



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Teleconference Only - No Physical Location

**Special Meeting
December 1, 2020**

TELECONFERENCE INFORMATION

As authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, the meeting will be held via teleconferencing with members of the Board attending from separate remote locations. This altered format is in observance of recommendations by local officials that precautions be taken, including social distancing, to address the threat of COVID-19.

Important Notice to the Public Regarding COVID-19

Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID-19 virus, please note the following:

1. Joining via Zoom

There is no physical location of the meeting open to the public. You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/93336492022>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 933 3649 2022.

To provide public comment (at appropriate times) during the meeting, press the "**Raise Hand**" button on your screen.

To join the meeting by telephone:

Dial (669) 900-6833, then enter Webinar ID 933 3649 2022.

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand.

2. Viewing the Live Stream

If you are unable to join the Zoom Webinar of the Board meeting you may still view the live stream of the meeting by visiting http://monocounty.granicus.com/MediaPlayer.php?publish_id=8c4d8d56-9aa6-4b8a-ace3-1fbaaecbf14a

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

ON THE WEB You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

1:00 PM Call meeting to Order

Pledge of Allegiance

1. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

2. **AGENDA ITEMS**

A. **Mountain View Fire Update**

Departments: EOC

30 minutes

(Justin Nalder, EOC Director) - Update on the Mountain View Fire in Walker, California.

Recommended Action: Receive update on the Mountain View Fire including recovery efforts, ongoing County response, debris removal and related topics. Provide any desired direction to staff.

Fiscal Impact: No impact from this update.

B. **COVID-19 (Coronavirus) Update**

Departments: CAO and Public Health

30 minutes

(Dr. Tom Boo, Mono County Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Recommended Action: None, informational only.

Fiscal Impact: None.

C. **Review and Declaration of Election Results**

Departments: Elections

10 minutes (5 minute presentation; 5 minute discussion)

(Shannon Kendall, Registrar of Voters) - Presentation of certified election results. Request for declaration of results. To view the complete Statement of Vote (that will be submitted to the Secretary of State electronically), visit the link below:

<https://monocounty.ca.gov/elections/page/november-3-2020-general-election-results>

Recommended Action:

1. Approve as correct the Statement of Votes for the November 3, 2020 Presidential General Election and Declare elected to office the following candidates who received the highest number of votes in each contest of the

Election:

1. Sara McConnell for Mono County Board of Education, Trustee Area 3;
 2. Danielle Dublino, Eastern Sierra Unified School District, Area 3;
 3. Lou Stewart, Shana Stapp and Alonso Escobar for Mammoth Unified School District;
 4. Rhonda Duggan for Mono County Supervisor, District 2;
 5. Scott Bush, Don Morris and Kathryn Mandichak for Antelope Valley Fire Protection District Board;
 6. Steve Shipley and Windsor Czeschin for Hilton Creek Community Services District;
 7. Sarah Rea and Bill Sauser for Mammoth Lakes Town Council.
2. Declare the following results of each measure voted on at the election:
Measure "G": (Mammoth Unified School District Quality Schools and Academic Achievement Parcel Tax Renewal) received 3019 or 70.1% number of yes votes and only required 2/3, 66.6%, or 2,869 yes votes to pass. Therefore, this measure passed.
 3. Pursuant to the Statement of Vote, approve as correct the total votes cast for the November 3, 2020 Presidential General Election and declare that the following individuals received the highest number of votes for Mono County (these are shared District races, Mono is not the lead on them, so we are not declaring these individuals as elected):
 1. Meryl Picard and Steve Elia for Bishop Unified School District (shared District with Inyo).

Fiscal Impact: None.

D. 2021 Supervisorial Redistricting Process Workshop

Departments: IT and County Counsel

2 hours

(Nate Greenberg, IT Director, Assistant County Counsel Milovich) - Presentation by Mono County Information Technology and County Counsel departments regarding 2021 Supervisorial Redistricting Process.

Recommended Action: Receive workshop, make recommendations and give direction to staff regarding the redistricting process including the creation of a Redistricting Commission. Provide any other desired direction to staff.

Fiscal Impact: None at this time.

ADJOURN



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

SPECIAL MEETING AGENDA REQUEST

Print

MEETING DATE	December 1, 2020	DEPARTMENT	
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	30 minutes	PERSONS APPEARING BEFORE THE BOARD	Justin Nalder, EOC Director
SUBJECT	Mountain View Fire Update		

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Update on the Mountain View Fire in Walker, California.

RECOMMENDED ACTION:

Receive update on the Mountain View Fire including recovery efforts, ongoing County response, debris removal and related topics. Provide any desired direction to staff.

FISCAL IMPACT:

No impact from this update.

CONTACT NAME: Justin Nalder

PHONE/EMAIL: 760-932-5453 / jnalder@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time

Who

Approval

11/25/2020 10:40 AM

County Administrative Office

Yes

11/25/2020 9:52 AM

County Counsel

Yes

11/25/2020 9:44 AM

Finance

Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

SPECIAL MEETING AGENDA REQUEST

Print

MEETING DATE	December 1, 2020	DEPARTMENT	
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	30 minutes	PERSONS APPEARING BEFORE THE BOARD	Dr. Tom Boo, Mono County Health Officer
SUBJECT	COVID-19 (Coronavirus) Update		

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton, Dr. Tom Boo

PHONE/EMAIL: 760-932-5415 / rlawton@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

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MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Mono County Counsel's Updated Overview of COVID-19 Related Law and Litigation Document
Letter from Mammoth Group Regarding Mono County Counsel's Overview of COVID-19 Related Law and Litigation Document
Mammoth Lakes Restaurant Association (MLRA) Statement of Concern

- [Letter from Jereny Goico Regarding the Statement of Concern Distributed by the Mammoth Lakes Restaurant Association and Chamber of Commerce](#)
- [Letter from Michael Coco and Joseph Hannigan Regarding COVID-19 Restrictions](#)
- [Letter from Mammoth Group Regarding COVID-19 Hospitalizations](#)

History

Time	Who	Approval
11/25/2020 10:40 AM	County Administrative Office	Yes
11/25/2020 9:50 AM	County Counsel	Yes
11/25/2020 9:44 AM	Finance	Yes

County Counsel
Stacey Simon

Assistants
Christian E. Milovich
Anne L. Frievault
Jason T. Canger

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Administration/Office Mgmt.
Vacant

To: Board of Supervisors
From: Stacey Simon
Date: December 1, 2020
Re: UPDATED Overview of COVID-19 Related Law and Litigation

Updates since November 17, 2020, Memo are shown in red.

The below overview of existing law and recent or pending litigation related to COVID-19 is provided for the purpose of informing the Board of Supervisors as to the current legal status the State of California's COVID-19 response, including various executive orders issued by Governor Newsom and guidelines and guidance issued by the California Department of Public Health. The following topics are addressed:

- (1) the legal relationship between counties and the State;
- (2) the legal authority for California's Blueprint for a Safer Economy; and
- (3) a summary of legal challenges to State orders and guidance, to date.

Many County Counsels' Offices around the State contributed to the below summary, including significantly, the Riverside County Counsel's Office and the Shasta County Counsel's Office.

I. LEGAL RELATIONSHIP BETWEEN COUNTIES AND THE STATE

The County may not refuse to comply with state law, absent a judicial determination that the law is unconstitutional, nor enact ordinances or regulations that conflict with the general laws of the state. In summary:

1. "The County is merely a political subdivision of state government, exercising only the powers of the state, granted by the state." *Pacific Gas & Electric Co. v. County of Stanislaus*, 16 Cal. 4th 1143 (1997).
3. Under California law, a local executive official does not have the authority to determine that a statute is unconstitutional in the absence of a judicial determination that the statute is unconstitutional. *Lockyer v. City & County of San Francisco*, 33 Cal. 4th 1055 (2004). "The oath to support and defend the Constitution requires a public official to act within the constraints of our constitutional system, not to disregard presumptively valid statutes and take action in violation of such statutes on the basis of

the official’s own determination of what the Constitution means.” *Id.* at 1100-1101.

4. County officials may express their disagreement with state law, but compliance with such state law would not be excused, absent a judicial determination that the statute is itself unlawful. *Lockyer*, 33 Cal. 4th at 1119.
5. Counties do not have the authority to enact regulations that would conflict with the general laws of the state. A County may make and enforce within its limits “all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. Art. XI, § 7. Any conflicting ordinance or regulation is preempted by state law and thus void. *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013).

II. THE BLUEPRINT FOR A SAFER ECONOMY

The State’s Blueprint for a Safer Economy currently has the force and effect of law. A number of legal challenges have been brought questioning the authority of the Governor and the State to issue orders responding to COVID-19, those challenges are summarized in Section III below. To summarize current authority for California’s Blueprint:

1. On March 4, 2020, the Governor proclaimed a state of emergency for the entire State of California in relation to the COVID-19 pandemic. This proclamation was issued under the Governor’s authority in the California Emergency Services Act, found at Government Code section 8625.
2. The Governor’s proclamation of a state of emergency may be terminated by the Governor or the State Legislature. Government Code § 8629. It cannot be terminated by a county or city.
3. In responding to this proclaimed state of emergency, the Governor is authorized, under Government Code sections 8567 and 8627, to issue such orders and regulations as he deems necessary. Such orders and regulations have the force and effect of law, as stated in Government Code section 8567.
4. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, ordered all California residents to “immediately heed the current State public health directives.”
5. On May 4, 2020, the Governor issued Executive Order N-60-20, which stated that “All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home->

except-for-essential-needs/ and elsewhere as the State Public Health Officer may provide.”

6. On August 28, 2020, the State Public Health Officer issued an order establishing the County Tier System, which is now referred to as the Blueprint for a Safer Economy. The State Public Health Officer Order states:
 - a. All local health jurisdictions may reopen specified sectors according to their respective County’s Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that the State Public Health Officer identifies, before reopening additional sectors.
 - b. Conversely, a local health jurisdiction must also close sectors according to their County’s Tier consistent with the timeline and procedures set forth in the Blueprint for a Safer Economy.
7. The State Department of Public Health may advise all local health authorities and, when in its judgment the public health is menaced, it shall control and regulate their action. Health & Safety Code § 131080. The Department is further authorized to take any measures necessary to ascertain the cause and control the spread of an infectious, contagious or communicable disease. Health & Safety Code § 120140.
8. The Board of Supervisors has the authority to supervise the official conduct of all county officers, including the County Health Officer. Government Code § 25303. However, the Board of Supervisors does not have the power to perform a county officer’s statutory duties for him or her, or direct the manner in which the duties are performed. *Dibb v. County of San Diego*, 8 Cal. 4th 1200 fn. 4 (1994); *People v. Langdon*, 54 Cal. App. 3d 384 (1976).

III. LEGAL CHALLENGES TO STATE COVID ORDERS AND GUIDELINES

To date, six cases have been resolved in favor of the Governor’s and State’s authority to issue binding orders in response to COVID-19. Many other challenges are still pending in both state and federal courts. The below summarizes the litigation as of the date of this memo:

Brandy v. Villanueva et al

Filed: March 27, 2020

Forum: Federal Court

Description: Gun shop owners filed 2nd Amendment suit challenging Governor Newsom’s executive orders insofar as they required closure of gun shops.

December 1, 2020

Status: TRO denied on April 6, 2020; Plaintiffs voluntarily dismissed the State defendants, including Governor Newsom, on July 8, 2020.

Gish et al v. Newsom et al

Filed: March 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the Governor's orders violate church members' constitutionally protected freedoms of speech, religion, assembly and due process, and that they favor non-religious practices.

Status: Plaintiff's Temporary Restraining Order (TRO) was denied on April 23, 2020, and the denial was appealed to the 9th Circuit Court of Appeal. Defendants Gavin Newsom and Xavier Becerra have filed an unopposed motion to dismiss the case in the District Court, as well as a motion to dismiss the appeal which is pending judgment in the District Court.

Whitsitt v. Newsom

Filed: April 4, 2020

Forum: Federal Court

Description: Plaintiff filed petition for writ of mandamus arguing the Governor's orders are unconstitutional insofar as they require closure of churches.

Status: Defendants' motion to dismiss was granted on October 7, 2020. Plaintiff's complaint was dismissed without leave to amend.

Abiding Place Ministries v. Wooten et al

Filed: April 22, 2020

Forum: Federal Court

Description: Suit accuses the state and county orders of infringing on the constitutional right to freely exercise religion, and of an infringement on due process.

Status: Temporary Restraining Order (TRO) against the orders denied April 10, 2020; preliminary injunction (PI) denied June 4, 2020; joint motion to dismiss granted on September 3, 2020.

Benitez et al v. Newsom et al

Filed: April 22, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would provide \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs petitioned the California Supreme Court, arguing that state and federal laws prohibit the state from funding nonprofits or undocumented immigrants without the Legislature's approval.

Status: Petition denied on May 6, 2020.

Cross Culture Christian Center et al v. Newsom et al

Filed: April 22, 2020

Forum: Federal Court

December 1, 2020

Description: Plaintiffs argue that the state orders violate constitutionally protected freedoms of speech, religious practice, assembly and due process, and that they represent unconstitutional “hostility toward religion.”

Status: TRO denied on May 5, 2020, and appealed. Appeal was denied on May 29, 2020. A motion to dismiss filed by defendants was set for September 29, 2020, but was submitted without appearance and without oral argument pursuant to local rules. If the Court concludes oral argument is necessary a hearing will be set. Since then, the Court has allowed supplemental briefs to be filed. Most recently, the Governor and state defendants filed a notice of supplemental authority in support of the motion to dismiss on November 4, 2020.

