reduce additional unnecessary risks to the public exposed to community spread of COVI-19, first responders, and strain on the medical system during this pandemic.

This closure is an interim measure. I will continue to evaluate the emerging safety situation around COVID-19 and follow guidelines from the CDC, as well as state and local health departments, to ensure that the safety of our employees and our visitors is a priority.

The current pandemic projections for California indicate a peak infection rate achieved by early May 2020 and a recovery rate of no new infections by mid-June 2020 (<https://covid19.healthdata.org/projections>).

This Forest Order was made in consultation with local municipalities, congressional representatives, Inyo County Sheriff's Department and Mono County Sheriff's Department.

This Forest Order includes an exemption for persons with a Forest Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order (Form FS-7700-48). Authorization for entry under this exemption will only be provided if I or my delegate determine that the risk to personal health and safety is reasonable, considering the circumstances of the request. We may also require appropriate personal protective equipment and other necessary safety measures. I hereby delegate the authority to sign Form FS-700-48 granting an exemption to this Forest Order to all Inyo National Forest Line Officers.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement or Environmental Assessment under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(I) - Prohibitions to provide short-term resource protection or to protect public health and safety - and does not require documentation in a decision memo, decision notice, or record of decision. I have determined that there are no extraordinary circumstances associated with this temporary closure. Implementation of the decision may begin immediately.

ORDER NO. 05-04-50-20-02
COVID-19 EMERGENCY CLOSURE
INYO NATIONAL FOREST

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to protect natural resources, the following act is prohibited within the Inyo National Forest. This Order is effective from April 14, 2020 through June 30, 2020.

1. Being on the National Forest System roads listed in Exhibit F and shown on Exhibits A through. 36 CFR 261.54(e).
2. Being on the National Forest System trails listed in Exhibit F and shown on Exhibit E. 36 CFR 261.55(a)

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Persons with a Forest Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order, Form FS-7700-48, specifically exempting them from the effect of this Order.
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
3. Current recreational cabin permittees may use the closed National Forest System roads and trails, to the extent necessary to access their cabins.

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Bishop, California this _____ day of April, 2020.

Tammy Randall-Parker
Forest Supervisor
Inyo National Forest.



April 2, 2020

Mr. Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

RE: Request for Closure of National Forest System Lands Upon Local Request During the COVID-19 Pandemic

Dear Secretary Purdue:

On behalf of the Rural County Representatives of California (RCRC), I am writing to urgently request that the USDA Forest Service (USFS) Pacific Southwest Region (Region 5) and Intermountain Region (Region 4) be given the authority to close targeted portions or, if need be, entire national forests within their jurisdiction in California upon a county's request. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

Rural counties throughout the nation are facing a myriad of challenges in response to the COVID-19 pandemic, with the public health and safety of residents of paramount importance. RCRC's thirty-seven member counties contain more than 70 percent of California's national forest system lands, and normally welcome the economic and social benefits afforded to our communities by the lands managed by the USDA Forest Service. However, increased and irresponsible public usage of federal lands by those who either ignore or misunderstand the orders put forth by public health officials (which are made by many county public health officers is creating unique challenges). For a large number of rural California counties, controlling the movement of people – particularly urban/suburban non-residents drawn to rural recreation locales - is making it nearly impossible to control the spread of the Coronavirus into communities which lack the capacity to provide healthcare to their residents who may become infected.

For example, Tuolumne County is experiencing an influx of non-resident visitors to the Stanislaus National Forest. While Region 5 leadership is currently working diligently with the County to target areas for closure to bring some relief, we strongly

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

Mr. Sonny Perdue
Request for Closure of National Forest System
Lands Upon Local Request During the COVID-19 Pandemic
April 2, 2020
Page 2

believe that closure of the entire forest needs to be an option to discourage non-resident visitation at this time.

RCRC appreciates the formal closure of developed areas in national forest system lands. However, non-residents are simply circumventing those closures by parking outside of those areas and venturing into the forests as they would under normal circumstances. RCRC formally requests that USDA initiate a system to allow Region 4 and Region 5 the discretion to fully close upon request of all/either the Board of Supervisors, Sheriff, or Public Health Officer until the county can fully work through this pandemic. Closure could be either targeted portions or the entirety of a specified national forest, which is consistent with recent policy adopted by the U.S. Department of Interior to address closures of National Park Service Lands. We would expect these closures would occur after close consultation with county public health officials.

We appreciate your immediate response and attention to this urgent request to help ensure the public health and safety of rural county residents. Please do not hesitate to contact me if you would like to discuss this request further.

Sincerely,



STACI HEATON
Senior Regulatory Affairs Advocate

cc: Nora Rasure, Region 4 Regional Forester
Randy Moore, Region 5 Regional Forester
Members of the Alpine County Board of Supervisors
Members of the Calaveras County Board of Supervisors
Members of the Mono County Board of Supervisors
Members of the Tuolumne County Board of Supervisors

INYO NATIONAL FOREST
Forest Order No. 05-04-50-02
COVID 19 Emergency Closure

EXHIBIT F

Mammoth and Mono Lake Ranger District

Exhibit A - Minaret Vista Reds Meadow:

- Forest Road 3S11- Located in Township 3 North, Range 26 East. Starts in Section 25 and travels north then south through Sections 25, 26, 23, 35, 34 then continues south into Township 4 South, Range 26 East through sections 2, 3, and 11. Mount Diablo Base and Meridian (MDBM).
- Forest Road 26E201 - Located in Township 3 North, Range 26 East travels north through Section 25, 24 and 13 (MDBM).

Exhibit B – Mammoth Lakes Basin Roads

- Twin Lake Loop Road FR 04S22 - Located in Township 4 South, Range 27 East, Section 4 and 9 (MDBM).
- Old Mammoth Road FR 04S19 - Located in Township 4 South, Range 27 East, Section 9 (MDBM).
- Lake Mary Road FR 03S10 - Located in Township 4 South, Range 27 East, Section 9, 16, and 8 (MDBM).
- Lake Mary Loop Road FR 04S09 - Located in Township 4 South, Range 27 East, Section 16, 17, and 9 (MDBM).
- Cold Water FR 04S25 - Located in Township 4 South, Range 27 East, Sections 16, and 22 (MDBM).

White Mountain Ranger District

Exhibit C- Pine Creek Road

- FR 6S17 - Located in Township 6 South, Range 30 East, Section 23 and the Inyo National Forest Boundary. The road travels southwest to Township 7 South, Range 30 East, Section 9 (MDBM). Pine Creek Rd., 06S17 will be closed for an approximate two mile stretch of the road in the climbing area one-half mile on either side of the road.

Exhibit D – Buttermilk Road

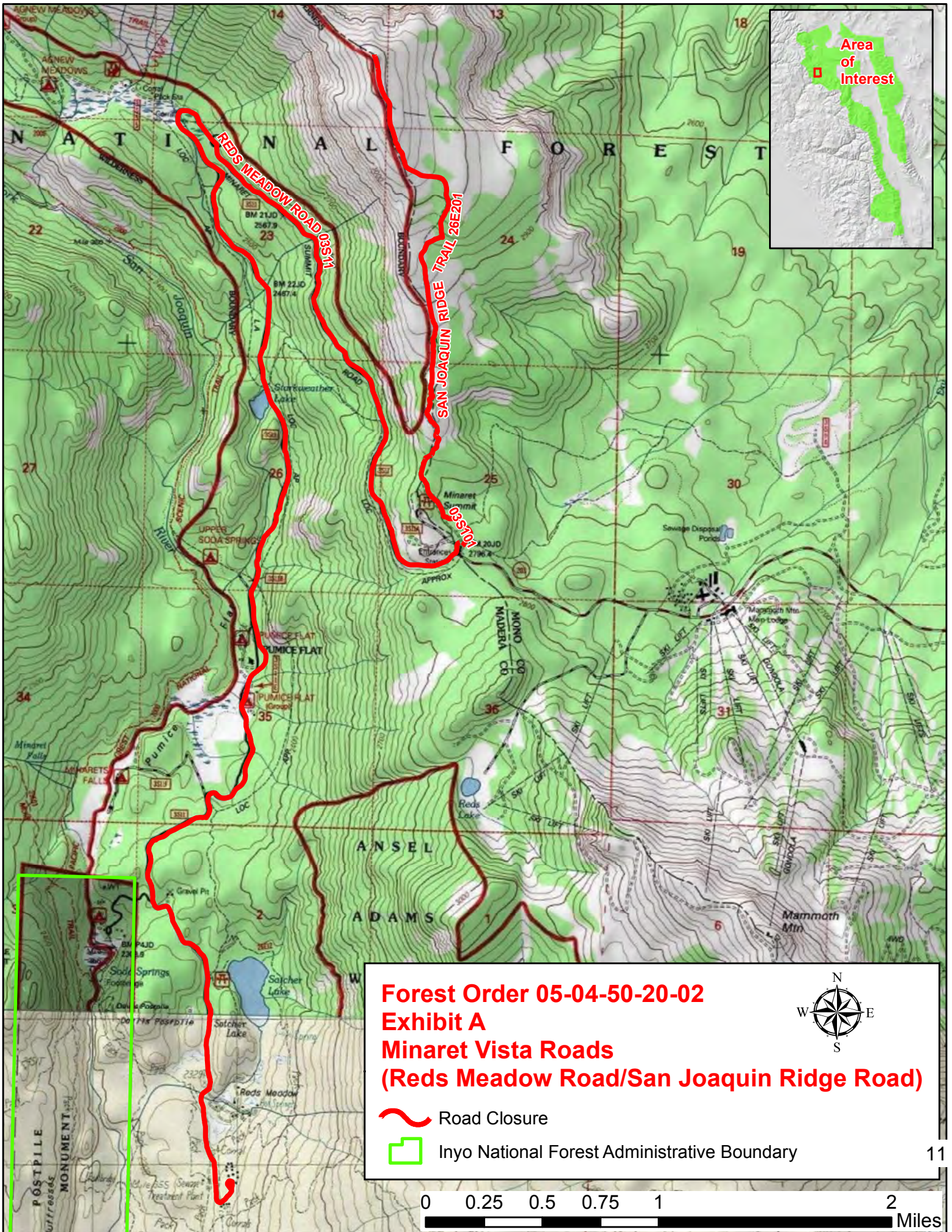
- FR 7S01 from Hwy 168 - Located in Township 7 South, Range 31 E travels west through Section 13, 14, 23, 22 then southwest through Section 21, 20, and 29, then south through Sections 30, 31 through Township 8 South Range 6, 5, 4, 9, and 16 (MDBM). The closure area Includes one half-mile along either side of the road.
- FR 7S107 - Located in Township 7 South, Range 31 East, Section 23 travels north to intersect with FR 7S01 (MDBM).
- FR 7S04 - Located in Township 7 South, Range 31 East, Section 21 travels north from the east intersection with FR 7S01 then west through Section 14, 15, 10, 9 then then southwest through section 16 intersecting at the west end FR 7S01 (MDBM).

