



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

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Teleconference Only - No Physical Location

**Regular Meeting
November 16, 2021**

9:07 AM Meeting Called to Order by Chair Kreitz.

Supervisors Present: Corless, Duggan, Gardner, Kreitz, and Peters (all attended via teleconference).

Supervisors Absent: None.

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 Peters.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICER

CAO Report regarding Board Assignments

Bob Lawton, CAO:

- Preparing for last night's Strategic Plan webinar
- Briefing with PARS (Public Agency Retirement System)
- Joined staff from Public Health and other County departments in a meet and greet with a candidate for the Public Health Officer position
- Governance Workshop
- Preparing for today's Redistricting meeting
- Solid Waste – meetings with staff and potential vendors to discuss contract terms

- Onboarding of two new County employees – Jody Martin, Kelly Romp
- Update on grazing issue item previously brought before the Board
- Update on Civic Center and Board Chambers

4. DEPARTMENT/COMMISSION REPORTS

Tony Dublino, Public Works Director:

- Recreation – 3 of 4 project applications submitted have been approved; working on OHV Grant Application, Mountaingate Park, safety project at Wild Willy's
- Facilities – Museum at June Sheriff Substation, remodel of old Social Services building in Bridgeport to be used by Elections, working with Civic Center contractor, snow rails at the Civic Center
- Fleet – bids for vehicles, developing next year's motor pool rates
- Roads – grading, preparing for winter, Virginia Lakes Road parking solutions
- Solid Waste – wrapped up negotiations with proposing vendors, will come before the Board next December
- Admin – midyear budget process, short term and long term scheduling

Gordon Greene, Veterans Service Officer:

- Outreach event scheduled for December 2 in Benton
- 22 Pushup Challenge – to raise awareness for the 22 veterans that commit suicide everyday due to mental health struggles and PTSD. Will be taking place at schools around Inyo County and possibly in Mammoth.

Nate Greenberg, IT Director:

- Update on Mono Lake Room at Civic Center
- Actively involved in a number of Broadband conversations, submission of comments

Stacey Simon, County Counsel:

- Filed comments yesterday on the Statewide Middle-mile Funding SB156 Rulemaking
- Also filed comments in support of a request for rulemaking with the CPUC filed by the PUC's own Public Advocates Office

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. Approval of a Letter of Support to the Wildlife Conservation Board for Caltrans District 9's Mammoth 395 Wildlife Crossing Project

Departments: Board of Supervisors, requested by Supervisor Corless

Letter to the Wildlife Conservation Board in support of Caltrans District 9's Mammoth 395 Wildlife Crossing Project.

Action: Approve and authorize Board Chair to sign letter.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-244

B. Appointments to the Wheeler Crest Design Review Committee

Departments: Community Development

Reappoint two existing members (Judy Beard and Bob Weiland) to the Wheeler Crest Design Review Committee for three-year terms expiring November 2024, as recommended by Supervisor Duggan.

Action: Reappoint two existing members (Judy Beard and Bob Weiland) to the Wheeler Crest Design Review Committee for three-year terms expiring November 2024, as recommended by Supervisor Duggan.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-245

C. Resolution Authorizing Virtual Meetings under AB 361

Departments: County Counsel

Proposed resolution containing findings necessary to continue remote teleconference meetings for the period of November 16, 2021 through December 16, 2021, pursuant to AB 361.

Action: Adopt proposed resolution R21-78, Authorizing Virtual Meetings under AB 361.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

R21-78

D. Resolution Establishing Distribution of County Penalty Assessments Levied by Mono County Superior Court

Departments: County Counsel

Proposed resolution establishing distribution of county penalty assessments imposed by the courts and superseding and replacing Resolution R16-42.

Action: Adopt proposed resolution R21-79, establishing distribution of county penalty assessments imposed by the courts and superseding and replacing Resolution R16-42.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

R21-79

E. Children's Medical Services 2021-2022 Plan

Departments: Public Health

Mono County Children's Medical Services (CMS) Plan for fiscal year 2021-2022.

Action: Approve the Mono County Children's Medical Services (CMS) Plan for fiscal year 2021-2022 and authorize the Chair to sign the California Children's Services Certification Statement and the Child Health and Disability Prevention Program Certification Statement (2 copies of each required).

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-246

F. COVID-19 Public Health Crisis Response and the Public Health Workforce Development Supplemental Funding Appropriations Request

Departments: Public Health

Appropriations request for the COVID-19 Public Health Crisis Response and the Public Health Workforce Development Supplemental Funding Award Number WFD-026

Action: Approve increasing appropriations in the amount of \$466,832, funded with new grant revenues to support the public health response to COVID-19 (requires 4/5ths vote approval).