Armstrong v. Newsom et al

Filed: April 23, 2020

Forum: Federal Court

Description: A Los Angeles County resident is suing the state on behalf of himself and “all others similarly situated.” He argues that the statewide shelter-in-place order violates the 14th Amendment of the U.S. Constitution which prohibits detention “without due process of law.”

Status: TRO was denied on May 13, 2020; Preliminary Injunction (PI) was denied on May 28, 2020. Motion by Governor Newsom to Dismiss Second Amended Complaint was granted; Third Amended Complaint was filed by Plaintiff on November 9, 2020.

Givens et al v. Newsom et al

Filed: April 27, 2020

Forum: Federal Court

Description: Two Sacramento residents applied for permits to protest at the state Capitol and were denied based on orders and guidance prohibiting gatherings. Both sued, arguing that state officials violated their rights to free speech, assembly, petition and due process.

Status: TRO was denied on May 8, 2020. Denial of TRO has been appealed to 9th Circuit and oral argument is calendared for November 17, 2020. Motion for injunction pending appeal was denied on July 14, 2020. Defendants filed an answer in the District Court on August 11, 2020. Defendants filed a Motion for Protective order on August 31, 2020, and a hearing on the motion is set for December 16, 2020.

Crest et al v. Newsom et al

Filed: April 29, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would be providing \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs argue that federal laws prohibit the state from providing financial assistance to undocumented immigrants without Legislative approval.

Status: TRO was denied on May 5, 2020. The denial of the TRO was appealed and is still pending. The next hearing in the District Court is a trial setting conference set for December 30, 2020.

Muller v. Newsom

December 1, 2020

Filed: May 1, 2020

Forum: State Court

Description: Three city council members from different Orange County cities filed suit against Governor Newsom's order closing Orange County beaches, calling the order "a clear abuse of discretion" and contending that access to the beach is protected by the California Constitution.

Status: Petition for Writ of Mandate denied July 2, 2020.

Muldoon v. Newsom

Filed: May 4, 2020

Forum: Federal Court

Description: Newport Beach Councilman Kevin Muldoon sued, arguing that the beach closures violated residents' right to equal protection under the law, along with their right to travel and assemble.

Status: TRO denied as moot on May 8, 2020, because beaches had been reopened; Voluntarily dismissed by Plaintiff on June 23, 2020.

Gondola Adventures, Inc. et al v. Newsom et al

Filed: May 6, 2020

Forum: Federal Court

Description: A group of businesses sued, claiming the state invaded their property rights, unconstitutionally restricted their right to travel, and violated other civil rights guaranteed in both the state and U.S. constitutions.

Status: Voluntarily dismissed by Plaintiffs on May 18, 2020, after Governor Newsom announced easing of some restrictions.

Antoon v. Newsom et al

Filed: May 7, 2020

Forum: Federal Court

Description: A yoga studio owner argues that the prolonged shelter-in-place orders have deprived him of his constitutional right to assemble, to own private property and to due process, as well as his constitutional protection from unreasonable search and seizure, and cruel and unusual punishment.

Status: On September 21, 2020, the case was reassigned from a magistrate judge to a U.S. District Judge, with the magistrate issuing the recommendation that the case be dismissed based on plaintiff's failure to prosecute. Case was dismissed on October 13, 2020.

Six et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A group of California residents sued the state for non-economic harms.

Status: TRO and Order to Show Cause why PI Should Not Issue was denied on May 22, 2020. Case voluntarily dismissed by Plaintiffs on June 5, 2020.

Michie v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

December 1, 2020

Description: Landlord filed suit arguing that restrictions on evictions have violated landlords' constitutional right to private property, to due process and to enter into and honor contracts.

Status: Voluntarily dismissed by Plaintiff on July 21, 2020.

South Bay United Pentecostal Church et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Two religious institutions in San Diego County argue that the Governor's orders restrict their congregations' rights to free exercise of religion, to assembly, speech and due process, and constitute "excessive government entanglement with religion."

Status: TRO denied on May 15, 2020, and appealed to Ninth Circuit; appeal denied on May 22, 2020; appeal to the U.S. Supreme Court denied on May 29, 2020. A renewed motion for TRO/PI was filed by Plaintiffs and denied on October 15, 2020. The District Court has granted a motion allowing Defendants to respond to the Second Amended Complaint.

Bols v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A San Diego landlord whose tenants include hair salons and churches filed suit, arguing that the shelter-in-place orders impinge on his constitutional rights to due process, equal protection under the law and private property.

Status: TRO denied on June 30, 2020. A Motion to Dismiss First Complaint is set for November 23, 2020.

Best Supplement Guide, LLC et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: The operator of a small chain of gyms in Sacramento and Lodi argue that his rights to free speech, assembly, private property, due process, equal protection under the law and the ability to satisfy business contracts have been unconstitutionally impaired under public health orders. Plaintiffs sought a preliminary injunction (PI) and temporary restraining order (TRO) to prevent enforcement of the State orders.

Status: TRO and Order to Show Cause Why PI Should Not Issue were denied on May 22, 2020. A motion to dismiss filed by defendants was granted on October 27, 2020, and leave to file an amended complaint was denied.

Professional Beauty Federation of California et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: Plaintiffs sued Governor Newsom and various state regulators for refusing to designate "barbering and cosmetology" services as essential, which would exempt them from the shelter-in-place order.

Status: TRO/PI denied June 8, 2020; Voluntarily dismissed by Plaintiffs on July 27, 2020.

December 1, 2020

Bryant et al v. Newsom et al

Filed: May 13, 2020

Forum: Federal Court

Description: Plaintiffs run a Christian nonprofit. They allege that the public health orders violate their constitutional rights to assemble, private property, due process and their “unspoken right to earn a lawful living,” as well as their constitutional protection from unreasonable search and seizure and cruel and unusual punishment.

Status: TRO denied on May 19, 2020. A motion by defendants to dismiss complaint was granted on September 8, 2020. Plaintiff’s filed an Amended Complaint on September 29, 2020, but then voluntarily dismissed all defendants in October, and the case was terminated on October 29, 2020.

Tresner v. Newsom et al

Filed: May 18, 2020

Forum: Federal Court

Description: Gym owner argues that the “strong-arm and forced closure” of his gym has cost \$100,000 and violated his rights to free speech, assembly, private property, due process, equal protection under the law and that his ability to satisfy business contracts has been unconstitutionally impaired.

Status: Pending; a related case order was filed on May 20, 2020, and there have been no new developments in the case to date. The related case *Best Supplement Guide, LLC et al v. Newsom et al* was dismissed.

Mountain Christian Fellowship et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Plaintiffs argue that churches and their congregants are having their constitutional right to religious expression, speech, assembly and equal protection under the law violated.

Status: Voluntarily dismissed by Plaintiffs on June 26, 2020.

Issa et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Congressional candidate and group of voters sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Republican National Committee et al v. Newsom et al

Filed: May 24, 2020

Forum: Federal Court

Description: Plaintiffs sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

December 1, 2020

Stanislaus Funding, Inc. dba Patioworld v. Newsom et al

Filed: May 26, 2020

Forum: Federal Court

Description: Owners of furniture outlet sued, arguing that the state and county orders violate their constitutional right to equal protection under the law, due process, interstate commerce and private property, while also saddling the business with “excessive fines.”

Status: Voluntarily dismissed by Plaintiffs on June 29, 2020.

Caymus Vineyards v. Newsom et al

Filed: May 28, 2020

Forum: Federal Court

Description: This suit contends that the state deprived the vineyard of its right to equal protection under the law, to due process and to private property.

Status: Voluntarily dismissed by Plaintiffs on June 10, 2020.

Forbes v. Macchione, Fache et al

Filed: May 31, 2020

Forum: Federal Court

Description: An individual sued the County of San Diego and Governor Newsom challenging, among other things, mask-wearing guidance/orders. Plaintiff argues that masks are unnecessary and ineffective and a violation of plaintiff’s constitutional rights.

Status: Motion to Dismiss Second Amended Complaint as to Gavin Newsom was filed on July 21, 2020. There has been additional briefing on the motion, there is no ruling yet nor hearing scheduled.

PCG-SP Venture I LLC dba V Palm Springs Hotel v. Newsom et al

Filed: June 2, 2020

Forum: Federal Court

Description: Plaintiff accused the state of violating its right to engage in commerce, to due process and equal protection under the law and to private property.

Status: TRO denied on June 23, 2020; stipulated dismissal on July 29, 2020.

Gallagher et al v. Newsom

Filed: June 11, 2020

Forum: State Court

Description: Assemblymen James Gallagher and Kevin Kiley challenge Governor Newsom’s executive order establishing special procedures for the conduct of the November 3 election in response to COVID. They argue that because election procedures are set by the Legislature, Governor Newsom’s order violates the separation of powers. Plaintiffs sought a TRO to prevent enforcement of the order.

Status: TRO was granted by the Superior Court on June 12, 2020, but overturned by the court of appeal on July 21, 2020. The Superior Court then issued a ruling on the underlying merits on November 13, 2020, finding that while the Emergency Services Act is constitutional, the Governor exceeded the authority granted to him under that Act by altering existing legislation through executive order. The ruling “enjoin[s] the Governor from exercising power under the California Emergency Services Act which amends,

December 1, 2020

alters, or changes statutory law or makes new statutory or legislative policy.” The State has appealed this ruling and **a stay on the Superior Court’s order was issued by the Court of Appeal on November 17, 2020.**

Z Golf Food & Beverages Services, LLC et al v. Newsom et al

Filed: June 17, 2020

Forum: Federal Court

Description: Three plaintiffs engaged in wedding-related businesses argue they are “no different from the permitted businesses of entertainment venues, dine-in restaurants, outdoor businesses, and religious services.” They argue that the state has violated their constitutional rights to equal treatment under the law and to due process.

Status: An amended complaint was filed on September 25, 2020. Voluntarily dismissed by plaintiffs on October 26, 2020.

Baber et al v. Newsom

Filed: July 5, 2020

Forum: Federal Court

Description: Plaintiffs argued that COVID-19 is not a new disease and that it is a funding scheme by the NIH.

Status: Voluntarily dismissed by Plaintiffs on August 14, 2020.

Calvary Chapel of Ukiah et al v. Newsom et al

Filed: July 5, 2020

Forum: Federal Court

Description: Three churches argue that the state restriction on indoor singing violates their constitutional rights to free exercise of religion and speech, and singles out church goers for special treatment compared to those who participate in secular activities, such as protests.

Status: Oral argument was held on November 8, 2020, regarding a pending motion for PI. The Court granted plaintiffs’ leave to file a sur-reply, which they did on November 9, 2020. The matter is taken under submission with a written order to be issued.

Harvest Rock Church, Inc. et al v. Newsom et al

Filed: July 17, 2020

Forum: Federal Court

Description: The lawsuit argues that governor’s restrictions violate the church’s constitutionally protected rights to religious expression, assembly, speech, equal protection under the law and the right to a “republican form of government.”

Status: TRO denied July 20, 2020; PI denied August 12, 2020; denial of PI appealed to Ninth Circuit and was denied. There is a petition for rehearing en banc pending from plaintiffs.

Brach et al v. Newsom et al

Filed: July 21, 2020

Forum: Federal Court

December 1, 2020

Description: Nine parents of students filed suit to challenge school closures, alleging the order violates the constitutional rights of students to equal protection under the law and to due process.

Status: A September 1, 2020 hearing on PI was vacated and the court has ordered the parties to submit briefing on summary judgment. Briefing has been submitted and is under consideration. On September 29, 2020, the time for Defendants to file responsive pleading was ordered extended until 30 days after the Court rules on sua sponte consideration of summary judgment.

Samuel A. Fryer Yavneh Academy et al v. Newsom et al

Filed: August 18, 2020

Forum: Federal Court

Description: Group of religious schools, parents and teachers argues that the governor's order singles out religious institutions because it "does not apply to equivalent operations such as childcare facilities and camps," that it interferes with each students' implied right to an education and on "parents' rights to direct the religious upbringing and education of their children."

Status: PI hearing was held September 28, 2020. The court took the matter under submission, but the case was dismissed pursuant to a stipulated order for dismissal on October 28, 2020.

Immanuel Schools et al v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiffs petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of both students to equal protection under the law and of parents who entered into private contracts with the schools.

Status: Petition denied on September 9, 2020.

Orange County Board of Education v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiff petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of students to equal protection under the law and the order places an unconstitutional burden on both students of color and those who experience disabilities.

Status: Petition denied on September 9, 2020.

Looney et al v. Newsom et al

Filed: September 11, 2020

Forum: State Court

Description: Plaintiffs are Shasta County residents with school age children who argue the Governor's public health orders violate their children's fundamental rights to quality education.

December 1, 2020

Status: First Amended Complaint filed October 28, 2020.

California Fitness Alliance et al v. Newsom et al

Filed: September 14, 2020

Forum: State Court

Description: Group of gym owners argue that restrictions under Governor Newsom's orders were not applied narrowly enough and are not justified by the statewide death toll.

Status: Complaint was filed September 14, 2020. Next scheduled hearings are a hearing on motion for protective order on November 13, 2020, and a hearing on demurrer on January 22, 2021.