- FR 7S01A – Located in Township 7 South, Range 31 East, Section 13 travels northwest to intersect with FR 7S01 (MDBM).
- FR 07S15 – From Hwy 168 E Located in Township 7 South, Range 31 East, Section 25 travels southwest through Section 26, 35, 34, and 33 (MDBM).



Mt. Whitney Ranger District

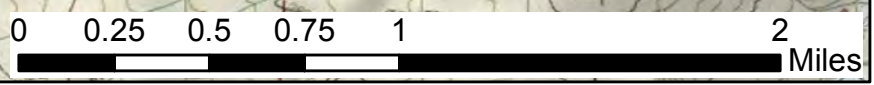
Exhibit E – Mt. Whitney Area Trails

- Whitney Portal Trail NRT 3501 – Located in Township 15 South, Range 35 East, Section 29 and travels west through sections 30, 31, and 36 (MDBM).
- Meysan Lakes Trail NRT 3403 - Located in Township 15 South, Range 35 East, Section 36 and travels south southwest to Township 16 South, Range 35 East, Sections 1, 2, and 11 (MDBM).
- Mount Whitney Trail NRT 3404 - Located in Township 15 South, Range 35 East, Section 35 then travels west southwest through Township 16 South, Range 35 East, Section 2, 3, 10 and 9 (MDBM).
- North Fork Lone Pine Creek NRT 3404A – Located in Township 15 South, Range 35 East, Section 35 and travels west through section 34 and into Township 16 South, Range 35 East, Section 3 and 4 then north to Township 15 South, Range 35 East, Section 33 (MDBM).



**Forest Order 05-04-50-20-02
Exhibit A
Minaret Vista Roads
(Reds Meadow Road/San Joaquin Ridge Road)**

-  Road Closure
-  Inyo National Forest Administrative Boundary





United States Department of the Interior

NATIONAL PARK SERVICE
Devils Postpile National Monument
P. O. Box 3999
Mammoth Lakes, California 93546
760-924-5506

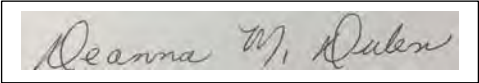


9A

Memorandum

Date: April 10, 2020

To: Gordon Martin, USFS Inyo National Forest, Mammoth District Ranger

From: Deanna Dulen, Superintendent 

Subject: 2020 Operations for the Devils Postpile National Monument, Minarets Vista and Reds Meadow

As the COVID-19 pandemic progresses and the 2020 field season approaches, NPS and USFS face extreme uncertainty. The operations of Devils Postpile National Monument (DEPO), Reds Meadow Road (including permittee at Reds Meadow), and Minarets Vista are interconnected. NPS will stay in close communication with USFS, as well as with our many collaborators and stakeholders, as DEPO responds to the pandemic.

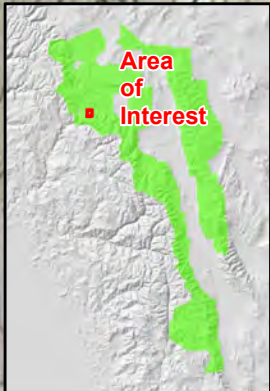
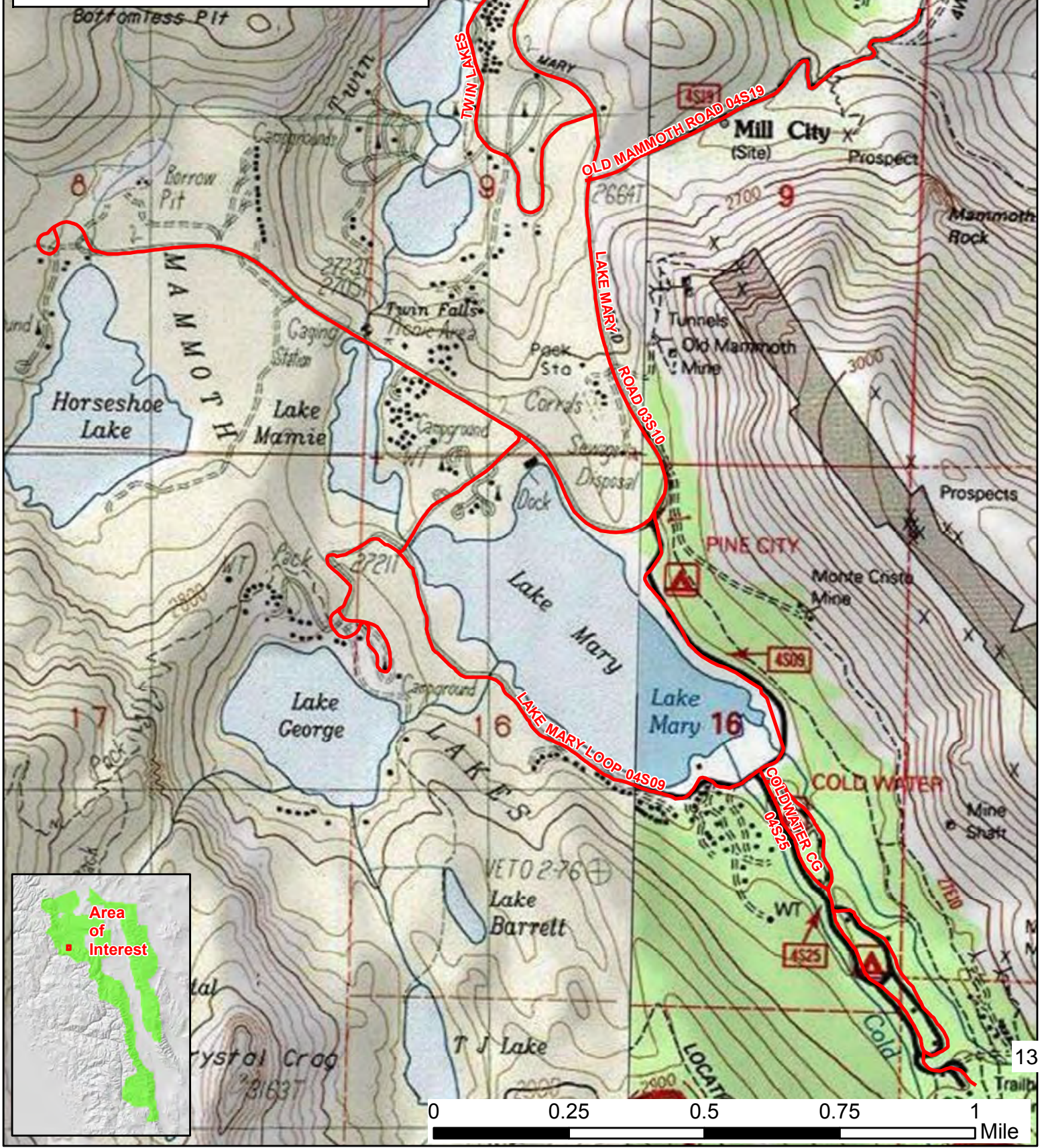
On April 7, I informed the NPS Pacific West Regional Office that DEPO will likely need to modify operations to comply with guidance from County Health Officers, the California Department of Public Health, and the Centers for Disease Control and Prevention. This guidance potentially affects all DEPO operations, including the mandatory shuttle bus, the visitor contact station and comfort station, the number of visitors able to maintain social distancing while hiking on DEPO's popular trails, and employee housing.

Every year, the Reds Meadow Road is critical to the opening and operation of DEPO because it is the only vehicle access to the park. USFS has sole authority over the opening and operation of the Reds Meadow Road. Based on the past winter and current conditions, the Reds Meadow Road would normally open in late June or July. NPS understands the reasons for USFS to consider delaying opening the Reds Meadow Road until July 1 in order to protect public health, including health of visitors and employees. NPS supports decisions based on recommendations of local, state, and federal public health officials that are made in the best interest of public health.




We will continue to work in close cooperation with the Mammoth District Ranger, as our agencies respond to the pandemic emergency and consider modified operations for the upcoming season. We appreciate our longstanding partnership with the USFS and continued closed collaboration during these unprecedented and challenging times.