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-247

G. Public Health Appropriations Request for California Equitable Recovery Initiative Grant Funding

Departments: Public Health

Appropriations request for the Public Health California Equitable Recovery Initiative Funding Award.

Action: Approve increasing appropriations in the amount of \$300,000, funded with new grant revenues to support the public health response to COVID-19 (requires 4/5ths vote approval).

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-248

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. Letter from Susan Johnson Regarding Owens Valley Groundwater Authority Withdrawal

A letter from Benton resident Susan Johnson regarding the Owens Valley Groundwater Sustainability Plan

B. Application for Alcoholic Beverage License - Balanced Rock Saloon

An application to the State of California Department of Alcoholic Beverage Control for Alcoholic Beverage License by B-ROC, LLC doing business as BALANCED ROCK SALOON located at 2588 HWY 158, JUNE LAKE, CA 93529.

C. Letter from Acting District Ranger LeeAnn Murphy Regarding the Long Valley Exploratory Drilling Project

Acting Mammoth District Ranger Leeann Murphy's letter of response to the Mono County Board of Supervisors letter dated October 13, 2021 regarding the decision memo issued for the Long Valley Exploratory Drilling Project.

D. California State Association of Counties (CSAC) Circle of Service Award to Supervisor John Peters

The California State Association of Counties (CSAC) is honoring Supervisor John Peters with their prestigious Circle of Service Award on December 2 for his work on behalf of CSAC and California Counties. This award is a way for CSAC to recognize County officials, staff and other association-affiliated members whose service to their Association and membership has been substantially above and beyond the expectation.

7. REGULAR AGENDA - MORNING

A. Winter Seasonal Outlook Presentation

Departments: Clerk of the Board

(Chris Smallcomb, NWS Reno) - Presentation by Chris Smallcomb of the National Weather Service in Reno regarding the 2021-22 Winter Outlook.

Action: None.

Chris Smallcomb, NWS Reno:

- Presentation

Break: 10:02 AM

Reconvened: 10:09 AM

B. 2021 Economic Outlook and General Fund Fiscal Performance

Departments: Finance

(Janet Dutcher, Director of Finance) - Presentation discussing the 2021 and beyond economic outlook, analysis of trends, review of the County's General Fund (GF) fiscal performance for the year ended June 30, 2021, and concluding with information about the status of GF carryover and reserve balances. Consider request to transfer \$500,000 to the General Reserve Fund and \$1,500,000 to the Economic Stabilization Reserve Fund.

Action: Approve increasing General Fund appropriations by \$2,000,000 from carryover, transferring \$500,000 to the General Reserve Fund and \$1,500,000 to the Economic Stabilization Reserve Fund (requires 4/5ths approval).

Gardner motion. Peters seconded.

Vote: 5 yes, 0 no

M21-249

Janet Dutcher, Director of Finance:

- Presentation

C. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic.

Action: None.

Bryan Wheeler, Public Health Director:

- Presentation
- Public Health Officer candidate update

Supervisor Corless:

- Boosters state guidance

Supervisor Peters:

- Community – what is it going to take to end the mask mandate either entirely or modified
- North Mono County, MWTC

Bryan Wheeler, Public Health Director:

- Priority is 5-11
- Concerns with holidays, moving indoors, tourists

Chair Kreitz:

- Communicating with public regarding recall of hand sanitizer and carcinogens
- William Wallace – identify unvaccinated as minority

Stacey Simon, County Counsel:

- Addressed the question regarding identifying the unvaccinated as a minority – categories are established in State and Federal law, on California’s list of groups protected from discrimination, vaccination status is not among them. Disparate treatment on the basis on vaccination status would not violate State or Federal law

Public Comment:

- Colonel Wittnam – Reno and El Dorado experiences

D. Grant Funding for Sheep Fence Remediation on Conway Ranch

Departments: Public Works

(Justin Nalder, Solid Waste Superintendent) - Project to apply for grand funding to remediate degraded existing sheep grazing fencing on Conway Ranch.

Action:

- 1) Authorize staff to apply for available funds through the United States Fish and Wildlife Service (FWS) to cleanup old fencing and posts within Conway Ranch; and
- 2) Find that the project qualifies for a Class 1 exemption under CEQA for “Existing Facilities.”

Gardner motion. Peters seconded.

Vote: 5 yes, 0 no

M21-250

Justin Nalder, Solid Waste Superintendent:

- Presented item

E. Chalfant Cell Site Project Update

Departments: IT, Public Works

(Nate Greenberg, IT Director) - Update regarding a proposed project to put a telecommunications site at a portion of the Chalfant Transfer Station and posting a Notice of Intent to Award following completion of bidding.