Culinary Studios, Inc. et al v. Newsom et al

Filed: September 21, 2020

Forum: Federal Court

Description: Plaintiffs are a group of mainly restaurant and hospitality businesses which argue the Governor's public health orders which prohibit indoor operations of their businesses violate their constitutional rights and amounts to a taking without just compensation under the Fifth Amendment.

Status: First Amended Complaint was filed on October 19, 2020.

Mitchell et al v. Newsom et al

Filed: September 22, 2020

Forum: Federal Court

Description: Tattoo artists challenge governor's order requiring them to close. Artists allege order deprives them of protected expression and because hair salons and other businesses of equal or greater health risk may reopen, order lacks content neutrality and narrow tailoring.

Status: Stipulated order staying action was entered on November 9, 2020. Parties are ordered to file additional status report or request for dismissal by December 4, 2020.

Reyes et al v. Newsom et al

Filed: September 24, 2020

Forum: State Court

Description: Three charter schools that operate exclusively online and 12 students and their families sued over new school funding rules implemented to deal with decreasing public school enrollment and increased charter school enrollment during the pandemic. Plaintiffs argue the new rules violate the state constitution, infringe on contracts between charter schools and the state, and deprive the schools and families of due process.

Status: Verified Petition for Writ of Mandate and Verified Class Action Complaint for Declaratory and Injunctive Relief filed September 24, 2020.

Midway Ventures LLC et al v. County of San Diego et al

Filed: October 21, 2020

Forum: State Court

Description: Plaintiffs, who operate two strip clubs in San Diego, argue the County's enforcement of the Governor's orders will significantly harm their businesses by

December 1, 2020

prohibiting live entertainment, and that the County's enforcement efforts have singled out Plaintiff's businesses while not taking action against other live entertainment business.

Status: TRO granted on November 6, 2020, enjoining County and State from enforcing cease and desist orders prohibiting plaintiffs from providing live entertainment. OSC re Preliminary Injunction calendared for November 30, 2020.

Excel Fitness Fair Oaks, LLC, et al v. Newsom et al.

Filed: October 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders caused a total or partial regulatory taking of plaintiffs' property (when deemed non-essential) without just compensation and is seeking equitable and injunctive relief to enjoin enforcement of Defendants' orders, declaratory relief that Defendants' orders violate Plaintiffs' Fifth and Fourteenth Amendment rights, and California Constitutional rights, attorneys' fees and costs, and monetary damages.

Status: Complaint filed.

Ghost Golf, Inc. et al v. Newsom et al

Filed: October 28, 2020

Forum: State Court, Fresno Superior Court.

Description: Case was filed by the Pacific Legal Foundation on behalf of various businesses challenging the State's Blueprint for a Safer Economy. Petitioners assert that legislature cannot provide an open-ended delegation of authority to the Governor, even during a state of emergency under the separation of powers doctrine.

Status: Complaint filed.

Tucks Restaurant and Bar et al v. Newsom et al

Filed: November 11, 2020

Forum: Federal Court

Description: Case filed by various restaurants and a dining association challenging the Governor's authority to issue various COVID orders. Plaintiffs allege constitutional violations, including 14th Amendment equal protection and due process violations, infringement on the constitutional right to travel, and 1st and 5th Amendment violations. The complaint names various state and Nevada County public officials.

Status: Complaint Filed

From: William Wallace <mammothgroup@yahoo.com>

Sent: Thursday, November 19, 2020 4:39 PM

To: Jennifer Kreitz; Fred Stump; Bob Gardner; John Peters; Stacy Corless

Subject: In Response To Your County Counsels Misinterpretation Of The Law

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors, attached is our response to Stacey Simon and the rest of the Mono County Counsels document [Overview of COVID-19 Related Law and Litigation from Mono County Counsel's Office](#). You guys just ended the fire emergency for Mono County which is required by law. Hence why you had to end the local fire emergency.

Please add our response to last Tuesdays Board Meeting and the Joint town/County Special Meeting on 11/17/20. Please also add our response to the next Board of Supervisors Special Meeting on December 1st.

Sincerely, Mammoth Group

County Counsel
Stacey Simon

Assistants
Christian E. Milovich
Anne L. Frievault
Jason T. Canger

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Administration/Office Mgmt.
Vacant

To: Board of Supervisors

From: Stacey Simon

Date: November 17, 2020

Re: Overview of COVID-19 Related Law and Litigation

The below overview of existing law and recent or pending litigation related to COVID-19 is provided for the purpose of informing the Board of Supervisors as to the current legal status the State of California's COVID-19 response, including various executive orders issued by Governor Newsom and guidelines and guidance issued by the California Department of Public Health. The following topics are addressed:

- (1) the legal relationship between counties and the State;
- (2) the legal authority for California's Blueprint for a Safer Economy; and
- (3) a summary of legal challenges to State orders and guidance, to date.

Many County Counsels' Offices around the State contributed to the below summary, including significantly, the Riverside County Counsel's Office and the Shasta County Counsel's Office.

I. LEGAL RELATIONSHIP BETWEEN COUNTIES AND THE STATE

The County may not refuse to comply with state law, [therefore, the County MUST uphold the following laws:

1. California Constitution, Article 1, Section 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety, happiness and privacy.

[Therefore, when the County encourages businesses to deny a customer from acquiring property by shopping at their business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties].

2. California Constitution, Article 1, Section 2

Every person may freely speak. A law may not restrain or abridge liberty of speech.

[There, when the County requires individuals to muzzle one's face with a mask which does not allow for one to freely speak, they are violating the freedom of speech. Therefore, encouraging a business to deny entry due to a person not wearing a mask is a violation of the California Constitution.]

3. California Constitution, Article 1, Section 4

Free exercise and enjoyment of religious expression without discrimination. [If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.]

4. California Business and Professions Code 2052: Practicing medicine without a license

[Requiring someone to wear a mask is a medical intervention. The County has no authority to recommend businesses participate in such a practice. Further, a surgical mask is designated by the FDA as a "medical device". The County has no legal authority, responsibility or liability to require that of any individual. No "emergency order" supersedes the California Constitution. Any "health order" related to mask-wearing is therefore unlawful and unenforceable by law.]

5. California Penal Code 538(d) PC: Impersonating a peace officer

[The County has no legal authority to require a business establishment to undertake law enforcement activity and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under **California Penal Code 538(d) PC.**]

6. California Civil Code 51: Free and Equal Access to Public Accommodations

[Private business establishments that are engaged in commerce are legally defined as a place of "public accommodation" and as such may not prohibit entry by discriminating against someone for their medical condition, disability or religious beliefs. If someone is unable or unwilling to wear a mask for one of those reasons, businesses may not prohibit their entry, nor may a file of trespassing be made on the basis of their legally protected status. **Just as a business is not able to legally deny entry to someone wearing a turban, they may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable

accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY CALIFORNIA LAW. Claims of discrimination are handled by the Department of Fair Employment and Housing.]

7. California Civil Code 52.1: Tom Bane Act protects personal rights and carries \$25,000 fine for each violation

[The County should be advised that any person interferes with threat, intimidation or coercion with the exercise of enjoyment of an individual’s rights secured by the Constitution of the United States or the Constitution of California, the Attorney General or any district attorney or city attorney may bring a civil action or injunction in order to protect the peaceable exercise or enjoyment of the rights secured. **A civil penalty of \$25,000 may be assessed against EACH PERSON VIOLATING THESE RIGHTS.** Further, an individual may also institute and prosecute a civil case for damages].

8. California Civil Code 54: Individuals with disabilities have the same rights as others

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, **including hospitals, clinics, and physicians’ offices**, public facilities, and other public places. **Just as a business is not able to legally would deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW. Claims for this violation are handled by the California Department of Fair Employment and Housing.

9. California Civil Code 54.1: Disabled have full and equal access

Disabled individuals have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes of transportation private schools, hotels, and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney’s fees.

10. California Business and Professions Code 125.6: Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action if that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, disability, marital status or national origin.

11. California Business and Professions Code 23438: Prohibits discrimination by a private clubs and organizations

Private clubs and organizations holding liquor license may not discriminate against protected classes.

A claim may be filed with the California Department of Consumer Affairs, 401 R Street, Sacramento, CA 96814. (800) 952-5210. www.dca.ca.gov

12. California Penal Code 236 PC, False Imprisonment

Attempting to prevent someone's entry to a business establishment or to restrict, detain or confine their movement without their consent constitutes FALSE IMPRISONMENT, which can be a felony, with the penalty of three years in jail. If a business owner or manager denies someone's entry to a place of public accommodation based on medical condition or religious beliefs, they are at risk for charged with false imprisonment.

13. Penal Code 415 PC: Disturbing the Peace

Any person (such as a business owner, manager or employee) who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine.

14. California Penal Code 240 PC: Assault

If a business owner, manager or employee aggressively seeks to harass or intimidate someone with the threat of violence, they could be in violation of CA PC 240, assault. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another, even if no one is physically hurt by their behavior.

15. California Penal Code 185 PC: Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

absent a judicial determination that the law is unconstitutional, **THIS WAS JUST RULED THAT THE GOVERNOR MAY NOT AMEND OR CREATE STATUTORY LA. See: The Court Ruling from Judge Sarah Heckman on Nov 13, 2020 for Case No.CVCS20-0912**

. nor enact ordinances or regulations that conflict with the general laws of the state.

This “Blueprint” violates all of the laws stated above, in addition to U.S. Federal Laws:

In summary:

1. “The County is merely a political subdivision of state government, exercising only the powers of the state, granted by the state.” *Pacific Gas & Electric Co. v. County of Stanislaus*, 16 Cal. 4th 1143 (1997).
3. Under California law, a local executive official does not have the authority to determine that a statute is unconstitutional in the absence of a judicial determination that the statute is unconstitutional. *Lockyer v. City & County of San Francisco*, 33 Cal. 4th 1055 (2004). “The oath to support and defend the Constitution requires a public official to act within the constraints of our constitutional system, not to disregard presumptively valid statutes and take action in violation of such statutes on the basis of the official’s own determination of what the Constitution means.” *Id.* at 1100-1101.
4. County officials may express their disagreement with state law, but compliance with such state law would not be excused, absent a judicial determination that the statute is itself unlawful. *Lockyer*, 33 Cal. 4th at 1119.
5. Counties do not have the authority to enact regulations that would conflict with the general laws of the state. A County may make and enforce within its limits “all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. Art. XI, § 7. Any conflicting ordinance or regulation is preempted by state law and thus void. *Browne v. County of Tehama*, 213 Cal. App. 4th 704 (2013).

II. THE BLUEPRINT FOR A SAFER ECONOMY

The State's Blueprint for a Safer Economy currently has the force and effect of law. **Provide evidence for this statement. Where is the code of law that provides for this? It is the opposite.**

The Court Ruling from Judge Sarah Heckman on Nov 13, 2020 for Case No.CVCS20-0912 states this:

Gavin Newsom, in his official capacity as Governor of the State of California is enjoined and prohibited from exercising any power under the California Emergency Services Act (Government Code § 8550 et seq.) which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy.

This ruling makes it clear that the "State's Blueprint for a Safer Economy" has ZERO force and effect of law. That is because the "State's Blueprint" creates new amends, alters and changes existing statutory law (as noted above) and makes new statutory law and legislative policy.

Where in existing statutory law is the authority for businesses to close down? To limit the number of patrons? To conduct business outdoors instead of indoors? To require distancing and masks?

A number of legal challenges have been brought questioning the authority of the Governor and the State to issue orders responding to COVID-19, those challenges are summarized in Section III below. To summarize current authority for California's Blueprint:

1. On March 4, 2020, the Governor proclaimed a state of emergency for the entire State of California in relation to the COVID-19 pandemic. This proclamation was issued under the Governor's authority in the California Emergency Services Act, found at Government Code section 8625. **The CESA also requires that the emergency be terminated at the EARLIEST possible date. According to CA law, an emergency is "imminent and proximate." Eight months into a situation is not legally defined as an "emergency."**
2. The Governor's proclamation of a state of emergency may be terminated by the Governor or the State Legislature. Government Code § 8629. It cannot be terminated by a county or city. **LOCAL health emergencies are REQUIRED to be terminated by the County or City at the "earliest possible date." See HSC § 101080 and CA Gov Code § 8630(d)**

3. In responding to this proclaimed state of emergency, the Governor is authorized, under Government Code sections 8567 and 8627, to issue such orders and regulations as he deems necessary. Such orders and regulations have the force and effect of law, as stated in Government Code section 8567.
Judge Heckman just ordered that these are UNLAWFUL and the Governor has no further power under Gov Code 8567 and 8627.
What evidence is there that these orders and regulations are “necessary”?
4. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, ordered all California residents to “immediately heed the current State public health directives.”
5. On May 4, 2020, the Governor issued Executive Order N-60-20, which stated that “All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-homeexcept-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.”
6. On August 28, 2020, the State Public Health Officer issued an order establishing the County Tier System, which is now referred to as the Blueprint for a Safer Economy. The State Public Health Officer Order states:
 - a. All local health jurisdictions may reopen specified sectors according to their respective County’s Tier. However, a local health jurisdiction that moves to a Tier permitting further reopening must pause for 21 days, or a different period that the State Public Health Officer identifies, before reopening additional sectors.
 - b. Conversely, a local health jurisdiction must also close sectors according to their County’s Tier consistent with the timeline and procedures set forth in the Blueprint for a Safer Economy.
7. The State Department of Public Health may advise all local health authorities and, when in its judgment the public health is menaced, it shall control and regulate their action. Health & Safety Code § 131080. The Department is further authorized to take any measures necessary to ascertain the cause and control the spread of an infectious, contagious or communicable disease. Health & Safety Code § 120140. **Where is the evidence that these measures are “necessary?”**
8. The Board of Supervisors has the authority to supervise the official conduct of all county officers, including the County Health Officer. Government Code § 25303. However, the Board of Supervisors does not

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have the power to perform a county officer's statutory duties for him or her, or direct the manner in which the duties are performed. *Dibb v. County of San Diego*, 8 Cal. 4th 1200 fn. 4 (1994); *People v. Langdon*, 54 Cal. App. 3d 384 (1976).