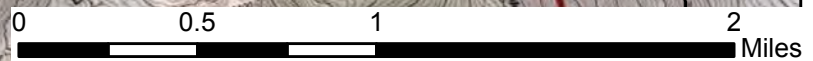
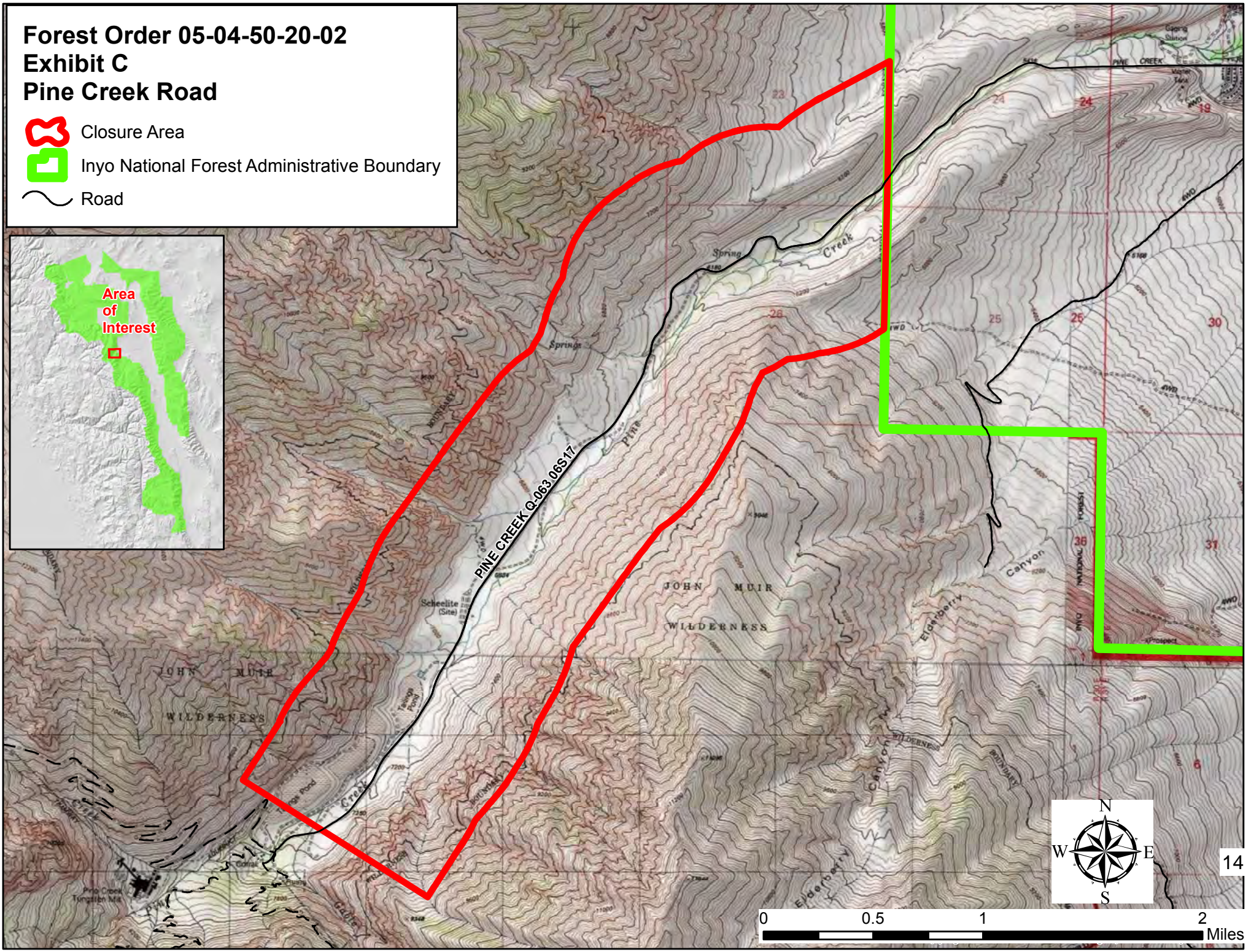
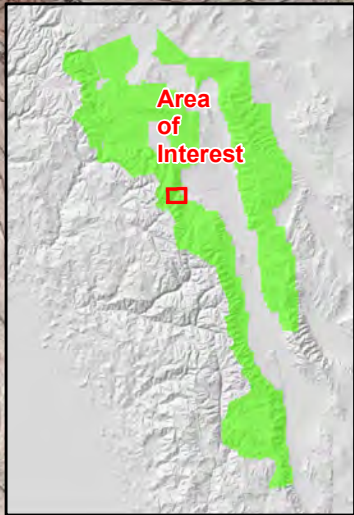
**Forest Order 05-04-50-20-02
Exhibit B
Mammoth Lakes Basin Roads**

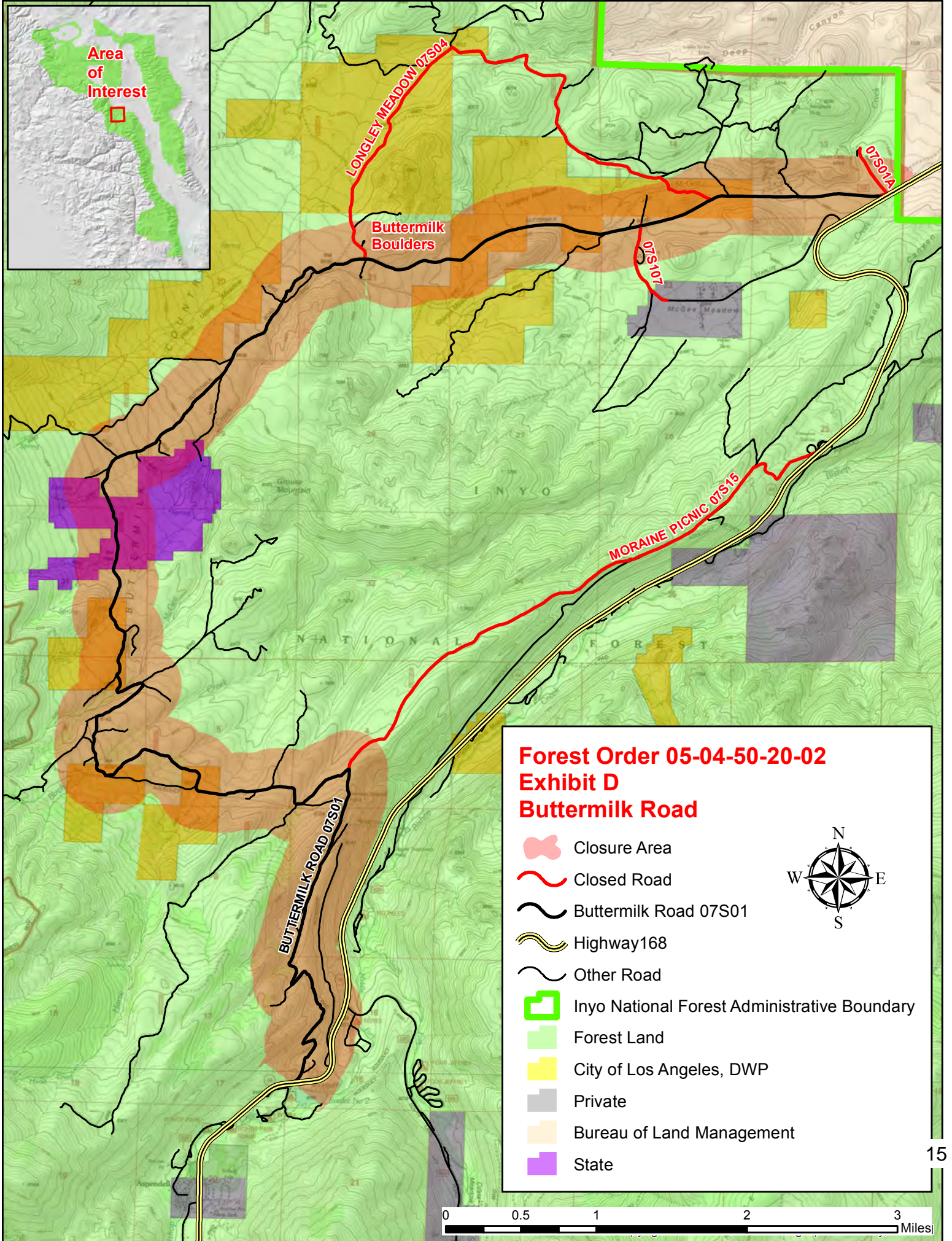
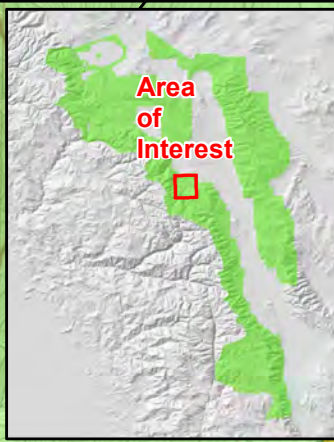
 Road Closure



Forest Order 05-04-50-20-02 Exhibit C Pine Creek Road

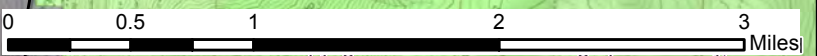
-  Closure Area
-  Inyo National Forest Administrative Boundary
-  Road





**Forest Order 05-04-50-20-02
Exhibit D
Buttermilk Road**

- Closure Area
- Closed Road
- Buttermilk Road 07S01
- Highway 168
- Other Road
- Inyo National Forest Administrative Boundary
- Forest Land
- City of Los Angeles, DWP
- Private
- Bureau of Land Management
- State





*Small Town with a
Big Backyard!*

CITY OF BISHOP

377 West Line Street - Bishop, California 93514
Post Office Box 1236 - Bishop, California 93515
760-873-5863
www.cityofbishop.com

March 20, 2020

Tammy Randall Parker
Forest Supervisor
Inyo National Forest
tamera.randall-parker@usda.gov

Steve Nelson
Field Manager
BLM Bishop Field Office
[BLM CA Web Bl@blm.gov](mailto:BLM_CA_Web_Bl@blm.gov)

RE: REQUEST FOR IMMEDIATE CLOSURE OF PUBLIC LANDS

Dear Ms. Parker and Mr. Nelson,

The City of Bishop and the County of Inyo have both declared local emergencies given the COVID -19 pandemic. It has been brought to our attention that very large groups of people are using BLM and US Forest Service climbing areas and group sites and are frequenting Bishop grocery stores and other businesses. Some of the sites being used are Buttermilk and Chalk Bluffs. We are requesting that your agencies/offices seriously consider closing these overused sites due to the threat of the novel coronavirus (COVID-19). The City of Bishop considers travel to these areas and continued use of them to be in direct violation of the current Stay Home order in effect and posing an unnecessary threat to our communities.