Action: Authorize the IT Department to post a notice of intent to award in response to the bids received for the Chalfant Transfer Station Telecommunications Site License Agreement.

Duggan motion. Corless seconded.

Vote: 5 yes, 0 no

M21-251

Nate Greenberg, IT Director:

- Presented item

F. Employment Agreement with Tom Perry as Part-Time Building Official

Departments: CDD, Building Division

(Wendy Sugimura, Community Development Director) - Proposed contract with Tom Perry as the part-time Building Official.

Action: Announce Fiscal Impact. Approve Resolution #R21-80, approving a contract with Tom Perry as Building Official, 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 of salary and benefits for FY 2021-22 is \$35,708, of which \$34,787 is salary, and was included in the Community Development Department's budget.

Corless motion. Gardner seconded.

Vote: 5 yes, 0 no

R21-80

Wendy Sugimura, Community Development Director:

- Presented item

G. Community Economic Resilience Fund (CERF) Program - Public Comment

Departments: Economic Development

(Jeff Simpson, Economic Development Manager; Alicia Vennos, Economic Development Director) - Review of Community Economic Resilience Fund (CERF) program, proposed Economic Regions, and provide input and approve draft public comment from the Board.

Action: Approve draft public comment letter regarding the proposed CERF Economic Regions and other program parameters.

Gardner motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-252

Alicia Vennos, Economic Development Director:

- Presented item
- Has reached out to Leslie Chapman in Inyo County and they will be submitted a similar letter

Supervisor Corless:

- Suggested CC'ing Barbara Hayes with RCRC

H. Appointment of 2022 Rural County Representatives of California (RCRC) Delegate and Alternates

Departments: Clerk of the Board

(Queenie Barnard, Assistant Clerk of the Board) - The Mono County Board of Supervisors must appoint a Delegate and Alternate(s) to serve on the Rural County Representatives of California (RCRC) Board of Directors, Golden State Finance Authority (GSFA) Board of Directors, Golden State Connect Authority (GSCA) Board of Directors, and Environmental Services Joint Powers Authority (ESJPA) Board of Directors for 2022.

Action:

- 1) Appoint Supervisor Stacy Corless as the 2022 RCRC, GSFA, GSCA, and ESJPA Delegate; and
- 2) Appoint Supervisor John Peters as the 2022 RCRC, GSFA, GSCA, and ESJPA First Alternate; and
- 3) Appoint Justin Nalder as the 2022 RCRC ESJPA Second Alternate (in his capacity as Solid Waste Superintendent)

Duggan motion. Peters seconded.

Vote: 5 yes, 0 no

M21-253

Queenie Barnard, Assistant Clerk of the Board:

- Presented item

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

Closed Session: 11:52 AM

Reconvened: 1:15 PM

Action: Item 9B. The Board authorizes the initiation of litigation against McKinsey and Company Inc concerning its role in the opioid epidemic.

Reentered Closed Session: 3:52 PM

Reconvened: 4:15 PM

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Anne Frievault, and Ryan Roe.

Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO). Unrepresented employees: All.

B. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Paragraph (1) of subdivision (d) of Government Code section 54956.9.
Name of case: *County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al.*, U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

C. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Paragraph (1) of subdivision (d) of Government Code section 54956.9.
Name of case: *County of Mono v. Matthew Kile*, Mono County Superior Court Case No. CV210050.

D. Closed Session - Exposure to Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

E. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

11. REGULAR AGENDA - AFTERNOON

A. Redistricting Workshop - Identification of Map(s) for Publication

Departments: Board of Supervisors

(Robert C. Lawton, CAO, Nate Greenberg, IT Director) - Redistricting Workshop - Further discussion of and input into the establishment of supervisorial district boundaries based on the results of the 2020 federal decennial census.