III. LEGAL CHALLENGES TO STATE COVID ORDERS AND GUIDELINES

To date, six cases have been resolved in favor of the Governor's and State's authority to issue binding orders in response to COVID-19. Many other challenges are still pending in both state and federal courts. The below summarizes the litigation as of the date of this memo:

Brandy v. Villanueva et al Filed:

March 27, 2020

Forum: Federal Court

Description: Gun shop owners filed 2nd Amendment suit challenging Governor Newsom's executive orders insofar as they required closure of gun shops.

Status: TRO denied on April 6, 2020; Plaintiffs voluntarily dismissed the State defendants, including Governor Newsom, on July 8, 2020.

Gish et al v. Newsom et al

Filed: March 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the Governor's orders violate church members' constitutionally protected freedoms of speech, religion, assembly and due process, and that they favor non-religious practices.

Status: Plaintiff's Temporary Restraining Order (TRO) was denied on April 23, 2020, and the denial was appealed to the 9th Circuit Court of Appeal. Defendants Gavin Newsom and Xavier Becerra have filed an unopposed motion to dismiss the case in the District Court, as well as a motion to dismiss the appeal which is pending judgment in the District Court.

Whitsitt v. Newsom

Filed: April 4, 2020

Forum: Federal Court

Description: Plaintiff filed petition for writ of mandamus arguing the Governor's orders are unconstitutional insofar as they require closure of churches.

Status: Defendants' motion to dismiss was granted on October 7, 2020. Plaintiff's complaint was dismissed without leave to amend.

Abiding Place Ministries v. Wooten et al

Filed: April 22, 2020

Forum: Federal Court

Description: Suit accuses the state and county orders of infringing on the constitutional right to freely exercise religion, and of an infringement on due process.

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Status: Temporary Restraining Order (TRO) against the orders denied April 10, 2020; preliminary injunction (PI) denied June 4, 2020; joint motion to dismiss granted on September 3, 2020.

Benitez et al v. Newsom et al

Filed: April 22, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would provide \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs petitioned the California Supreme Court, arguing that state and federal laws prohibit the state from funding nonprofits or undocumented immigrants without the Legislature's approval.

Status: Petition denied on May 6, 2020.

Cross Culture Christian Center et al v. Newsom et al

Filed: April 22, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders violate constitutionally protected freedoms of speech, religious practice, assembly and due process, and that they represent unconstitutional "hostility toward religion."

Status: TRO denied on May 5, 2020, and appealed. Appeal was denied on May 29, 2020. A motion to dismiss filed by defendants was set for September 29, 2020, but was submitted without appearance and without oral argument pursuant to local rules. If the Court concludes oral argument is necessary a hearing will be set. Since then, the Court has allowed supplemental briefs to be filed. Most recently, the Governor and state defendants filed a notice of supplemental authority in support of the motion to dismiss on November 4, 2020.

Armstrong v. Newsom et al Filed:

April 23, 2020

Forum: Federal Court

Description: A Los Angeles County resident is suing the state on behalf of himself and "all others similarly situated." He argues that the statewide shelter-in-place order violates the 14th Amendment of the U.S. Constitution which prohibits detention "without due process of law."

Status: TRO was denied on May 13, 2020; Preliminary Injunction (PI) was denied on May 28, 2020. Motion by Governor Newsom to Dismiss Second Amended Complaint was granted; Third Amended Complaint was filed by Plaintiff on November 9, 2020.

Givens et al v. Newsom et al

Filed: April 27, 2020

Forum: Federal Court

Description: Two Sacramento residents applied for permits to protest at the state Capitol and were denied based on orders and guidance prohibiting gatherings. Both sued, arguing that state officials violated their rights to free speech, assembly, petition and due process.

Status: TRO was denied on May 8, 2020. Denial of TRO has been appealed to 9th Circuit

November 17, 2020

and oral argument is calendared for November 17, 2020. Motion for injunction pending appeal was denied on July 14, 2020. Defendants filed an answer in the District Court on August 11, 2020. Defendants filed a Motion for Protective order on August 31, 2020, and a hearing on the motion is set for December 16, 2020.

Crest et al v. Newsom et al

Filed: April 29, 2020

Forum: State Court

Description: On April 15, Governor Newsom announced that the state would be providing \$75 million in state revenue to undocumented immigrants in California who do not otherwise qualify for federal assistance during the pandemic. Plaintiffs argue that federal laws prohibit the state from providing financial assistance to undocumented immigrants without Legislative approval.

Status: TRO was denied on May 5, 2020. The denial of the TRO was appealed and is still pending. The next hearing in the District Court is a trial setting conference set for December 30, 2020.

Muller v. Newsom

Filed: May 1, 2020

Forum: State Court

Description: Three city council members from different Orange County cities filed suit against Governor Newsom's order closing Orange County beaches, calling the order "a clear abuse of discretion" and contending that access to the beach is protected by the California Constitution.

Status: Petition for Writ of Mandate denied July 2, 2020.

Muldoon v. Newsom

Filed: May 4, 2020

Forum: Federal Court

Description: Newport Beach Councilman Kevin Muldoon sued, arguing that the beach closures violated residents' right to equal protection under the law, along with their right to travel and assemble.

Status: TRO denied as moot on May 8, 2020, because beaches had been reopened; Voluntarily dismissed by Plaintiff on June 23, 2020.

Gondola Adventures, Inc. et al v. Newsom et al

Filed: May 6, 2020

Forum: Federal Court

Description: A group of businesses sued, claiming the state invaded their property rights, unconstitutionally restricted their right to travel, and violated other civil rights guaranteed in both the state and U.S. constitutions.

Status: Voluntarily dismissed by Plaintiffs on May 18, 2020, after Governor Newsom announced easing of some restrictions.

Antoon v. Newsom et al

Filed: May 7, 2020

November 17, 2020

Forum: Federal Court

Description: A yoga studio owner argues that the prolonged shelter-in-place orders have deprived him of his constitutional right to assemble, to own private property and to due process, as well as his constitutional protection from unreasonable search and seizure, and cruel and unusual punishment.

Status: On September 21, 2020, the case was reassigned from a magistrate judge to a U.S. District Judge, with the magistrate issuing the recommendation that the case be dismissed based on plaintiff's failure to prosecute. Case was dismissed on October 13, 2020.

Six et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A group of California residents sued the state for non-economic harms.

Status: TRO and Order to Show Cause why PI Should Not Issue was denied on May 22, 2020. Case voluntarily dismissed by Plaintiffs on June 5, 2020.

Michie v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Landlord filed suit arguing that restrictions on evictions have violated landlords' constitutional right to private property, to due process and to enter into and honor contracts.

Status: Voluntarily dismissed by Plaintiff on July 21, 2020.

South Bay United Pentecostal Church et al v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: Two religious institutions in San Diego County argue that the Governor's orders restrict their congregations' rights to free exercise of religion, to assembly, speech and due process, and constitute "excessive government entanglement with religion."

Status: TRO denied on May 15, 2020, and appealed to Ninth Circuit; appeal denied on May 22, 2020; appeal to the U.S. Supreme Court denied on May 29, 2020. A renewed motion for TRO/PI was filed by Plaintiffs and denied on October 15, 2020. The District Court has granted a motion allowing Defendants to respond to the Second Amended Complaint.

Bols v. Newsom et al

Filed: May 8, 2020

Forum: Federal Court

Description: A San Diego landlord whose tenants include hair salons and churches filed suit, arguing that the shelter-in-place orders impinge on his constitutional rights to due process, equal protection under the law and private property.

Status: TRO denied on June 30, 2020. A Motion to Dismiss First Complaint is set for November 23, 2020.

Best Supplement Guide, LLC et al v. Newsom et al

November 17, 2020

Filed: May 12, 2020

Forum: Federal Court

Description: The operator of a small chain of gyms in Sacramento and Lodi argue that his rights to free speech, assembly, private property, due process, equal protection under the law and the ability to satisfy business contracts have been unconstitutionally impaired under public health orders. Plaintiffs sought a preliminary injunction (PI) and temporary restraining order (TRO) to prevent enforcement of the State orders.

Status: TRO and Order to Show Cause Why PI Should Not Issue were denied on May 22, 2020. A motion to dismiss filed by defendants was granted on October 27, 2020, and leave to file an amended complaint was denied.

Professional Beauty Federation of California et al v. Newsom et al

Filed: May 12, 2020

Forum: Federal Court

Description: Plaintiffs sued Governor Newsom and various state regulators for refusing to designate “barbering and cosmetology” services as essential, which would exempt them from the shelter-in-place order.

Status: TRO/PI denied June 8, 2020; Voluntarily dismissed by Plaintiffs on July 27, 2020.

Bryant et al v. Newsom et al

Filed: May 13, 2020

Forum: Federal Court

Description: Plaintiffs run a Christian nonprofit. They allege that the public health orders violate their constitutional rights to assemble, private property, due process and their “unspoken right to earn a lawful living,” as well as their constitutional protection from unreasonable search and seizure and cruel and unusual punishment.

Status: TRO denied on May 19, 2020. A motion by defendants to dismiss complaint was granted on September 8, 2020. Plaintiff’s filed an Amended Complaint on September 29, 2020, but then voluntarily dismissed all defendants in October, and the case was terminated on October 29, 2020.

Tresner v. Newsom et al

Filed: May 18, 2020

Forum: Federal Court

Description: Gym owner argues that the “strong-arm and forced closure” of his gym has cost \$100,000 and violated his rights to free speech, assembly, private property, due process, equal protection under the law and that his ability to satisfy business contracts has been unconstitutionally impaired.

Status: Pending; a related case order was filed on May 20, 2020, and there have been no new developments in the case to date. The related case *Best Supplement Guide, LLC et al v. Newsom et al* was dismissed.

Mountain Christian Fellowship et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

November 17, 2020

Description: Plaintiffs argue that churches and their congregants are having their constitutional right to religious expression, speech, assembly and equal protection under the law violated.

Status: Voluntarily dismissed by Plaintiffs on June 26, 2020.

Issa et al v. Newsom et al

Filed: May 21, 2020

Forum: Federal Court

Description: Congressional candidate and group of voters sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Republican National Committee et al v. Newsom et al

Filed: May 24, 2020

Forum: Federal Court

Description: Plaintiffs sued over executive order requiring issuance of mail-in ballots, claiming legislature has sole responsibility for setting election rules.

Status: Voluntarily dismissed by Plaintiffs on July 9, 2020, after Governor Newsom signed AB 860, a bill that largely mirrored the executive order.

Stanislaus Funding, Inc. dba Patioworld v. Newsom et al

Filed: May 26, 2020

Forum: Federal Court

Description: Owners of furniture outlet sued, arguing that the state and county orders violate their constitutional right to equal protection under the law, due process, interstate commerce and private property, while also saddling the business with “excessive fines.”

Status: Voluntarily dismissed by Plaintiffs on June 29, 2020.

Caymus Vineyards v. Newsom et al

Filed: May 28, 2020

Forum: Federal Court

Description: This suit contends that the state deprived the vineyard of its right to equal protection under the law, to due process and to private property. Status: Voluntarily dismissed by Plaintiffs on June 10, 2020.

Forbes v. Macchione, Fache et al

Filed: May 31, 2020

Forum: Federal Court

Description: An individual sued the County of San Diego and Governor Newsom challenging, among other things, mask-wearing guidance/orders. Plaintiff argues that masks are unnecessary and ineffective and a violation of plaintiff’s constitutional rights.

Status: Motion to Dismiss Second Amended Complaint as to Gavin Newsom was filed on July 21, 2020. There has been additional briefing on the motion, there is no ruling yet nor hearing scheduled.

November 17, 2020

PCG-SP Venture I LLC dba V Palm Springs Hotel v. Newsom et al

Filed: June 2, 2020

Forum: Federal Court

Description: Plaintiff accused the state of violating its right to engage in commerce, to due process and equal protection under the law and to private property.

Status: TRO denied on June 23, 2020; stipulated dismissal on July 29, 2020.

Gallagher et al v. Newsom

Filed: June 11, 2020

Forum: State Court

Description: Assemblymen James Gallagher and Kevin Kiley challenge Governor Newsom's executive order establishing special procedures for the conduct of the November 3 election in response to COVID. They argue that because election procedures are set by the Legislature, Governor Newsom's order violates the separation of powers. Plaintiffs sought a TRO to prevent enforcement of the order.

Status: TRO was granted by the Superior Court on June 12, 2020, but overturned by the court of appeal on July 21, 2020. The Superior Court then issued a ruling on the underlying merits on November 13, 2020, finding that while the Emergency Services Act is constitutional, the Governor exceeded the authority granted to him under that Act by altering existing legislation through executive order. The ruling "enjoin[s] the Governor from exercising power under the California Emergency Services Act which amends, alters, or changes statutory law or makes new statutory or legislative policy." The State has appealed this ruling.