As such, in the interest of public health, safety and welfare we request the immediate closure of the areas identified above.

Thank you,

Laura Smith
Mayor/Emergency Services Director

Ron Phillips
City Administrator



BISHOP TRIBAL COUNCIL

March 21, 2020

Tammy Randall Parker
Forest Supervisor
Inyo National Forest
Tamera.randall-parker@usda.gov

Steve Nelson
Field Manager
BLM Bishop Field Office
snelson@blm.gov

RE: REQUEST FOR IMMEDIATE CLOSURE OF PUBLIC LANDS

Dear Ms. Parker and Mr. Nelson,

The City of Bishop, and the County of Inyo and Bishop Paiute Tribe have declared local emergencies given the COVID-19 pandemic. It has been brought to our attention that very large groups of people are using BLM and US Forest climbing areas and group sites and are frequenting grocery stores and other businesses within the community of Bishop placing individuals from our community at unnecessary risk for exposure to the virus. Specifically, some of the sites being used are Buttermilk and Chalk Bluffs.

On June 29, 2012 the BLM Bishop Field Office signed a memorandum of understanding with the Bishop Paiute Tribe regarding cooperative management of the 85,000-acre area known as the Volcanic Tablelands where the Chalk Bluffs are located. As detailed in that agreement in it mutually recognized that the Tribe have prehistoric, historic, spiritual and cultural connections with the Tablelands and desired to participate in the management of these lands to ensure that they will be protected from degradation. There have been several documented accounts of damages to areas of archeological importance in the past few years and know the BLM works to monitor and avoid impacts. Before the Coronavirus pandemic on the southern and eastern portion of the Tablelands have been observed to be suffering from increasing numbers of individuals and groups that are impacting the area and showing signs of over-visitation. The recent surge in activity at the area demonstrates and underscores the need to work together to protect these fragile and important lands. Areas that are being impacted areas

specifically are the Happy and Sad Boulders, the Pit and the distributed camping that is allowed to occur in the Tablelands, mainly in the southern part.

Similar impact has been observed to be occurring in areas around popular climbing spots in the Buttermilk hills that are located on USFS land west of Bishop, that have also suffered from distributed camping, lack of restroom facilities, erosion etc. Like the BLM, the Tribe has a long term govt-govt relationship with Inyo National Forest Service that always includes the discussion of management of fragile and important sites on public lands. The Buttermilk hills like the Tablelands, have been observed to show increasing signs of over visitation prior to the Covid-19 pandemic.

With this letter we are supporting the similar request made recently by City of Bishop and County of Inyo to request that your agencies/office consider temporarily closing these overused sites due to the threat of the novel coronavirus (COVID-19). The Bishop Paiute Tribe considers travel to these areas and continued use of them to be in direct violation of the recently signed executive order from the California Governor, CA Executive Order N-33-20 (stay at home order) in effect and posing an unnecessary threat to our communities.

As such, in the interest of public health, safety and welfare we support the request by City of Bishop and County of Inyo for the immediate closure of areas identified above.

Thank you

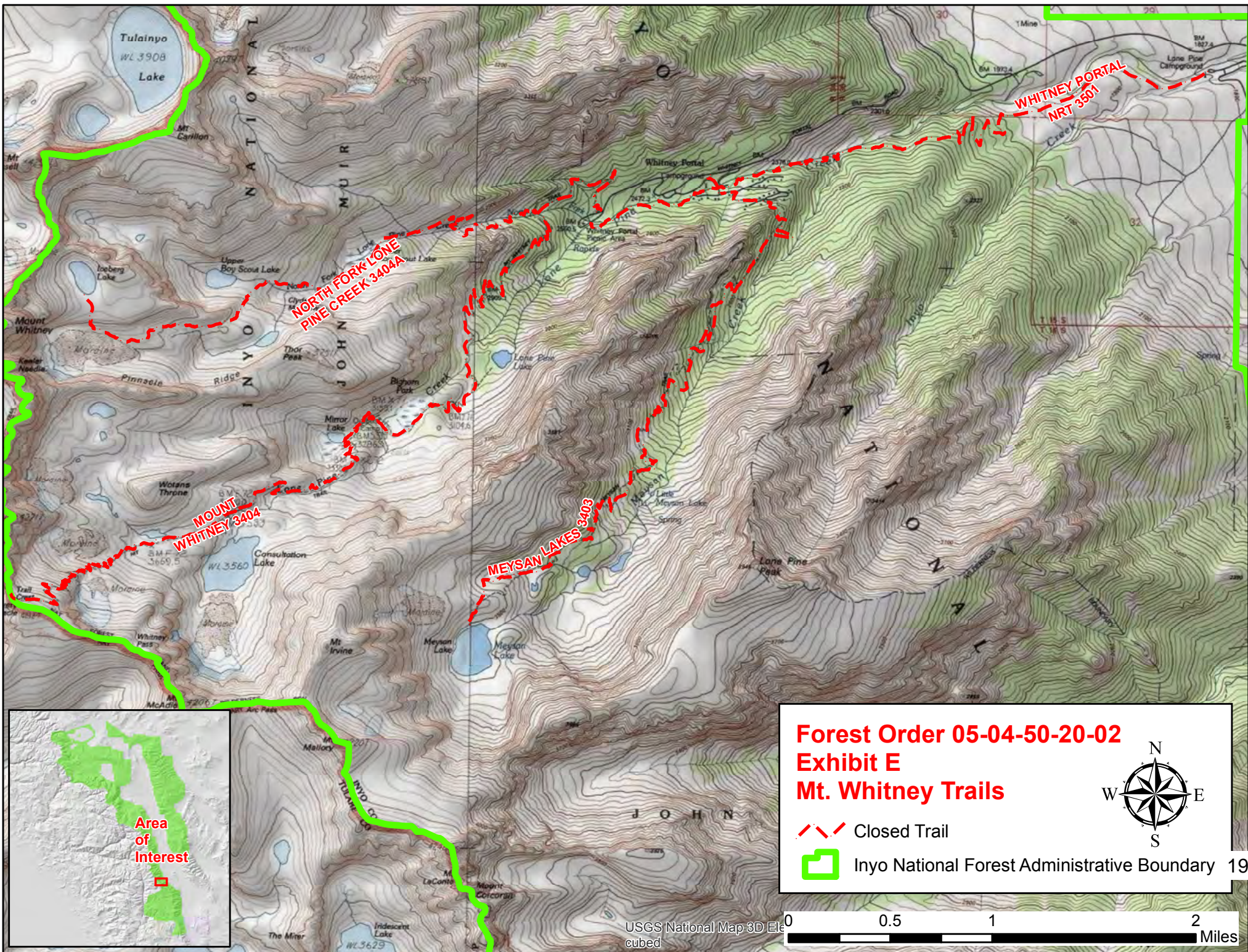


Allen Summers, Sr.
Tribal Chairman
Bishop Paiute Tribe




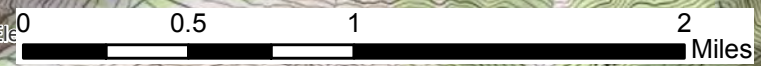
Gloriana M. Bailey, MBA
Tribal Administrator
Bishop Paiute Tribe

*CC: Steven Orihuela, Chief Operating Officer, Bishop Paiute Tribe
Monty Bengochia, Tribal Historic Preservation officer, Bishop Paiute Tribe
Brian Adkins, Environmental Director, Bishop Paiute Tribe
Laura Smith, Mayor/Emergency Services Director, City of Bishop
Ron Phillips, City Administrator, City of Bishop*



**Forest Order 05-04-50-20-02
Exhibit E
Mt. Whitney Trails**

-  Closed Trail
-  Inyo National Forest Administrative Boundary



USGS National Map 3D Edition

From: Clint Quilter [<mailto:cquilter@inyocounty.us>]

Sent: Friday, April 10, 2020 2:46 PM

To: Andersen, David W -FS <david.andersen@usda.gov>

Cc: Sill, Nathan -FS <nathan.sill@usda.gov>; Pietrasanta, Diana J -FS <diana.pietrasanta@usda.gov>

Subject: Closure of Mt. Whitney Portal Trail System.

Dear Mr. Andersen:

The Stay at Home Executive Order from Governor Newsom issued March 19, 2020 and Inyo County Public Health Officer Order issued March 20, 2020 specifically call for all in California to remain at home for all but essential activities and cease all non-essential public gatherings.

The Inyo National Forest and the Mt. Whitney Portal trail system in particular draw thousands of visitors from around the world. The Sheriff, the Public Health Officer, and the County Director of Emergency Services all believe ²⁰ the recreational opportunities associated with the Mt. Whitney Portal trail system will continue to entice a large number of visitors to Inyo County in direct violation of the referenced orders. Given the limited medical and emergency services available in our area, violation of these orders puts all Inyo County residents, as well as visitors, at substantial risk. We highly recommend and support the closure of the Mt. Whitney Portal trail system.

Clint G. Quilter
County Administrative Officer/Director of Emergency Services

File Code: 6700, 5300

Date: April 14, 2020

Subject: Mt. Whitney Closure

To: Tammy Randall-Parker, Forest Supervisor

In order to support my request to close trails in the Mt. Whitney Portal area I have reached out to 5th District Supervisor for Inyo County Matt Kingsley and discussed concerns of the forest and that of the County with respect to large gatherings and the capacity of services provided by Inyo County. Supervisor Kingsley echoed our concerns in addition to concerns that other Southern California forests were putting closures in place and that the influx of visitors would impact Inyo County. I requested a letter of support to include in our package to move forward. He indicated that the letter should come through the Inyo County EOC whereas getting all the County Supervisor's to convene during this situation would be problematic.