Action: Identify maps Alternative 1a, Alternative 1b, Alternative 2, Alternative 3, Alternative 4a and Alternative 4b to be published on the County's website in anticipation of adoption of one of those maps, on

December 14, 2021, as the final supervisorial district map for Mono County.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-254

Bob Lawton, CAO:

- Introduced item

Nate Greenberg, IT Director:

- Presented Alternative Maps

12. BOARD MEMBER REPORTS

Supervisor Corless:

- Attend RCRC Executive Committee meeting last Wednesday in Sacramento – advancing a number of things to bring to the full Board in December including some changes to the RCRC Revolving Loan Fund

Supervisor Duggan:

- 11/10/21 – NACo Environment, Energy, and Land Use Policy Steering Committee- I participated in the monthly call, where we discussed various pieces of legislation recently passed and how counties will be able to access funding. The EELU Policy Priorities survey closed on November 12 and will be reviewed at the December meeting.
- 11/12/21 – ESTA Board meeting and Strategic Planning Workshop – I participated in the regular Board meeting for ESTA along with Supervisor Gardner. Since we hadn't met in a few months, we saw the financials from summer, a ridership report, and gave staff direction and ideas for a more aggressive staff recruitment strategy. Following the board meeting we opened the Strategic Planning workshop. The presentation focused on how we will meet the transportation needs of the Eastern Sierra. Cooperating agencies and private sector resources will be evaluated as we decide what services ESTA can provide in the future and who could possibly do it better. We noted to watch the impact of the Mammoth Parcel project as it develops and its changes to transportation needs throughout the Town.

Supervisor Gardner:

- On Tuesday Nov. 9 I participated in a Mono Basin Housing Committee meeting. This group continues to work on initiatives to add affordable and other housing in the Mono Basin.
- On Friday Nov. 12 I participated in two meetings of the Eastern Sierra Transit Authority Board of Directors. The first was the regular monthly meeting, in which we reviewed monthly operations and financial reports, approved a grant application for new vehicles and a budget appropriation increase, and reviewed potential service changes for 2022. The second was a briefing with the consultant who is preparing the ESTA Short Term Transit Plan.
- Last night with my colleagues on the Board I attended the special Board meeting on the County's Strategic Planning process. Thanks to all those who made the session a success.

Chair Kreitz:

- Tuesday, November 9th I participated in a pre strategic planning special meeting run-through.
- Wednesday, I attended the NACo Community Economic Workforce Development Committee meeting. Below is the recap of that meeting:
- CEWD was joined by Scott La Rochelle, a Senior Legislative Assistant for the U.S. House of Representatives Committee on Ways and Means, who provided the Committee with a brief update on the trajectory of the reconciliation package, otherwise known as the Build Back Better Act (H.R. 5376). He highlighted that while reconciliation had originally been tied to a \$3.5 trillion price tag, the new topline number for the package is \$1.75 trillion.
- Further, the reconciliation package has now been uncoupled from the infrastructure package, following the passage of the Infrastructure Investment and Jobs Act (IIJA) on November 5. While Mr. La Rochelle said that the House should hopefully vote on Build Back Better by the end of next week, some Democrats have said they will not vote on the package until they receive a final cost estimate of the bill from the Congressional Budget Office (CBO), and it may take longer than a week to receive a final CBO score.

LEGISLATIVE UPDATE

COVID-19 Vaccine Mandates

On September 9, the Biden administration announced a new COVID-19 Action Plan, titled “The Path Out of the Pandemic.” The plan takes a six-pronged approach to combat COVID-19, which includes advancing COVID-19 mitigation and response efforts through vaccination and masking, keeping schools safely open and bolstering our economic recovery.

The first portion of this six-part plan outlines efforts to reduce the number of unvaccinated Americans through regulatory powers and authorities. To enact this goal, the President took the following actions:

- **Signed two new Executive Orders to require vaccinations for all [federal workers](#) and [contractors](#).** The *Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* requires all Federal executive branch workers to be vaccinated in accordance with guidance to be issued by the Safer federal Workforce Task Force (Task Force), established by Executive Order No. 13991. This Executive Order builds upon [previous vaccination requirements](#) made in July for federal employees, by taking away the option for routine testing with limited exceptions. The *Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors* requires vaccinations for all employees working on or in connection with covered federal government contracts and subcontracts, with limited exceptions.
- **Instructed the Department of Labor’s Occupational Safety and Health Administration (OSHA) to develop a rule** requiring employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis. OSHA has now issued an ETS to implement this requirement.
- **Instructed the Centers for Medicare and Medicaid Services (CMS) to develop a rule** requiring workers in health care settings that receive

Medicare and Medicaid reimbursements to implement vaccination and testing protocols. This regulation was released as an Interim Final Rule, and was an extension of CMS' impending rule that would require vaccination for nursing home employees [announced](#) last month.

- Monday, November 15 I participated in the Special Board meeting on the County's strategic plan.

Supervisor Peters:

- Tomorrow is the one year anniversary of the Mountain View Fire. Ask to keep that community in your thoughts.

ADJOURNED AT 4:16 PM.

ATTEST

**JENNIFER KREITZ
CHAIR OF THE BOARD**

**QUEENIE BARNARD
ASSISTANT CLERK OF THE BOARD**