Z Golf Food & Beverages Services, LLC et al v. Newsom et al

Filed: June 17, 2020

Forum: Federal Court

Description: Three plaintiffs engaged in wedding-related businesses argue they are "no different from the permitted businesses of entertainment venues, dine-in restaurants, outdoor businesses, and religious services." They argue that the state has violated their constitutional rights to equal treatment under the law and to due process.

Status: An amended complaint was filed on September 25, 2020. Voluntarily dismissed by plaintiffs on October 26, 2020.

Baber et al v. Newsom

Filed: July 5, 2020

Forum: Federal Court

Description: Plaintiffs argued that COVID-19 is not a new disease and that it is a funding scheme by the NIH.

Status: Voluntarily dismissed by Plaintiffs on August 14, 2020.

Calvary Chapel of Ukiah et al v. Newsom et al

Filed: July 5, 2020

Forum: Federal Court

November 17, 2020

Description: Three churches argue that the state restriction on indoor singing violates their constitutional rights to free exercise of religion and speech, and singles out churchgoers for special treatment compared to those who participate in secular activities, such as protests.

Status: Oral argument was held on November 8, 2020, regarding a pending motion for PI. The Court granted plaintiffs' leave to file a sur-reply, which they did on November 9, 2020. The matter is taken under submission with a written order to be issued.

Harvest Rock Church, Inc. et al v. Newsom et al

Filed: July 17, 2020

Forum: Federal Court

Description: The lawsuit argues that governor's restrictions violate the church's constitutionally protected rights to religious expression, assembly, speech, equal protection under the law and the right to a "republican form of government."

Status: TRO denied July 20, 2020; PI denied August 12, 2020; denial of PI appealed to Ninth Circuit and was denied. There is a petition for rehearing en banc pending from plaintiffs.

Brach et al v. Newsom et al

Filed: July 21, 2020

Forum: Federal Court

Description: Nine parents of students filed suit to challenge school closures, alleging the order violates the constitutional rights of students to equal protection under the law and to due process.

Status: A September 1, 2020 hearing on PI was vacated and the court has ordered the parties to submit briefing on summary judgment. Briefing has been submitted and is under consideration. On September 29, 2020, the time for Defendants to file responsive pleading was ordered extended until 30 days after the Court rules on sua sponte consideration of summary judgment.

Samuel A. Fryer Yavneh Academy et al v. Newsom et al

Filed: August 18, 2020

Forum: Federal Court

Description: Group of religious schools, parents and teachers argues that the governor's order singles out religious institutions because it "does not apply to equivalent operations such as childcare facilities and camps," that it interferes with each students' implied right to an education and on "parents' rights to direct the religious upbringing and education of their children."

Status: PI hearing was held September 28, 2020. The court took the matter under submission, but the case was dismissed pursuant to a stipulated order for dismissal on October 28, 2020.

Immanuel Schools et al v. Newsom

Filed: August 21, 2020

Forum: State Court

November 17, 2020

Description: Plaintiffs petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of both students to equal protection under the law and of parents who entered into private contracts with the schools.

Status: Petition denied on September 9, 2020.

Orange County Board of Education v. Newsom

Filed: August 21, 2020

Forum: State Court

Description: Plaintiff petitioned the California Supreme Court, arguing that the Governor's July executive order that placed new restrictions on when counties can start holding in-person school instruction violates the rights of students to equal protection under the law and the order places an unconstitutional burden on both students of color and those who experience disabilities.

Status: Petition denied on September 9, 2020.

Looney et al v. Newsom et al

Filed: September 11, 2020

Forum: State Court

Description: Plaintiffs are Shasta County residents with school age children who argue the Governor's public health orders violate their children's fundamental rights to quality education.

Status: First Amended Complaint filed October 28, 2020.

California Fitness Alliance et al v. Newsom et al

Filed: September 14, 2020

Forum: State Court

Description: Group of gym owners argue that restrictions under Governor Newsom's orders were not applied narrowly enough and are not justified by the statewide death toll.

Status: Complaint was filed September 14, 2020. Next scheduled hearings are a hearing on motion for protective order on November 13, 2020, and a hearing on demurrer on January 22, 2021.

Culinary Studios, Inc. et al v. Newsom et al

Filed: September 21, 2020

Forum: Federal Court

Description: Plaintiffs are a group of mainly restaurant and hospitality businesses which argue the Governor's public health orders which prohibit indoor operations of their businesses violate their constitutional rights and amounts to a taking without just compensation under the Fifth Amendment.

Status: First Amended Complaint was filed on October 19, 2020.

Mitchell et al v. Newsom et al

Filed: September 22, 2020

Forum: Federal Court

November 17, 2020

Description: Tattoo artists challenge governor's order requiring them to close. Artists allege order deprives them of protected expression and because hair salons and other businesses of equal or greater health risk may reopen, order lacks content neutrality and narrow tailoring.

Status: Stipulated order staying action was entered on November 9, 2020. Parties are ordered to file additional status report or request for dismissal by December 4, 2020.

Reyes et al v. Newsom et al

Filed: September 24, 2020

Forum: State Court

Description: Three charter schools that operate exclusively online and 12 students and their families sued over new school funding rules implemented to deal with decreasing public school enrollment and increased charter school enrollment during the pandemic. Plaintiffs argue the new rules violate the state constitution, infringe on contracts between charter schools and the state, and deprive the schools and families of due process. Status: Verified Petition for Writ of Mandate and Verified Class Action Complaint for Declaratory and Injunctive Relief filed September 24, 2020.

Midway Ventures LLC et al v. County of San Diego et al

Filed: October 21, 2020

Forum: State Court

Description: Plaintiffs, who operate two strip clubs in San Diego, argue the County's enforcement of the Governor's orders will significantly harm their businesses by prohibiting live entertainment, and that the County's enforcement efforts have singled out Plaintiff's businesses while not taking action against other live entertainment business. Status: TRO granted on November 6, 2020, enjoining County and State from enforcing cease and desist orders prohibiting plaintiffs from providing live entertainment. OSC re Preliminary Injunction calendared for November 30, 2020.

Excel Fitness Fair Oaks, LLC, et al v. Newsom et al.

Filed: October 27, 2020

Forum: Federal Court

Description: Plaintiffs argue that the state orders caused a total or partial regulatory taking of plaintiffs' property (when deemed non-essential) without just compensation and is seeking equitable and injunctive relief to enjoin enforcement of Defendants' orders, declaratory relief that Defendants' orders violate Plaintiffs' Fifth and Fourteenth Amendment rights, and California Constitutional rights, attorneys' fees and costs, and monetary damages.

Status: Complaint filed.

Ghost Golf, Inc. et al v. Newsom et al

Filed: October 28, 2020

Forum: State Court, Fresno Superior Court.

Description: Case was filed by the Pacific Legal Foundation on behalf of various businesses challenging the State's Blueprint for a Safer Economy. Petitioners assert that legislature cannot provide an open-ended delegation of authority to the Governor, even

November 17, 2020

during a state of emergency under the separation of powers doctrine. Status: Complaint filed.

Tucks Restaurant and Bar et al v. Newsom et al

Filed: November 11, 2020

Forum: Federal Court

Description: Case filed by various restaurants and a dining association challenging the Governor's authority to issue various COVID orders. Plaintiffs allege constitutional violations, including 14th Amendment equal protection and due process violations, infringement on the constitutional right to travel, and 1st and 5th Amendment violations. The complaint names various state and Nevada County public officials. Status: Complaint Filed

In Summary,

1. As elected officials, and required by the California Constitution, Art XX § 3, you have taken an oath (see below) to support and defend the Constitution of the United States and the Constitution of the State of California and you are constitutionally mandated to abide by that oath in the performance of your official duties.
2. As supervisors, you have no constitutional authority, nor any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and under which you were delegated by the people the limited authority to conduct the duties of your office.
3. By conspiring with other public servants to discriminate against we the people's lawful entry into any business establishment in this county, and by violating our constitutionally-protected inalienable right to life, you are depriving us of my inalienable rights, which are protected by the U.S. Constitution and the California Constitution, as referenced below:
 - (a) The Constitution of the United States
 - (b) Title II of the Civil Rights Act of 1964
 - (c) Religious Freedom Restoration Act of 1993
 - (d) The Constitution of the State of California
 - (e) California Civil Code 51: Free and equal access to public accommodations, without discrimination, based on protected characteristics, including religious beliefs (Note: equal access does not mean separate.)

(f) California Civil Code 52.1 Prevents threat, intimidation or coercion with the exercise of enjoyment of an individual's rights secured by the Constitution of the United States or the Constitution of California

4. No law is valid or lawful that violates the state or federal Constitution. No health order, emergency order, state of emergency, municipal ordinance, or private business policy may suspend or violate the Constitution, period.

5. According to CA gov Code 37100, no governing body may make a law that is in conflict with other laws. Thus, all of these health orders and unlawful, null and void and carry no force of law.

6. You are in violation of these statutes:

(a) **Penal Code 504 PC** makes a public officer guilty of embezzlement if he or she: fraudulently uses any public property or funds, and uses them in a way not consistent with his **official** authority. You are using the CARES ACTS Fund fraudulently because there is NO EMERGENCY yet you are continuing to extend the emergency declaration in order to receive the money. Fraud is a felony and carries a prison sentence.

(b) **Penal Code 148.3 PC** is the California statute that makes it a crime for a person to make a **false report** of an emergency

(c) **18 US Code 1038** makes it a FELONY to provide false information regarding biological hazards and hoaxes. If someone dies because of this, it carries a sentence of life in prison.

(d) **18 US Code 1040** makes it a FELONY to perpetrate fraud in connection with major disaster or emergency benefits. This carries a prison sentence.

(d) **California Government Code Section 8630(d)** states that the governing body MUST PROCLAIM THE TERMINATION OF THE EMERGENCY AT THE EARLIEST POSSIBLE DATE. (That is this Board of Supervisors)

(e) **CA Health and Safety Code 101080** also states that the local health emergency MUST BE TERMINATED AT THE EARLIEST POSSIBLE DATE by the governing body (that is this Board of Supervisors)

7. The above statements are true, factual, lawful and constitutionally ordained. Based on the above irrefutable facts, please state which of the following actions the Board of Supervisors will take:

- Declare the termination of the local health emergency, AS REQUIRED BY LAW

or

November 17, 2020

-Continue to violate state and federal laws, including those that are felonies and carry a prison sentence.

You are not above the law. Dozens of California public officials are behind bars, including Lee Baca, former Los Angeles Sheriff, who is in a federal prison in Texas. There is room there for all lawbreakers.



**To: Mono County Board of Supervisors
Mammoth Lakes Town Council
Mono County Public Health**

From: Mammoth Lakes Restaurant Association Steering Committee

Date: November 19, 2020

RE: Statement of Concern

This statement is presented primarily on behalf of the Mammoth Lakes Restaurant industry, but includes the Mono County and Mammoth Lakes Small Business Communities as well.

The restaurant and small business community will not survive in the Purple Tier. We are requesting both the Town of Mammoth Lakes and Mono County do everything in their power to fight to keep our businesses in the Red Tier. We are also asking for our political leadership (both County & Town) to petition the state to make exemptions that would move Mono County back to the Orange Tier.

The Purple Tier completely eliminates indoor dining, leaving outdoor dining as the only option; while many counties in California are able to operate year-round outdoor dining, with our mountain climate that is simply not an option. If Mono County is moved into the Purple Tier, multiple restaurants and small businesses in our community will be forced to close, eliminating a significant amount of jobs and devastating our local economy. Being reduced to outdoor dining in Mammoth Lakes/Mono County means closure of restaurants and laying off employees. Our skilled workforce that has been heavily invested in by our operators will then be forced to leave the area to seek other opportunities.

Mono County and Mammoth Lakes completely shut down visitation and nonessential businesses March 15 – June 15. During this time, businesses could survive financially due to programs such as the PPP, CARES Act and Federal stimulus for unemployed workers. **Those options are no longer available.**

This is the time of year that our businesses start to see an increase in economic activity that sustains them through the slow times. If we are moved to the Purple Tier, our businesses will be forced to make a number of difficult decisions. Those decisions include:

- a. Closure (some permanently)
- b. Stay Open within the guidelines, but run at a drastic financial loss

- c. Stay Open, but take the chance of operating outside the guidelines because they will be subjected to financial ruin if they operate within them.

It is our understanding that we have moved to the Red Tier based on an uptick in cases. The cause for this uptick in cases is due to mobility (locals traveling outside the community) and private gatherings. Mobility and private gatherings are not related to our business operations. So why are we devastating small businesses and restaurants with harsh, unrealistic regulations and restrictions that will force us to close and raise unemployment when it will not solve how cases are being transmitted in our community?

If we move to the Purple Tier, the lack of services for visiting guests to Mammoth Lakes/Mono County will strain the few businesses that have the ability to stay open. During our peak occupancy there will be a limitation of services and therefore a compression of people, challenging social distancing and safety protocols. Our guest experience will also suffer, raising concerns that guests who had frustrating experiences will not return.

We are asking for an alignment of goals between public health concerns and the small business community. Restricting businesses to the point they need to shut down is not a viable solution for our community, particularly if local businesses do not seem to be a catalyst for the spread of the virus. We need to focus on how to **safely stay open**, which our industry has so diligently done throughout the summer months. If restaurants or businesses are not operating safely and following guidelines they should be reprimanded appropriately. However, a widespread shutdown and restriction on the restaurants and business community is unacceptable; there must be a clear understanding that without small business there is no Town of Mammoth Lakes or Mono County.