I also reached out to Doug Thompson whom operates the Whitney Portal Store that is located in the Portal itself. He will be the greatly affected by the closure due to loss of revenue. I did not want to institute a closure without getting his feedback and concerns. He understands the current situation and the climate of the local business community in and around Lone Pine. He also supports the closure to protect the community and avoid the large gatherings that occur in the Whitney Portal.

/s/ David W. Andersen

DAVID ANDERSEN
District Ranger
Mt. Whitney Ranger District
Inyo National Forest





Town of Mammoth Lakes
437 Old Mammoth RD, Suite 230
P.O. Box 1609 Mammoth Lakes,
CA 93546
Phone (760) 965-3601

April 22, 2020

Tammy Randal-Parker, Forest Supervisor
Inyo National Forest
351 Pacu Lane
Bishop, CA 93514

Dear Forest Supervisor,

The Mammoth Lakes Town Council and the Mono County Board of Supervisors met on April 22, 2020 and considered the proposed Forest Order to close designated roads within the immediate vicinity of the Town of Mammoth Lakes, including landscapes that lie within the Town's municipal boundary on Federal public lands. Specifically, the closures include roads in the Mammoth Lakes Basin and the roads extending from the Minaret Vista (Red's Meadow and Joaquin Ridge) down into the Reds Meadow Valley. The areas are defined in the proposed Order. The Town and County understand the expressed concerns for the safety of USFS personnel and visitors to national forest recreational sites given the COVID-19 pandemic. We are aware of the staffing challenges faced by the Inyo National Forest to adequately open and manage high use areas prior to bringing on seasonal staff.

The Town and County in partnership with the Mammoth Lakes Fire Protection District and the Mono County Health Officer are managing a coordinated response to the COVID-19 Pandemic. We are following state and federal public health guidance as well as the executive orders issued by Governor Newsom including the Stay At Home Order for all Californians. We have also issued local Public Health Orders to mitigate the impact of COVID-19. Our community has responded well to these mitigation orders and we are "flattening the curve" in Mono County.

We believe that the next several weeks will be pivotal in our fight against the COVID-19 pandemic. Along with our hospital and Public Health Officer we have taken steps to limit the actual population in Mono County, both to protect the capacity of our health care system, which is limited to and to reduce the spread of the disease from people traveling to Mono County and Mammoth Lakes from outside the region. We appreciate the support and collaboration we have received from our federal land managers in these efforts.

As we continue to look forward and desire to work together, we understand the driving factors behind the proposed closure order. However, it is not without reservations that we support these efforts. With spring and summer upon us, the desire of our local population to be out and enjoying

our local landscape will be strong. The beauty and enjoyment of federal public lands is a primary motivating factor for our residents to live here; federal public lands are the compelling attraction that supports our visitor-based economy. The Town has historically underinvested in local public parks because 75% of the landscape within the Town's municipal boundary is federal public lands managed by the US Forest Service. It is important to consider that for residents of Mammoth Lakes, the federal public lands and trails that lie within the municipal boundary of the Town are, in fact, the local public park and trail system. In the face of this existential pandemic, it is in the interests of all parties that access to these recreation amenities be maintained for the larger good of the public's health, consistent with new social realities being imposed by the pandemic.

In an effort to meet the needs of the US Forest Service as you strive to comply with California's Stay At Home Order, to continue to protect our community from COVID-19 while still permitting prudent use of federal public lands consistent with directives of the Federal Government and the Regional Forester that "... the general Forest area including the extensive trail system will remain open and available to the public...", we ask you to consider the inclusion of the following in the closure order related to the Mammoth Lakes Basin and Red's Meadow areas:

1. Allow for foot and bicycle use, on closed roads, to the extent legally allowable.
2. By June 5th, decide to rescind or modify the Forest Closure Order for areas defined in Exhibit A and B of the proposed Order and reconsider maintaining the closures staying in effect through June 30th, 2020.
3. Any decision to rescind or retain the Forest Closure Order will include consideration of local capability to support on the ground conditions, the prevalence of COVID-19 in the community at the time of the Order's review, and consistency and relevant Local, State and Federal direction.

Your consideration of the above requests in the approval of proposed Forest Order 05-01-20-20 COVID19 Emergency Closure of specified areas is greatly appreciated. We respectfully request that you remain engaged with our communities and that we work together and with our staffs as you consider the time line of the proposed Order.

Sincerely,

Bill Sauser
Mayor
Town of Mammoth Lakes

Stacy Corless
Chair
Mono County Board of Supervisors



Emergency Operations Center

April 22, 2020

United State Forest Service Region 5

Re: Inyo National Forest Order 05-01-20-02 COVID19 Emergency Closure

To whom it may concern,

I am writing to you as the Emergency Operations Center Director, which is guided by the unified command goals and objectives as determined by Mammoth Lakes Town Manager Dan Holler, Mono County Acting Manager Robert Lawton, and Mono County Public Health Officer Dr. Thom Boo.

The EOC is actively coordinating the management of Phase I¹ of the COVID-19 Pandemic, which includes the county-wide implementation of mitigations designed to drop the population levels to their non-tourism base, institute social distancing, hygiene measures, and stay at home orders. We have been extending our medical and public healthcare capacity to handle any initial patient surge in Phase I. We are also preparing to manage the predictable patient increase we can anticipate under the Phase II reopening conditions generally being described in federal and state administration announcements.

For a remote area like ours with limited medical capacity, and with a base elevation of 8,000 feet, success in Phase I and II requires that we carefully meter the growth of social and economic activity without generating a second patient surge that could overwhelm our capacity. With roughly 75% of our tourism coming from Southern California via automobile we could easily be overwhelmed if there is not consistent messaging about what will and will not be available in the near term for visitors, including recreation in the Lakes Basin and Reds Meadows venues.

Based on the guidance from our local hospital, our Public Health Officer, and my role as the EOC Director, I support Forest Order 05-01-20-20 COVID19 Emergency Closure the closures into Reds Meadow and the Lakes Basin with a request for consideration of the following amendments:

1. Allow for foot and bicycle use, on road closures, to the extent legally allowable.
2. By June 5th, decide to rescind or retain the Forest Order for areas defined in Exhibit A and B on or before June 30th, 2020.
3. The decision to rescind or retain the Forest Order will include consideration of local capability to support conditions, and upon relevant State and Federal direction.

Respectfully,

Frank L. Frievalt

Director, Emergency Operations Center

Mono County, Mammoth Lakes, Mammoth Lakes Fire Protection District

¹ National Coronavirus Response. A road map to reopening

S Gottlieb, C Rivers, MB McClellan, L Silvis, C Watson - American Enterprise Institute, 2020

MONO COUNTY HEALTH DEPARTMENT

Public Health Officer

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831
EMAIL: tboo@mono.ca.gov

April 20, 2020

United States Forest Service
Randy Moore, Regional Forester and Tammy Randall-Parker, Supervisor Inyo National Forest

Re: Proposed closure of selected roads in support of California efforts to combat the COVID-19 pandemic

Dear Mr. Moore and Ms. Randall-Parker,

I write as the Mono County Health Officer to endorse the proposed closures of the Reds Meadow and Mammoth Lakes Basin Roads in the setting of the COVID-19 pandemic which is threatening our community.

I am one of the Incident Commanders of our Unified Town/County COVID-19 response, contributing public health direction to our efforts to mitigate the harms of epidemic. A primary objective of our Unified Command is to reduce non-essential travel and visitation in our area until the epidemic is well-controlled. We fully support closures of federal public resources are likely to attract non-essential activity which is inconsistent with Governor Newsom's statewide executive order to Stay At Home.

As you know, travel facilitates the spread of epidemics and visitor-driven increases in the population of the town and county are expected to strain the resources and capacity of Mammoth Hospital, which is essentially the only significant provider of healthcare services in remote Mono County. Tourism during the pandemic also increases the risks of life-threatening COVID-19 among the most vulnerable in our community.

I have supported the U.S. National Park Service (NPS) proposal to reduce operations at Devils Postpile National Monument (DEPO) this season, specifically the proposed suspension of the mandatory shuttle bus which normally operates on the Reds Meadow Road, bringing tourists to the Monument. I can find no justification for the risk to staff and visitors of bus travel for recreational purposes. At the same time, I have no problem with continued limited foot, bicycle or horse traffic on the Reds Meadow Road, but to allow it to remain open to vehicles would create significant safety issues and negate the efforts of the NPS to support California Governor Newsom's Stay at Home executive order.

As Unified Command we have discussed several times the potential value of closing the Lakes Basin Road, which seems to be attracting a lot of non-essential activity, with significant reported crowding at the parking lots and trailheads. Trail use by local people

seems reasonable but I am concerned, again, about creating the opportunity for de facto gatherings and promoting non-essential travel.

We have taken numerous actions, made great effort, to keep Mono County quiet, to encourage our residents to stay at home except for essential activities and to convey to potential tourists that we are in a state of emergency, that Mono is not open to business as usual.

After the meeting today of the Eastern Sierra Sustainable Recreation Project, and hearing the concerns of some local elected from Mono and Inyo Counties, I would request a couple of modifications to the proposed orders:

1. To the extent legally possible, allow foot, bicycle and horse traffic on closed roads.
2. Effect closure through the month of May and revisit the decision during the first week of June, considering whether longer closure is in order.

Additionally, as a resident of Inyo County and a staff physician at Northern Inyo Hospital I fully support the proposed road closures in Inyo County. With vast areas of federal public land remaining open for local use, I am skeptical of the concerns expressed today by a couple of local elected officials about the potential harms to my community members of closing Pine Creek and Buttermilk Roads. In my opinion, the potential benefits in terms of decreasing virus transmission far outweigh any harms.

I would be happy to discuss these issues with United States Forest Service officials in greater detail, if desired.