As mentioned at the beginning of this statement, we urgently request that every single one of you, as our elected officials, fight for our business community to remain—at a minimum—in the Red Tier, and to petition, fight, or litigate to return us to the Orange Tier.

From: jeremy <jeremy@blacktieskis.com>

Sent: Friday, November 20, 2020 12:59 PM

To: bsauser@townofmammothlakes.ca.gov; choff@townofmammothlakes.ca.gov;

kstapp@townofmammothlakes.ca.gov; Ken Brengle; jwentworth@townofmammothlakes.ca.gov; sarahjrea@gmail.com;

dholler@townofmammothlakes.ca.gov; Brianna Cuellar; Corcoran, Peter; John Urdi; Alisa Mokler Harper; Colin Fernie; Sandra Moberly

Cc: Lynda Salcido; Stacy Corless; Bob Gardner; Jennifer Kreitz; John Peters; Fred Stump; rhonda.duggan@icloud.com

Subject: Statement of Concern

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Town of Mammoth Lakes Councilors and Mono County Supervisors,

I want to express my full support for the Statement of Concern produced and distributed by the Mammoth Lakes Restaurant Association and Chamber of Commerce.

It is highly problematic that our businesses are so severely affected by additional restrictions when the rise in cases is linked to factors outside the control of the small business community. Metrics and data do not indicate that restaurants and small businesses are currently a vector for transmission.

I think we need to find solutions that address the specific reasons for the rise in cases we are experiencing. I do not understand how restrictions will achieve anything if they do not impact the causes of transmission in our community (mobility and private gatherings).

We have to work together to formulate a more appropriate solution to the rise in cases that avoids shutting down businesses, damaging livelihoods and threatening employment for our workforce.

I completely agree that we need to have the health of our community top of mind, but there needs to be a balance and restrictions need to be realistic.

The new restrictions in Red Tier 2 are very concerning to the viability of the small business community and a potential move to Purple Tier 1 would be devastating.

I also request that we work to increase our testing capacity and improve turnaround time on test results. I have instructed 35 staff members at my business to get tested prior to entering the workplace. Staff that tested at the Community Center on Monday November 16th have still on Friday November 20th not received test results. My understanding was that county test results should be available within 24-48 hours. But that has not been my experience this week. Waiting multiple hours in line to take a COVID-19 Test and then waiting 5 days to receive results is inadequate and unacceptable.

The majority of businesses in Mammoth Lakes are doing everything possible to follow guidelines and provide safe and healthy environments for their staff and customers. The Chamber of Commerce has been instrumental in providing support, information and protective equipment. Mammoth Lakes Tourism has been effective in educating the visitors. The Town of Mammoth Lakes staff has provided invaluable information every Friday morning during the Business Roundtable.

We are doing all we can but we need more support now that we face these additional restrictions. Improving testing would be a great place to start.

This is a team effort and a community effort and we need to work together to make sure the health and safety of our community is protected as well as the viability and sustainability of our businesses and our local economy. Please do not let the state blueprint determine everything we do because the state does not understand our unique community.

Thank you for listening and thank you for your public service.

Respectfully,

Jeremy Goico

Jeremy@BlackTieSkis.com

760-709-1411

www.MammothSkis.com



From: Mike Coco <rmichael47@earthlink.net>

Sent: Monday, November 23, 2020 5:48:04 AM

To: rhonda.duggan@icloud.com <rhonda.duggan@icloud.com>; Fred Stump <fstump@mono.ca.gov>; John Peters <jpeters@mono.ca.gov>; Jennifer Kreitz <jkreitz@mono.ca.gov>; Bob Gardner <bgardner@mono.ca.gov>; Stacy Corless <scorless@mono.ca.gov>; sarahjrea@gmail.com <sarahjrea@gmail.com>; jwentworth@townofmammothlakes.ca.gov <jwentworth@townofmammothlakes.ca.gov>; kstapp@townofmammothlakes.ca.gov <kstapp@townofmammothlakes.ca.gov>; choff@townofmammothlakes.ca.gov <choff@townofmammothlakes.ca.gov>; lsalcido@townofmammothlakes.ca.gov <lsalcido@townofmammothlakes.ca.gov>; bsauser@townofmammothlakes.ca.gov <bsauser@townofmammothlakes.ca.gov>

Subject: Restrictions

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To Whom It May Concern,

We are writing to you in an effort to add our voices to the chorus you've already heard regarding the advocacy for Mono County and the Town of Mammoth Lakes to not go beyond the orange tier of COVID restrictions this winter.

The shutdowns during the spring of 2020 were an unprecedented blow to small businesses and by extension, to entire communities, as people lost jobs and access to goods and services. As you all know, small businesses are the lifeblood of small communities, providing employment and being an economic engine supporting other businesses in their wake. As an example, our restaurants support our purveyors, local breweries, distilleries, advertising partners, and many others, including the County and Town through the taxes we generate via the privilege of doing business.

From our perspective as restaurant operators, we feel some of the tiered restrictions to be very broad, beyond burdensome, and largely not reflective of the science-based data that is available (a "ready, FIRE, aim" approach if you will, resulting in an unfair targeting of an already hurting industry). To this point, a study released by the Oregon Restaurant Association found that of all the cases linked to workplace transmissions, only 0.76% were from restaurants. Our own industry testing in July found that not one guest was ever infected from dining in a restaurant in our area. There is voluminous data to show that restaurants, when responsibly operated, are not the culprit.

The move to outdoor dining was manageable when the weather cooperated. However, this will not be the case during the winter and California's broad approach to this conundrum is not viable in our mountain communities. This will leave operators with very hard choices. Some may want to stay open for their employees, their community, and the tourists while losing money and becoming vulnerable to taking on increased debt just to stay afloat. Others may opt for the precarious risk of closing until warmer weather and the return to outdoor dining makes operations profitable. Perhaps even others will forge ahead with a "business as usual" attitude and let the fines, retribution, and inevitable litigation begin. None of these outcomes find a balance between distancing and slowing the spread and a reasonable, stable, and safe economy. A decrease in the amount of businesses open will result in an increase in density at establishments that are able to remain open, making distancing and safety unrealistic. There will be demand, and as a result, people who have invested their lives into their industry will supply it. Resistance and the subsequent lawsuits are already underway nationwide.

A pragmatic approach would be to continue with the model of masks and distancing with businesses open at 50% capacity. This will give establishments a fighting chance to stay afloat with the minimal cash flow that model may be able to provide. As of now, there are no more bailouts and lifelines, and speaking for ourselves, we do not even want

handouts, we just want the chance to fight for our own livelihoods and for the livelihood of our community.

Additionally, crucial to our long-term survival, would be the continuation of the permissible expanded outdoor dining areas as soon as the weather permits, for a minimum of three years. Our businesses are fragile and rely on the volume we experience during peak visitation periods at 100% capacity to offset the inevitable slow seasons. This is how we stay in business when faced with the economic reality of two good quarters and two bad quarters.

In closing, we thank you for your time and commitment to getting this right. We know these are your communities as well and you sit in the unenviable position of doing what you feel is best. We encourage you to look for the balance that is there, while not making the illness worse than the cure as we all work safely towards a brighter future.

Sincerely,

Michael Coco
Thai'd Up &
Liberty Sports Bar & Grill

Joseph Hannigan
Liberty Sports Bar & Grill

From: William Wallace <mammothgroup@yahoo.com>

Sent: Monday, November 23, 2020 6:15 PM

To: Jennifer Kreitz <jkreitz@mono.ca.gov>; John Peters <jpeters@mono.ca.gov>; Bob Gardner <bgardner@mono.ca.gov>; Fred Stump <fstump@mono.ca.gov>; Stacy Corless <scorless@mono.ca.gov>

Subject: More evidence that supports our position

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors, Dr. Craig Burrows on 11/19/20 at the community meeting stated that during the entire Covid-19 pandemic Mammoth Hospital hasn't even come close to 5 Covid-19 hospitalizations at any given time. He also said Mammoth Hospital has a surge capacity of up to 80 if needed. I think its safe to say we are plenty prepared and there is no Covid-19 health emergency taking place in our county.

Please add this letter as an item of Correspondence to tomorrows Special meeting on 11/24/20 as well as the December 1st board meeting if needed.

Thanks, Mammoth Group



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

SPECIAL MEETING AGENDA REQUEST

Print

MEETING DATE	December 1, 2020	DEPARTMENT	
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	10 minutes (5 minute presentation; 5 minute discussion)	PERSONS APPEARING BEFORE THE BOARD	Shannon Kendall, Registrar of Voters
SUBJECT	Review and Declaration of Election Results		

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation of certified election results. Request for declaration of results. To view the complete Statement of Vote (that will be submitted to the Secretary of State electronically), visit the link below:

<https://monocounty.ca.gov/elections/page/november-3-2020-general-election-results>

RECOMMENDED ACTION:

1. Approve as correct the Statement of Votes for the November 3, 2020 Presidential General Election and Declare elected to office the following candidates who received the highest number of votes in each contest of the Election:
 1. Sara McConnell for Mono County Board of Education, Trustee Area 3;
 2. Danielle Dublino, Eastern Sierra Unified School District, Area 3;
 3. Lou Stewart, Shana Stapp and Alonso Escobar for Mammoth Unified School District;
 4. Rhonda Duggan for Mono County Supervisor, District 2;
 5. Scott Bush, Don Morris and Kathryn Mandichak for Antelope Valley Fire Protection District Board;
 6. Steve Shipley and Windsor Czeschin for Hilton Creek Community Services District;
 7. Sarah Rea and Bill Sauser for Mammoth Lakes Town Council.
2. Declare the following results of each measure voted on at the election: Measure "G": (Mammoth Unified School District Quality Schools and Academic Achievement Parcel Tax Renewal) received 3019 or 70.1% number of yes votes and only required 2/3, 66.6%, or 2,869 yes votes to pass. Therefore, this measure passed.
3. Pursuant to the Statement of Vote, approve as correct the total votes cast for the November 3, 2020 Presidential General Election and declare that the following individuals received the highest number of votes for Mono County (these are shared District races, Mono is not the lead on them, so we are not declaring these individuals as elected):
 1. Meryl Picard and Steve Elia for Bishop Unified School District (shared District with Inyo).

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: 760-932-5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH

SEND COPIES TO:

ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report 12-01-20 Review of Election Results
<input type="checkbox"/> Final Election Summary Report
<input type="checkbox"/> Additional Attachments

History

Time	Who	Approval
11/25/2020 10:39 AM	County Administrative Office	Yes
11/25/2020 9:53 AM	County Counsel	Yes
11/25/2020 9:44 AM	Finance	Yes



**CLERK – RECORDER – REGISTRAR
COUNTY OF MONO**

P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5530 • FAX (760) 932-5531

Shannon Kendall
Clerk-Recorder-Registrar
760-932-5533
skendall@mono.ca.gov

To: Honorable Board of Supervisors
From: Shannon Kendall, Registrar of Voters
Date: December 1, 2020

Subject

Certification and Declaration of the County Clerk/Registrar of Voters of the Results of the November , 2020 Presidential General Election.

Recommended Action

1. Approve as correct the Statement of Votes for the November 3, 2020 Presidential General Election and Declare elected to office the following candidates who received the highest number of votes in each contest of the Election:
 - a. Sara McConnell for Mono County Board of Education, Trustee Area 3;
 - b. Danielle Dublino, Eastern Sierra Unified School District, Area 3;
 - c. Lou Stewart, Shana Stapp and Alonso Escobar for Mammoth Unified School District;
 - d. Rhonda Duggan for Mono County Supervisor, District 2;
 - e. Scott Bush, Don Morris and Kathryn Mandichak for Antelope Valley Fire Protection District Board;
 - f. Steve Shipley and Windsor Czeschin for Hilton Creek Community Services District;
 - g. Sarah Rea and Bill Sauser for Mammoth Lakes Town Council.
2. Declare the following results of each measure voted on at the election: Measure "G": (Mammoth Unified School District Quality Schools and Academic Achievement Parcel Tax Renewal) received 3019 or 70.1% number of yes votes and only required 2/3, 66.6%, or 2,869 yes votes to pass. Therefore, this measure passed.
3. Pursuant to the Statement of Vote, approve as correct the total votes cast for the November 3, 2020 Presidential General Election and declare that the following individuals received the highest number of votes for **Mono County** (these are shared District races, Mono is not the lead on them, so we are not declaring these individuals as elected):
 - a. Meryl Picard and Steve Elia for Bishop Unified School District (shared District with Inyo).

Discussion

On November 3, 2020 the Presidential General Election was held.

Per Elections Code §15372,

The elections official shall prepare a certified statement of the results of the election and submit to the governing body within 30 days of the election.

Per Elections Code §15400,

The governing body shall declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, or who was elected or nominated under the exceptions noted in Section 15452. The governing board shall also declare the results of each election under its jurisdiction as to each measure voted on at the election.

Following the canvass of the election, the results of each election contest are on the attached Certification of Vote.

Fiscal Impact

None.

Election Summary Report

General Election

Mono

November 03, 2020

Summary for: All Contests, All Precincts, All Tabulators, Election Day, Vote by Mail

FINAL SUMMARY REPORT INCLUDES ALL PRECINCTS/ALL BALLOTS

Elector Group	Counting Group	Voters Cast	Registered Voters	Turnout
Total	Election Day	1,143	7,840	14.58%
	Vote by Mail	5,685		72.51%
	Total	6,828		87.09%

Precincts Reported: 12 of 12 (100.00%)

Voters Cast: 6,828 of 7,840 (87.09%)

President and Vice President of the United States (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

	Total	
Times Cast	6,828 / 7,840	87.09%

Candidate	Party	Total	
JOSEPH BIDEN/KAMALA HARRIS	DEM	4,013	59.56%
DONALD TRUMP/MICHAEL PENCE	REP	2,513	37.30%
GLORIA LA RIVA/SUNIL FREEMAN	PF	18	0.27%
ROCKY DE LA FUENTE GUERRA/KANYE OMARI WEST	AI	25	0.37%
HOWIE HAWKINS/ANGELA NICOLE WALKER	GRN	42	0.62%
JO JORGENSEN/JEREMY COHEN	LIB	126	1.87%
Total Votes		6,738	

		Total	
BRIAN CARROLL/AMAR PATEL	WRITE-IN	0	0.00%
MARK CHARLES/ADRIAN WALLACE	WRITE-IN	0	0.00%
JOSEPH KISHORE/NORISSA SANTA CRUZ	WRITE-IN	0	0.00%
BROCK PIERCE/KARLA BALLARD	WRITE-IN	0	0.00%
JESSE VENTURA/CYNTHIA MCKINNEY	WRITE-IN	1	0.01%
Unresolved Write-In		0	

U.S. Representative - District #8 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
CHRISTINE BUBSER	DEM	3,969	60.12%
JAY OBERNOLTE	REP	2,633	39.88%
Total Votes		6,602	
		Total	
Unresolved Write-In		0	

Member of Assembly – District #5 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
FRANK BIGELOW	REP	3,773	100.00%
Total Votes		3,773	
		Total	
Unresolved Write-In		0	

Board of Ed/Trustee #3 - 4 yr (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

		Total	
Times Cast		4,308 / 4,999	86.18%
Candidate	Party	Total	
DAVE TITUS		1,491	40.62%
SARA MCCONNELL		2,180	59.38%
Total Votes		3,671	
		Total	
Unresolved Write-In		0	

Eastern Sierra Unified School District #3 (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

		Total	
Times Cast		2,241 / 2,539	88.26%
Candidate	Party	Total	
JAMES "JIMMY" LITTLE		915	46.97%
DANIELLE Z DUBLINO		1,033	53.03%
Total Votes		1,948	
		Total	
Unresolved Write-In		0	

Mammoth Unified School District - 4 yr term (Vote for 3)

Precincts Reported: 6 of 6 (100.00%)

		Total	
Times Cast		4,308 / 4,999	86.18%
Candidate	Party	Total	
ALONSO ESCOBAR		1,730	24.16%
SHANA STAPP		2,039	28.47%
LOU STEWART		2,047	28.59%
GREGG VANE		1,345	18.78%
Total Votes		7,161	
		Total	
Unresolved Write-In		0	

Bishop Unified School District - 4 yr term (Vote for 2)

Precincts Reported: 1 of 1 (100.00%)

		Total	
Times Cast		279 / 302	92.38%
Candidate	Party	Total	
STEVE ELIA		111	32.65%
KATHY ZACK		109	32.06%
MERYL PICARD		120	35.29%
Total Votes		340	
		Total	
Unresolved Write-In		0	

Supervisor 2nd Dist (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

		Total	
Times Cast		1,744 / 1,942	89.80%
Candidate	Party	Total	
RHONDA DUGGAN		971	60.99%
JOSHUA G. RHODES		621	39.01%
Total Votes		1,592	
		Total	
Unresolved Write-In		0	

Antelope Valley Fire Protection District (Vote for 3)

Precincts Reported: 1 of 1 (100.00%)

		Total	
Times Cast		542 / 627	86.44%
Candidate	Party	Total	
SCOTT BUSH		286	24.93%
TARA PALADINO		205	17.87%
KATHRYN MANDICHAK		257	22.41%
DON MORRIS		281	24.50%
JAMES W. MUSGROVE		118	10.29%
Total Votes		1,147	
		Total	
Unresolved Write-In		0	

Hilton Creek Community Services District (Vote for 2)

Precincts Reported: 1 of 1 (100.00%)

		Total	
Times Cast		816 / 909	89.77%
Candidate	Party	Total	
STEVE SHIPLEY		357	42.65%
WINDSOR CZESCHIN		314	37.51%
DAVID J RICHMAN		166	19.83%
Total Votes		837	
		Total	
Unresolved Write-In		0	

Mammoth Lakes Town Council (Vote for 2)

Precincts Reported: 5 of 5 (100.00%)

		Total	
Times Cast		3,492 / 4,090	85.38%
Candidate	Party	Total	
BILL SAUSER		1,311	26.60%
HEIDI STEENSTRA		809	16.41%
CYNDI MYROLD		1,161	23.55%
SARAH REA		1,648	33.43%
Total Votes		4,929	
		Total	
Unresolved Write-In		0	

PROPOSITION 14 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		3,040	47.26%
No		3,392	52.74%
Total Votes		6,432	
		Total	
Unresolved Write-In		0	

PROPOSITION 15 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		3,003	45.87%
No		3,544	54.13%
Total Votes		6,547	
		Total	
Unresolved Write-In		0	

PROPOSITION 16 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,123	33.20%
No		4,272	66.80%
Total Votes		6,395	
		Total	
Unresolved Write-In		0	

PROPOSITION 17 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		3,539	54.35%
No		2,972	45.65%
Total Votes		6,511	
		Total	
Unresolved Write-In		0	

PROPOSITION 18 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,523	38.53%
No		4,025	61.47%
Total Votes		6,548	
		Total	
Unresolved Write-In		0	

PROPOSITION 19 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,985	46.82%
No		3,390	53.18%
Total Votes		6,375	
		Total	
Unresolved Write-In		0	

PROPOSITION 20 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,259	35.93%
No		4,028	64.07%
Total Votes		6,287	
		Total	
Unresolved Write-In		0	

PROPOSITION 21 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,184	34.29%
No		4,185	65.71%
Total Votes		6,369	
		Total	
Unresolved Write-In		0	

PROPOSITION 22 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		3,487	54.40%
No		2,923	45.60%
Total Votes		6,410	
		Total	
Unresolved Write-In		0	

PROPOSITION 23 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,150	33.89%
No		4,194	66.11%
Total Votes		6,344	
		Total	
Unresolved Write-In		0	

PROPOSITION 24 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		3,225	50.89%
No		3,112	49.11%
Total Votes		6,337	
		Total	
Unresolved Write-In		0	

PROPOSITION 25 (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

		Total	
Times Cast		6,828 / 7,840	87.09%
Candidate	Party	Total	
Yes		2,606	41.44%
No		3,682	58.56%
Total Votes		6,288	
		Total	
Unresolved Write-In		0	

Measure G Mammoth USD Quality Schools And Academic Achievement Parcel Tax Renewal (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	4,308 / 4,999	86.18%

Candidate	Party	Total	
Yes		3,019	73.90%
No		1,066	26.10%
Total Votes		4,085	

	Total	
Unresolved Write-In	0	

**CERTIFICATE OF MONO COUNTY CLERK
TO THE STATEMENT OF ALL VOTES CAST AT
THE GENERAL PRESIDENTIAL ELECTION
HELD ON NOVEMBER 3, 2020**

STATE OF CALIFORNIA)
) ss:
COUNTY OF MONO)

I, SHANNON KENDALL, MONO COUNTY CLERK/RECORDER AND REGISTRAR OF VOTERS DO HEREBY CERTIFY THAT:

1. STATE, FEDERAL AND LOCAL CONTESTS, AND STATE MEASURES WERE SUBMITTED TO THE VOTE OF THE VOTERS, AND,
2. PURSUANT TO THE PROVISIONS OF SECTION 15372 OF THE CALIFORNIA ELECTIONS CODE, I DID CANVASS THE RETURNS OF THE VOTES CAST IN THIS COUNTY, AND
3. THE STATEMENT OF VOTES CAST SHOWS THE TOTAL NUMBER OF VOTES CAST IN THIS COUNTY AND IN EACH OF THE PRECINCTS THEREIN, AND,
4. THAT THE TOTALS AS SHOWN FOR EACH CANDIDATE AND MEASURE ARE FULL, TRUE, AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL THIS 24TH DAY OF NOVEMBER 2020.



Shannon Kendall
Mono County Clerk/Recorder
& Registrar of Voters

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS OF THE
RESULTS OF THE CANVASS
OF THE NOVEMBER 3, 2020,
GENERAL ELECTION**

STATE OF CALIFORNIA

COUNTY OF Mono

} SS.

I, Shannon Kendall, County Clerk/Registrar of Voters of County of Mono, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 3, 2020, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 24th day of November, 2020, at the County of Mono



Shannon Kendall

County Clerk/Registrar of Voters

County of Mono

State of California

**HELP AMERICA VOTE ACT OF 2002
CERTIFICATION OF ELECTIONS OFFICIAL**

STATE OF CALIFORNIA

COUNTY OF Mono

}
} SS.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) 52 U.S.C. § 21083),

I, Shannon Kendall, County Clerk/Registrar of Voters for the County of Mono, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the 3rd day of November 2020, in the County of Mono, State of California and all elections consolidated therewith.

I hereby set my hand and official seal this 24th day of November, 2020, at the County of Mono



Shannon Kendall

County Clerk/Registrar of Voters
County of Mono
State of California



**CLERK – RECORDER – REGISTRAR
COUNTY OF MONO**

P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5530 • FAX (760) 932-5531

Shannon Kendall
Clerk-Recorder-Registrar
760-932-5533
skendall@mono.ca.gov

DATE: November 24, 2020

1% Manual Tally Report

In accordance with Section 15360 of the California Elections Code, Mono County conducted a manual tally of precincts totaling at least 1% of the votes cast in the November 3, 2020 Presidential General Election. The precinct randomly selected was Precinct 8 (Mammoth Meadow). Additionally, Precincts 1 (Antelope), 7 (Long Valley), and 11 (Swall Meadows, all mail ballot) were tallied for the results not included on Precinct 8's ballot which were the Antelope Valley Fire Protection District race, the Eastern Sierra Unified School District race, the Hilton Creek Community Services District race and the Supervisor for District 2 race.

Participating in the tally were Shannon Kendall, Registrar of Voters, Scheereen Dedman, Assistant Registrar of Voters, and Ashley Strain, Danielle Espinosa and Queenie Barnard, all Deputy Clerks from the Office of the Registrar of Voters. Also assisting with the tally was Renn Nolan and Sharon Trapp, both of our temporary Election Assistants.

All contests on the Precinct 8 ballot were hand tallied, as was the applicable races on Precinct 1, 7 and 11 ballots. We hand tallied all Precinct and Vote-by-Mail ballots.

No discrepancies were discovered between the Election Night results and the manual hand tally on ANY of the races/measures tallied.

A handwritten signature in blue ink that reads "Shannon Kendall".

Shannon Kendall, Registrar of Voters

County Voting System Incident Report
November 3, 2020, General Election

County Name Mono
Contact Name Shannon Kendall Contact Phone (760) 932-5533

County **did not** have vote reporting incidents related to the November 3, 2020, General Election.

Date November 24, 2020

County Clerk/Registrar of Voters Shannon Kendall

County of Mono

-OR-

County had vote reporting incidents related to the November 3, 2020, General Election.

Date _____

County Clerk/Registrar of Voters _____

County of _____

You may use the attached Voting System Incident Report Template – 2020 General Election (Excel Workbook) to report these incidents.

Please return this document with your Official Canvass and Statement of Vote **no later than December 4, 2020** to:

Kirsten Larsen
Secretary of State, Elections Division
1500 11th Street, Fifth Floor
Sacramento, CA 95814
PHONE: (916) 653-9154
FAX: (916) 651-6460
post-electionreporting@sos.ca.gov

If you have any questions, please call Kirsten at the number listed above. Thank you.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

SPECIAL MEETING AGENDA REQUEST

Print

MEETING DATE	December 1, 2020	DEPARTMENT	
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	2 hours	PERSONS APPEARING BEFORE THE BOARD	Nate Greenberg, IT Director, Assistant County Counsel Milovich
SUBJECT	2021 Supervisorial Redistricting Process Workshop		

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Mono County Information Technology and County Counsel departments regarding 2021 Supervisorial Redistricting Process.

RECOMMENDED ACTION:

Receive workshop, make recommendations and give direction to staff regarding the redistricting process including the creation of a Redistricting Commission. Provide any other desired direction to staff.

FISCAL IMPACT:

None at this time.

CONTACT NAME: Nate Greenberg

PHONE/EMAIL: 760-924-1819 / ngreenberg@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
AB 849 Summary
Dec. 1, 2020 Board Power Point Presentation

History

Time	Who	Approval
11/25/2020 10:39 AM	County Administrative Office	Yes
11/24/2020 8:43 PM	County Counsel	Yes
11/25/2020 9:44 AM	Finance	Yes



**INFORMATION TECHNOLOGY
COUNTY OF MONO**

PO Box 7657 | 437 OLD MAMMOTH ROAD, STE. 228 MAMMOTH LAKES, CA 93546
(760) 924-1819 · FAX (760) 924-1697 · ngreenberg@mono.ca.gov

Nate Greenberg
Information Technology Director

December 1, 2020

To Honorable Board of Supervisors
From Nate Greenberg, Information Technology Director
Subject 2021 Mono County Redistricting Effort

Recommendation

1. Receive information from staff on redistricting process and provide feedback and direction to staff.
2. Establish a Redistricting Commission to carry out the public engagement and alternative development efforts.