Sincerely,

Thomas Boo, MD

Tom Boo, MD

Mono County Public Health Officer

Mono Co. Health Dept

427 Old Mammoth Road, Suite Q

Mammoth Lakes, CA 93546

Office phone 760 924-1828

tboo@mono.ca.gov

**Mammoth Lakes Town Council
Agenda Action Sheet**

Meeting Date: April 22, 2020

Prepared By: Daniel C. Holler, Town Manager

Submitting Department: Administration

Title: COVID-19 Update and Discussion. (This is a joint item between the Town Council of the Town of Mammoth Lakes and the Mono County Board of Supervisors.)

Recommended Motion: This is an update item on Town and County response to the COVID-19 Pandemic and no action is requested.

Background Information: Staff will provide an update on actions and status of work related to the COVID-19 Pandemic, ongoing outreach and planning efforts underway. The presentation will include an overview of coordinated efforts as we look forward to the process of re-opening the community. A copy of the power point to be used for the presentation is attached.

Attachments:

-



THE PATH FORWARD – REOPENING MONO COUNTY

APRIL 22, 2020

KEY ASSUMPTIONS

1. Cannot get ahead of the State
2. Conditions are clinically driven
3. There will be disease spread
4. Working off of conditions, not dates
5. Methodical pace
6. Empowering the community to succeed
7. Mitigations are a part of the process

1. BASE CLINICAL CONDITIONS IN PLACE TO GUIDE THE COMMUNITY FORWARD



- **Goals for reopening:**
 - **Avoid a second wave**
 - **Provide hope that comes from strategy**
 - **Stand up the economy no later than necessary**
 - **Develop a plan with flexibility**

We have to meet Phase I Requirements (Slow the Spread) in order to move into phase II (Reopen)

1. BASE CLINICAL CONDITIONS IN PLACE TO GUIDE THE COMMUNITY FORWARD



Phase I – Slow The Spread – Requirements:

- **Maintain Physical Distancing**
- **Increase Testing Capacity**
- **Ensure Functioning of the Health Care System**
- **Increase the Supply of Personal Protective Equipment**
- **Increase Efforts on Tracing, Isolation and Quarantine**
- **Offer Voluntary Local Isolation and Quarantining**
- **Encourage the Public to Wear Facial Coverings**

1. BASE CLINICAL CONDITIONS IN PLACE TO GUIDE THE COMMUNITY FORWARD



Phase II – Reopen – Triggers:

- **Sustained Reduction In New Positive Cases**
- **Hospital is Safely Able to Treat All Patients Without Contingency Standards of Care**
- **Ability to Test All People With COVID-19 Symptoms**
- **Able to Conduct Active Monitoring of Confirmed Cases and Their Contacts**

2. A PLAN IS IN PLACE, WITH RESOURCES TO MONITOR AND PROTECT OUR COMMUNITY



- Monitor disease activity
Phone calls, testing/results, hospitalizations, regional data
- Mono County testing capacity seems adequate at this time
- Isolation, contact tracing and quarantining
Including out of home isolation and/or quarantine
- Mono County HD/EOC capacity to monitor and control using contact tracing seem adequate at this time
Inherently challenging due to frequency of asymptomatic and minimally symptomatic infections and limitations of testing

3. MANAGE THE CURVE

Here's a very appropriate analogy:

"The curve is flattening; we can start lifting restrictions now" = "The parachute has slowed our rate of descent; we can take it off now."

- **Build Community Support Branch**
- **Build Pre & Post Hospital Capacity**
- **Phase II Clinical/Economic Plan**
- **Phased Implementation**
- **Monitor Metrics**
- **Strategic Outcomes, Flexible Tactics**

4. ADAPT FED, STATE & RESEARCH ROADMAPS FOR LOCALIZED, PHASED REOPENING OF BUSINESS COMMUNITY



- **Economic Recovery Branch overview**
- **Collaboration with Public Health & the Mammoth Hospital Designated Team**
- **Recommendations / Actionable Items**
- **Business Needs Survey**
- **Tourism Recovery Marketing**

5. COMMUNITY ADOPTION OF NEW SOCIAL NORMS FOR ECONOMIC SUSTAINABILITY AND PUBLIC HEALTH

Key Conditions:

- ❑ Trajectory for community spread and positive cases is downward and manageable
- ❑ The public and businesses are practicing good mitigation measures
- ❑ We are managing COVID-19 like other viral infections

Interim Conditions

- A. Good Hygiene and preventive practices are part of our “new normal” way of life and business
- B. Majority of people are self practicing basic mitigations of distancing, hygiene, and face covering as part of public life
- C. Business have implemented mitigations such as telework, distancing protocols, best practices for hygiene, face covers, fever testing, and cleaning regimes
- D. Testing regimes are in place

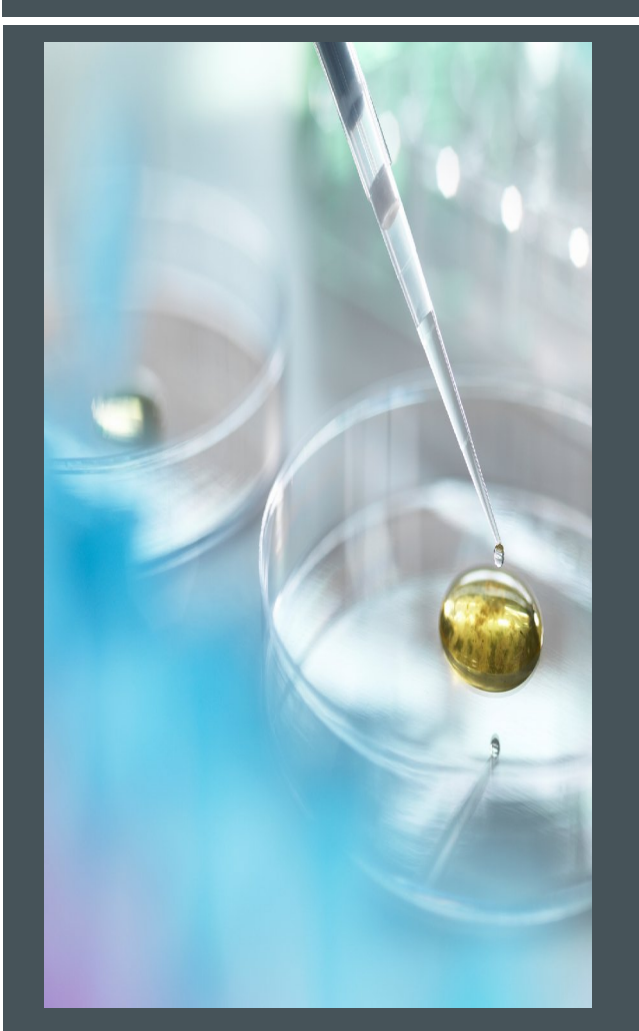
5. COMMUNITY ADOPTION OF NEW SOCIAL NORMS FOR ECONOMIC SUSTAINABILITY AND PUBLIC HEALTH

Key Conditions:

- ❑ Trajectory for community spread and positive cases is downward and manageable
- ❑ The public and businesses are practicing good mitigation measures
- ❑ We are managing COVID-19 like other viral infections

Longer-term Conditions:

- A. Mass immunity is documented via testing
- B. Readily available and effective vaccine
- C. COVID-19 is endemic with episodic illness or waves, managed like other viral illnesses
- D. Good hygiene and preventive practices are part of our “new normal” way of life and business



Combined Consensus, Summary and Recommendations from:

- Emergency Operations Center
- Town and County Administrators
- County Public Health Officer
- Regional Business Community
- Mammoth Hospital

**Mammoth Lakes Town Council
Agenda Action Sheet**

Meeting Date: April 22, 2020

Prepared By: Sandra Moberly, Community and Economic Development Director

Submitting Department: Planning

Title: Town of Mammoth Lakes Rental Assistance Program.

Recommended Motion: Staff recommends that the Town Council review the draft Rental Assistance Program and consider directing staff to finalize the program and begin providing grants to local residents through the program.

Background Information:

Attachments:

-



Town of Mammoth Lakes Rental Assistance Program

Purpose

The Town of Mammoth Lakes Rental Assistance Program is designed to provide limited assistance to persons in the Town of Mammoth Lakes who are experiencing financial hardship and are unable to pay all or a portion of their monthly rent. This program has limited funding and may be discontinued at any time or upon the expenditure of all available funds. The program may be used in conjunction with any other state, county, local, or non-profit funding source. Program applications will be taken on a first come basis. The program will begin with \$200,000 of Town funding which may be increased if more funding becomes available from other sources. The Town's decision on any application shall be final, and the terms of this program may be amended, or the program itself eliminated, at any time without notice.

Eligibility

1. Applicant's current home is their only residence
2. Eligible applicants will have the grant paid to the landlord, directly benefitting the tenant and the landlord.
3. Funding will be limited to rental units with Town of Mammoth Lakes addresses.
4. The program is designed to benefit households impacted by COVID-19. Examples of impact by COVID-19 include but are not limited to:
 - a. Job loss, furlough or layoff
 - b. Reduction in hours of work or pay
 - c. Store, restaurant or office closure
 - d. The need to miss work to care for a home-bound, school age child or elderly person
5. The grant will be calculated based on the amount of rent owed and the tenant's ability to pay a portion of the past due rent.
6. Applicants will be required to list the amount of their rent and the amount they believe they can pay.
7. Applicant had no outstanding rent or other housing related obligations (Rent, HOA Fees, Utilities, et.) as of March 31, 2020.
8. Applicant has been renting the home for at least three (3) months and has a long-term lease or rental agreement of at least twelve (12) months.

Rental Assistance

- The maximum amount of rental assistance is 30% of the monthly rent, not to exceed \$500.00, or the outstanding amount of rent due, whichever is less. The amount provided may be reduced based on the applicant's ability to pay rent without assistance.
- No applicant may not apply more than twice for assistance, i.e. assistance will not be provided for more than two months of rent.

The Town of Mammoth Lakes is an equal opportunity provider of services and programs and will not discriminate against any applicant on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.



Office of the Town Manager
P.O. Box 1609, Mammoth Lakes, CA, 93546
(760) 965-3610
www.townofmammothlakes.ca.gov

TOWN OF MAMMOTH LAKES RENTAL ASSISTANCE APPLICATION

Applicant(s): _____

Applicant Phone Number: _____

Applicant Email: _____

Last Date of Employment or Date of Reduction in Pay: _____

Town of Mammoth Lakes Street Address: _____

Mailing Address: _____

Monthly rent amount: _____

Amount of rent Applicant can pay: _____

Name of tenant(s) on lease: _____

Phone Number: Email: _____

Name of Landlord: _____

Landlord Mailing Address: _____

Landlord Phone Number: _____

Provide written statement on need for rental assistance:

Applicant(s) Signature Date

Received by: Date

Reviewed by Date

Amount Recommended for Rental Assistance: Date

Amount approved: Date

Payment will be made directly to the landlord within 20 days of approval, provided that the landlord gives the Town a receipt for the payment, indicating the property address and the name of the tenant(s). Notice of payment will be provided to the landlord and applicant within 5 days of approval.

The Town's decision on any application shall be final, and the terms of this program may be amended, or the program itself eliminated, at any time without notice.

The Town of Mammoth Lakes is an equal opportunity provider of services and programs and will not discriminate against any applicant on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, disability, age, medical condition, ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

Mammoth Lakes Town Council
Agenda Action Sheet

Meeting Date: April 22, 2020

Prepared By:

Submitting Department: Administration

Title: Urgency Ordinance amending sections 3.12.080 and 5.04.340 of the Mammoth Lakes Municipal Code regarding transient occupancy tax reporting and remittance and business tax certificates and a staff update on the status of short-term rental activity.

Recommended Motion: Approve an Urgency Ordinance amending sections 3.12.080 and 5.04.340 of the Mammoth Lakes Municipal Code regarding transient occupancy tax reporting and remittance and business tax certificates and to provide staff direction regarding the status on short-term rental activity.

Background Information: The proposed Urgency Ordinance amending sections 3.12.080 and 5.04.340 of the Mammoth Lakes Municipal Code regarding transient occupancy tax reporting and remittance and business tax certificates implements an order issued by the Town Manager to enforce the Governor's Executive Stay At Home Order and similar Orders issued by the Mono County Health Officer in response to the COVID-19 pandemic. The ordinance allows for an extension of time on the remittance of Transient Occupancy Tax (section 3.12.080) to assist operators through this difficult economic period. The extension would apply starting with taxes collected in March 2020, providing for a three month extension. Section 5.04.340 enhances penalty for unlawful behavior by a Business Tax Certificate Holder conducting short-term rental activities. This includes violation of the orders issued by the Mono County Health Officer. The penalty includes the revocation of the Business Tax Certificate for up to 12 months. While the majority of short-term rental operators have complied with the the various Health Orders put in place during the current emergency there have been several that chose to continue to operate contrary to the directives. This activity is likely to continue to be a concern as we move into the spring season. Any direction from Council to assist in these matters is welcomed. The proposed ordinance is attached as are copies of the Town Manager's Order and the County Health Officer Order.

Attachments:

-

ORDINANCE NO. 20-

**AN UREGENCY ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, AMENDING SECTIONS
3.12.080 AND 5.04.340 OF THE MAMMOTH LAKES MUNICIPAL CODE
REGARDING TRANSIENT OCCUPANCY TAX REPORTING AND REMITTANCE
AND BUSINESS TAX CERTIFICATES**

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, the Mono County Health Officer on March 15, 2020 declared a local health emergency due to the imminent and proximate threat to public health of the introduction of a novel coronavirus (COVID-19) in Mono County; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20, suspending any state law that would preempt or otherwise restrict the Town’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19; and

WHEREAS, the Mono County Board of Supervisors ratified the County Health Officer’s declaration of emergency on March 17, 2020; and

WHEREAS, the Town Council declared a local emergency regarding COVID-19 on March 18, 2020, and the conditions constituting an emergency remain in effect; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain...critical infrastructure sectors...”; and

WHEREAS, the County Health Officer issued an order on April 1, 2020 directing that hotels, motels, short-term rentals, vacation rentals, timeshares, campgrounds, RV parks, and other lodging facilities not operate except to provide shelter to the homeless population; to persons who have been displaced due to living with someone who is isolated or quarantined due to COVID-19; persons who need to isolate or quarantine themselves due to COVID-19; and essential workers performing functions to maintain critical infrastructure; which order is incorporated herein by reference as it may be amended; and

WHEREAS, the Town has observed that some lodging properties are continuing to offer short-term rentals in violation of the County Health Officer’s order, which is also inconsistent with the Governor’s stay-home order; and

WHEREAS, reducing the number of people who are lodging in Mammoth Lakes for purposes that are not authorized by the County Health Officer’s order, and/or who are not essential

workers performing functions to maintain critical infrastructure, is necessary to maintain the public health, safety, and welfare; and

WHEREAS, allowing the Town tax collector to revoke the business tax certificate of lodging operators who are operating in violation of the County Health Officer's order will strengthen the Town's enforcement options and help discourage such unlawful short-term rentals; and

WHEREAS, the Town has been impacted by the COVID-19 pandemic, with visitation to Mammoth Lakes dramatically reduced, school closures implemented, and employees advised to work at home, resulting in significant declines in restaurant and retail business, which has resulted in a significant decrease in the Town's primary source of revenue: transient occupancy tax (TOT); and

WHEREAS, the Municipal Code currently allows small payors of TOT to remit their returns quarterly, but numerous TOT payors have expressed to the Town that the nearly complete cessation of visitation during the COVID-19 emergency will make it difficult or impossible for them to timely submit TOT returns and make their quarterly payments; and

WHEREAS, requiring monthly TOT returns and payments from all payors will help the Town receive TOT revenues more quickly, and providing the tax collector with the authority to extend the TOT remittance deadline during significant community-wide business disruptions such as the COVID-19 emergency will help payors whose businesses have been disrupted; and

WHEREAS, there is an urgent need for the Town of Mammoth Lakes to amend its TOT reporting and remittance requirements to ensure the uninterrupted receipt of TOT revenue, which is necessary to fund the Town's ongoing operations to protect the public peace, health and safety of its residents in light of the emergency declared by the State and Town regarding the COVID-19 pandemic; and

WHEREAS, California Government Code Sections 36934 and 36937 authorize the Town Council to adopt by four-fifths (4/5) vote, without a second reading and with immediate effect, an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency.

THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: RECITALS INCORPORATED

The recitals above are incorporated herein.

Section 2: AMENDMENT TO MUNICIPAL CODE SECTION 3.12.080

Section 3.12.080 of the Mammoth Lakes Municipal Code is hereby amended to read as follows:

3.12.080 - Reporting and remitting.

A. All operators shall make their return and remittance on or before the 20th day of the month following each and every month. If the 20th day of the month following a particular month is a Saturday, Sunday, or a federal holiday, the return and remittance will be considered timely if received the next business day.

B. The tax collector may adjust the due dates based on significant events that affect the Town or business community, as determined by the tax collector, town manager or Town Council in his, her, or its sole discretion. In the event of such determination, the tax collector may extend the deadline for submission of returns and remittance in three-month increments due on the 20th day of the month following the three-month period. Separate returns and remittance shall be filed and made for each month during that three-month period and the returns and remittances for all months shall be due on the same date noted above.

C. On or before the due date, the full amount of the tax due shall be paid to the tax collector. Notwithstanding any extension made by the tax collector pursuant to paragraph B above, returns and payments are due within fifteen days upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the Town until payment thereof is made to the tax collector. The tax collector may, in his or her discretion, require that a separate trust account be established at a financial institution of his or her choice, the balance of which shall be payable to the Town, if the tax collector deems it necessary in order to ensure remittance of the tax.

D. Each return filed pursuant to this chapter shall include the following information, as well as such other information as the tax collector may deem reasonably necessary for the enforcement of this chapter:

1. The number of nights of available occupancy during the reporting period;
2. The number of paid nights during the reporting period; and
3. Any other statistical breakdowns, data, or information relating to rentals as requested by the tax collector.

Section 3: AMENDMENT TO MUNICIPAL CODE SECTION 5.04.340

Section 5.04.340 of the Mammoth Lakes Municipal Code is hereby amended to read as follows:

5.04.340 – Revocation of certificate for conduct of unlawful business.

No certificate issued under this chapter shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business or activity. If it appears to the tax collector

that a business is being conducted or has been conducted in a manner that violates one or more applicable laws, regulations, and/or orders of governmental authorities (including without limitation orders of the Mono County Health Officer), the tax collector shall provide written notice to the operator of the apparent violation, which notice may be provided by electronic mail, facsimile, U.S. mail, express mail, or any other means. The tax collector's notice shall provide the operator with not less than five days in which to demonstrate that the alleged violation did not occur, whether because of the tax collector's mistake of fact, the business's compliance with the law, or otherwise. If the certificate holder cannot or does not provide evidence satisfactory to the tax collector that no violation of an applicable law, regulation, or order has occurred, the tax collector may revoke the operator's business tax certificate. The operator shall thereafter not be eligible to apply for a new or reinstated business tax certificate for the same or a substantially similar business for a period of one year.

Section 4: DECLARATION OF URGENCY AND EFFECTIVE DATE

The Town Council hereby finds, determines, and declares that this urgency ordinance is necessary to promote the immediate preservation of the public peace, health and safety by reducing the number of people lodging in Mammoth Lakes in violation of the County Health Officer's order or other applicable law or authority, and by ensuring regular remittance of TOT returns and revenue to the Town which is necessary to fund the Town's operations to protect the public peace, health, and safety. This ordinance shall take effect immediately as an urgency ordinance.

Section 5: AUTHORITY FOR ADOPTION

The Town Council hereby enacts this urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth herein, under the authority granted to it by Sections 36934 and 36937(a) of the California Government Code, which allow the Town to adopt an urgency ordinance, in order to protect the public peace, health, or safety.

Section 6: POSTING

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation, and entered in the Book of Ordinances of the Town.

Section 7: SEVERABILITY

If any provision of this ordinance of the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

PASSED, APPROVED, AND ADOPTED on the 22nd day of April, 2020.

BILL SAUSER, Mayor

ATTEST:

JAMIE GRAY, Town Clerk



Town of Mammoth Lakes
Office of the Town Manager

P.O. Box 1609, Mammoth Lakes, CA, 93546
 (760) 934-3600

www.townofmammothlakes.ca.gov

DATE: April 10, 2020
 TO: Town Staff
 FROM: Dan Holler, Town Manager *Dan Holler*
 SUBJECT: Temporary Modification of TOT Return and Remittance Deadlines,
 Remedies for Short-Term Rentals in Violation of County Order

Subsequent to the recent Town Council Emergency Declaration for the Town in response to COVID-19 guidelines for public safety, I hereby order a temporary modification to the deadlines for submission of TOT returns and remittance of TOT due, and further order that the business tax certificate for a lodging property may be revoked if the property is found to have been rented on a short-term basis in violation of an order from the Governor or the County Health Officer, as set forth below. I make these orders pursuant to my authority as Town emergency services director as set forth in Chapter 2.48 of the Town's Municipal Code.

Revocation of Business Tax Certificate

1. Section 5.04.340 of the Town's Municipal Code provides that no business tax certificate shall be deemed to authorize the conduct of any illegal or unlawful business activity.
2. For the duration of the COVID-19 emergency declared by the Town, if the "tax collector" (as that term is defined in Chapter 5.04 of the Municipal Code) believes that the "operator" of a "transient occupancy facility" (as those terms are defined in Chapter 3.12 of the Municipal Code) is renting or has rented for a purpose that is not listed as an acceptable purpose in paragraph 1 of the Mono County Health Officer's order dated April 1, 2020 (as such order may be amended or superseded from time to time), and is thus in violation of the order, the tax collector shall provide written notice to the operator of the apparent violation, which notice may be provided by electronic mail, facsimile, U.S. mail, express mail, or any other means.
3. The tax collector's notice shall provide the operator with 48 hours in which to demonstrate that the transient rental was for a purpose allowed by the order.
4. If the operator cannot or does not provide evidence satisfactory to the tax collector that the rental was for a valid purpose and that no violation of the order has occurred, the tax collector may revoke the operator's business tax certificate. The operator shall thereafter not be eligible to apply for a new or reinstated business tax certificate to operate a transient occupancy facility for a period of one year.

Amendment to TOT Return and Remittance Timing

1. Section 3.12.080 of the Town's Municipal Code establishes a schedule for the submittal of transient occupancy tax (TOT) returns and the remittance of TOT owed to the Town.
2. Notwithstanding Section 312.080, for the duration of the COVID-19 emergency declared by the Town, all "operators" of "transient occupancy facilities" (as those terms are defined in Chapter 3.12 of the Municipal Code) shall make their return and remittance on or before the 20th day of the month following each and every month. If the 20th day of the month following a particular month is a Saturday, Sunday, or a federal holiday, the return and remittance will be considered timely if received the next business day.
3. The tax collector may adjust the due dates based on significant events that affect the Town or business community, as determined by the tax collector, town manager or Town Council in his, her, or its sole discretion. In the event of such determination, the tax collector may extend the deadline for submission of returns and remittance in three-month increments due on the 20th day of the month following the three-month period. The returns and remittance shall be reported on a monthly basis during that three-month period and the returns and remittances for all months shall be due on the same date noted above.
4. On or before the due date, the full amount of the tax due shall be paid to the tax collector. Returns and payments are due within fifteen days upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the Town until payment thereof is made to the tax collector. The tax collector may, in his or her discretion, require that a separate trust account be established at a financial institution of his or her choice, the balance of which shall be payable to the town, if the tax collector deems it necessary in order to ensure remittance of the tax.
5. Each return filed pursuant to Chapter 3.12 shall include the following information, as well as such other information as the tax collector may deem reasonably necessary for the enforcement of this chapter:
 - A. The number of nights of available occupancy during the reporting period;
 - B. The number of paid nights during the reporting period; and
 - C. Any other statistical breakdowns, data, or information relating to rentals as requested by the tax collector.

Mono County Public Health Officer: AMENDED ORDER Clarifying Governor’s “Stay-at-Home” Order as Related to Lodging Facilities

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 •
FAX (760) 924-1831 EMAIL TBOO@MONO.CA.GOV

AMENDED ORDER: April 1, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295.) This Amended Order supersedes and replaces the March 21, 2020 Order of the Mono County Health Officer “Clarifying the Governor’s “Stay-at-Home” Order related to Lodging Facilities.”

WHEREAS, a state of emergency has been declared by the State of California, and both a local health emergency and local emergency has been declared in the County of Mono (the “County”) in response to the virus COVID-19; and

WHEREAS, in the County as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to that lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which is attached hereto as Exhibit “A” and incorporated by this reference, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “Stay-at-Home Order”); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, a copy of that order is attached hereto as Exhibit “B” and incorporated by this reference; and

WHEREAS, on March 20, 2020, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers” (“Infrastructure Workers List”) to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, a copy of which is attached hereto as Exhibit “C”. The Infrastructure Workers List, as same may be amended or updated from time to time, is hereby incorporated by this reference; and

WHEREAS, Exhibit “C” further lists specific jobs and functions within those critical infrastructure sectors that are deemed “necessary”. This includes hotels and lodging activities related to isolating or quarantining persons infected with or exposed to the COVID-19 virus, or housing workers performing jobs deemed essential to maintaining critical infrastructure; and

WHEREAS, the County Health Officer finds that the use of short-term lodging for non-COVID-19 purposes is a direct violation of the Governor’s Stay-at-Home Order as it will impair efforts at mitigating the spread of the illness both within the County, Town of Mammoth Lakes and statewide; and

WHEREAS, the County Health Officer wishes to provide clarity to businesses, renters, and property owners in the short-term lodging sector of the County regarding operations under the Governor’s Stay-At-Home Order and therefore issues the following:

NOW, THEREFORE, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF MONO (“HEALTH OFFICER”) ORDERS as follows:

1. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, campgrounds, RV parks and other short-term lodgings) within the County of Mono may remain open for the following limited purposes:
 - a. To serve as short-term lodging facilities which are used for the following COVID-19 mitigation and containment measures:
 - i. Lodging to protect the homeless population;
 - ii. Lodging for persons who have been displaced and cannot return to their residence because there is a person residing at the residence that must isolate or quarantine or is at a higher risk of severe illness; and
 - iii. Lodging for persons who need to isolate or quarantine.
 - b. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) which are used to house essential workers performing functions that are essential to maintain the continuity of operations for critical infrastructure, as listed in the attached Essential Workers List, but only to the extent and for the period of time necessary for such workers to stay in lodging facilities in the County of Mono in order to perform such functions.
2. No homeowner, agent of the homeowner, marketing agent, listing agent, or real estate agent shall engage in efforts to rent or lease any short-term rentals, vacation rentals, timeshares, hotels, motels, and/or other short-term lodging within the County of Mono including the Town of Mammoth Lakes for any purpose other than those identified in Paragraph 1 above.
3. In the event of a question or uncertainty as to whether a particular short-term lodging use falls within the Public Health Officer’s exemptions (i.e., whether it constitutes a mitigation or containment measure, or involves an essential worker, or whether the essential worker’s essential functions require staying in lodging facilities within the County), a written determination from the County of Mono Health Officer or the Mono County Emergency Operations Center, that the use is authorized, or a directive from the Health Officer shall be adequate to authorize such use.
4. This Order shall be effective immediately and will remain in effect until May 31, 2020, pending further Order of the Public Health Officer. This Order supersedes the prior Order of the Mono County Health Officer dated March 21, 2020.

Additional Findings, Determinations and Advisements

5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as “novel coronavirus,” which has infected at least 529,591 individuals worldwide in 175 countries and is implicated in over 23,970 worldwide deaths, including 13 people and one death in Mono County, which has the highest per capita rate of COVID-19 cases in California.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Mono, Town of Mammoth Lakes and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially. Short-term lodging facilities which are utilized for housing a frequently rotating clientele will likely impair efforts at mitigating the spread of the illness.
8. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Mono County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Mono proclaiming the existence of a Local Emergency in the County of Mono regarding COVID-19; and ratifying and extending the declaration of health emergency made on March 14; ; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom’s Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; and Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19.
9. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
10. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and Chiefs of Police in the County ensure compliance with and enforcement of this Order.

11. Copies of this Order shall promptly be posted on the County of Mono's Public Health Department's website (monohealth.com) and shall be provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

Thomas Boo, MD

Dated April 1, 2020

Tom Boo, MD, FAAFP

Mono County Health Officer

437 Old Mammoth Road, Suite Q

Mammoth Lakes, CA 93546

760 924-1830

**Mammoth Lakes Town Council
Agenda Action Sheet**

Meeting Date: April 22, 2020

Prepared By:

Submitting Department: Administration

Title: Mammoth Lakes Tourism Update, Discussion and Direction.

Recommended Motion: Provide Staff Direction as appropriate on Mammoth Lakes Tourism presentation and requested direction

Background Information: A brief update from Mammoth Lakes Tourism (MLT) current efforts including recovery planning and response, locally, regionally, nationally and internationally will be provided. MLT employees are working to develop recovery marketing and public relations messages based on research and survey data from our visitors which gauges intent to travel and sentiment for Mammoth Lakes. MLT will also provide an update on current activities in support of local businesses and impacted employees.

Attachments:

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