Discussion

California Elections Code section 21500, et seq. requires that the Board of Supervisors of a county adjust the boundaries of any or all the supervisorial districts following each decennial federal census. These districts must be as nearly equal in population as possible so that the districts are in compliance with the Federal Voters Rights Act of 1965 and ensure adequate representation exists for registered voters in those districts.

In October 2019, Assembly Bill 849 (commonly known as the Fair Maps Act) was signed into law and became effective on January 1, 2020. The Bill is the first significant reform of California local redistricting law since the 1940s and is largely modeled off the requirements already in place for State redistricting. In a large part, this new legislation serves to standardize redistricting procedures and requirements for counties and cities, including imposing significant new public hearing, outreach, notice, and transparency requirements.

This agenda item will provide an overview of the US Census process, redistricting law and procedures from a high-level, review the actions taken in 2011, discuss the resources available for the 2021 redistricting effort, and make recommendations for a path forward.

Fiscal Impact

None at this time.

Strategic Plan Alignment

Mono County Strategic Priorities

- ✘ 1. Improve Public Safety & Health
- ✘ 2. Enhance Quality of Life for County Residents
- ✘ 3. Fiscally Health County & Regional Economy
- ✘ 4. Improve County Operations
- ✘ 5. Support the County Workforce

IT Strategic Initiatives

- ✘ 1. Customer Success
- ✘ 2. Infrastructure & Security
- ✘ 3. Communications
- ✘ 4. Engaged & Empowered Users
- ✘ 5. Usability & Access
- ✘ 6. Data Quality & Availability

MONO COUNTY 2021 REDISTRICTING EFFORT

ASSEMBLY BILL 849 SUMMARY

California Elections Code § 21500 requires the Board of Supervisors to adjust the boundaries of any or all of the supervisorial districts following each decennial federal census such that the districts are as nearly equal in population as possible and so that the districts are in compliance with the Federal Voters Rights Act of 1965.

In October 2019, Assembly Bill 849, commonly known as the Fair Maps Act, was signed into law and is effective as of January 1, 2020. The Bill is the first significant reform of California local redistricting law since the 1940s, is largely modeled off the requirements already in place for State redistricting, and, in essence, serves to standardize redistricting procedures and requirements for counties and cities, including imposing significant new public hearing, outreach, notice, and transparency requirements.

A summary of the pertinent changes are as follows:

Requirements for public hearings and outreach (Elections Code §§ 21507 - 21508):

- Before adopting a final map, the Board must hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.
 - o At least one public hearing must be held before the Board draws draft map(s).
 - o At least two public hearings must be held after the Board has drawn draft map(s).
 - o At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.
 - o The date, time, and location for any public hearing or workshop shall be published on the internet *at least five days before the hearing or workshop*. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice requirement.
 - o Live translation of a public hearing or workshop shall be provided (in any applicable language requested) if the request is made at least 72 hours in advance (or in some instances, 48 hours).
 - o The Board shall allow the public to submit testimony or draft maps in writing and electronically.
 - o A draft map shall be published on the internet for at least seven days before being adopted as a final map by the Board.
 - o Each draft map prepared by a member of the Board or by staff shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the County has that data.
 - o A record or a written summary of each public comment and Board deliberation made at every public hearing or workshop shall be prepared and made available to the public within two weeks.
 - o A public workshop may be held in lieu of one of the public hearings required.
 - o The Board may have County staff, a consultant, or an advisory redistricting commission conduct the pre-draft map hearing(s).

- The Board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirement and includes:

- Providing information to media organizations that provide County news coverage, including media organizations that serve language minority communities.
 - Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the County, including those active in language minority communities, or that have requested to be notified concerning redistricting.
- The Board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the County’s existing internet website or another internet website maintained by the County. The web page shall include, or link to, all of the following information:
- A general explanation of the redistricting process for the County, in English and applicable languages.
 - The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the Board, in English and applicable languages.
 - A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop meets the notice required by subdivision (c).
 - The notice and agenda for each public hearing and workshop.
 - The audio or audiovisual recording and adopted minutes of each public hearing.
 - Each draft map considered by the Board at a public hearing.
 - The adopted final map of supervisorial district boundaries.

Rules for Maps (Elections Code §21500(c)-(d)):

- To the extent practicable, the Board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:
- Supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous.
 - The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation.
 - The geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.
 - Supervisorial district boundaries should be easily identifiable and understandable by residents.
 - Supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the County and shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
 - The Board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.

Timeframe (Elections Code §21501):

- The County may begin the redistricting process at any time, however, it may not adopt a final map prior to August 1, 2021.
- The final map must be adopted no later than 151 days before the County’s next regular election.

MONO COUNTY REDISTRICTING 2021

Mono County Board of Supervisors
December 2020



United States®
Census
2020

AGENDA

United States®
Census
2020



- **Census & Redistricting Background**
- **Redistricting Regulation**
- **2011 Process**
- **Technical Assets / Process**
- **Recommendations & Next Steps**

CENSUS BACKGROUND

United States®
Census
2020



- **Once-a-Decade snapshot – population & demographics**
- **Determines House seats, congressional, state, and local districts**
- **Shows community need**
- **Informs distribution of billions of dollars in federal funding**

REDISTRICTING BACKGROUND

United States®
**Census
2020**



- **Required by law following Census to redraw districts**
- **Relies on data collected during the decennial**
- **Transfers responsibility to counties for supervisorial districts**
- **2020 Census Redistricting Data Program**
 - Opportunity to influence & collect data for geographies used in process
 - Furnishes data necessary to complete redistricting efforts

CENSUS REDISTRICTING PROCESS

United States®
**Census
2020**



- **Phase 1 : Data Prep**

(2016 - 2018)

- Block Boundary Suggestion Project (BBSP)
- Local Update of Census Addresses (LUCA)
- Participant Statistical Area Program (PSAP)

- **Phase 2 : Voting District Project**

(December 2017 – March 2020)

- Submit districts & suggest legal updates

- **Phase 3 : Data File Delivery**

(Jan - April, 2021)

- Data released for use in redistricting (geography + demographics)

COUNTY REDISTRICTING PROCESS

United States®
Census
2020



• Phase 1 : Prepare

- Educate Board and public
- Determine roadmap and process

Now

• Phase 2 : Initiate

- Receive data – create resources
- Establish public process

January, 2021

• Phase 3 : Engage

- Engage public, develop alternatives
- Develop recommendation

March – July, 2021

• Phase 4 : Finalize

- Present recommendation
- Adopt

Adopt between August and Jan 7 2022
1st Election : June 14, 2022

AB 849

United States®
**Census
2020**



- **Oct. 2019 legislation updating 1940's redistricting law**
 - Largely modeled of existing legal framework
 - Increases transparency and engagement requirements
- **At least four public hearings or workshops**
 - One before process starts; two during; one weekend or after 6p
 - Noticing, recording, accessibility
- **Encourage public participation – especially underrepresented communities**
- **Process transparency**
 - Web presence for 10y
- **Rules for maps & creation of districts**

2011 PROCESS

United States®
**Census
2020**



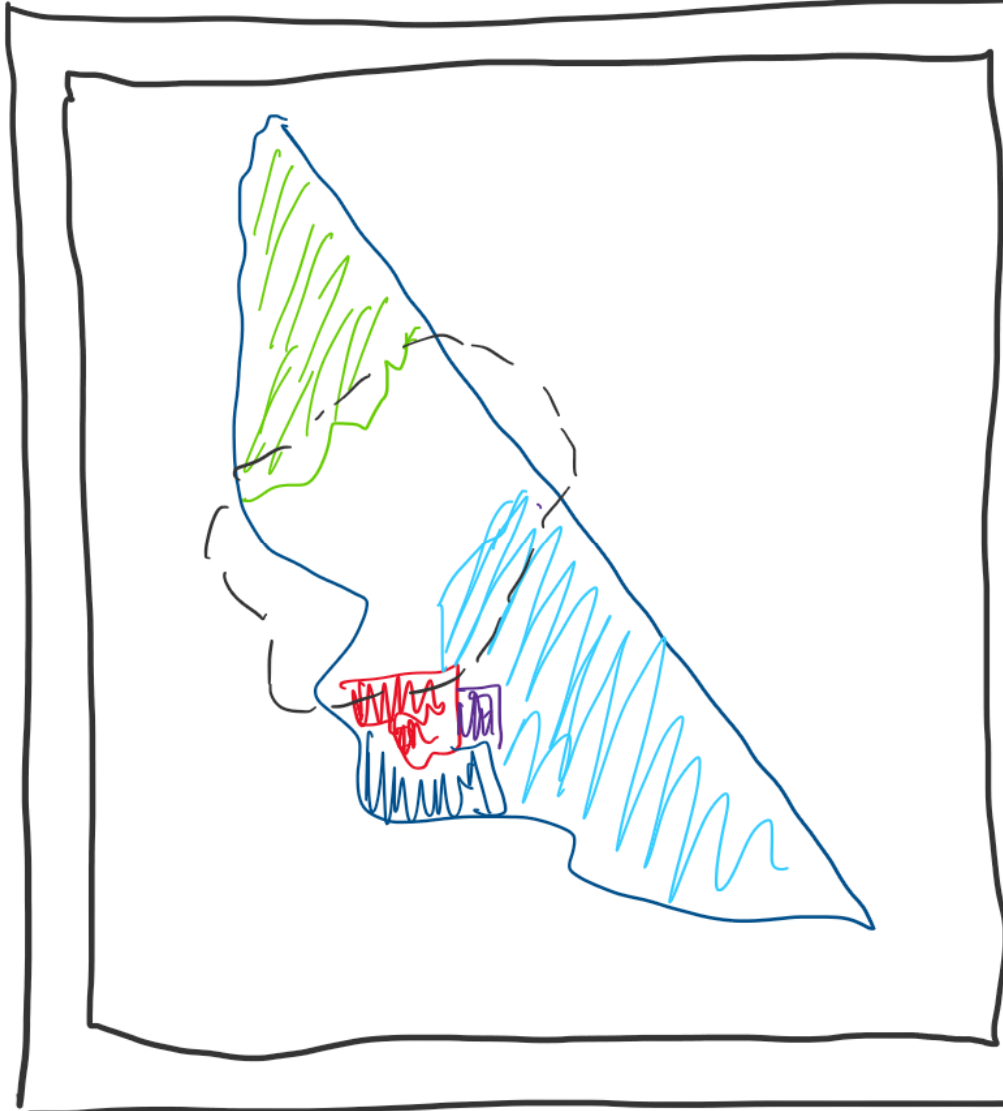
- **Board established Redistricting Commission**
 - Each Supervisor chose one Commissioner
- **Community Engagement – RPACs**
- **Staff supported** (GIS, County Counsel, Clerk)
- **Alternatives and recommendation brought back to Board**

TECHNICAL ASSETS & PROCESS

United States®
Census
2020

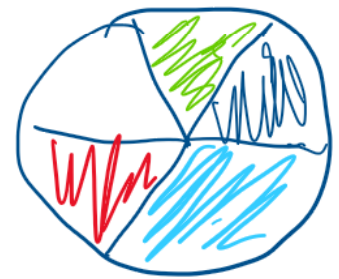


- **GIS driven process**
 - Analysis of Census geographies (Tract, Block Group, Block) & demographics
- **Analysis of populations by geography**
 - Expert managed alternative development
 - Realtime capabilities – mapping and statistics
- **Web-based from the start**
 - Public-facing interactive maps – feedback opportunities



STATS

	1	2	3	4	5
POP	3,000	2,800	3,200	4,000	2,000
RACE					



① SELECT BLOCKS

② CHOOSE DIST

▼ DISTRICT 4

RECOMMENDATIONS / NEXT STEPS

United States®
Census
2020



- **Board establish a Redistricting Commission**
 - January?
- **Commission to conduct at least four public workshops (virtual)**
 - Interactive and incremental alternative development
- **Collect public feedback through online systems & workshops**
- **Bring alternatives and recommendation back to Board**

QUESTIONS / DIRECTION



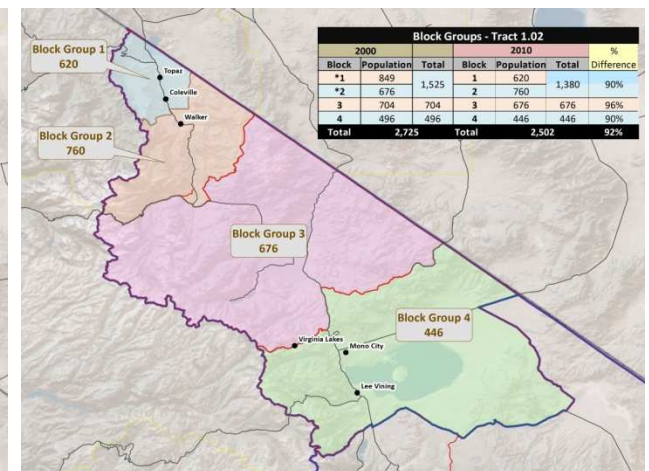
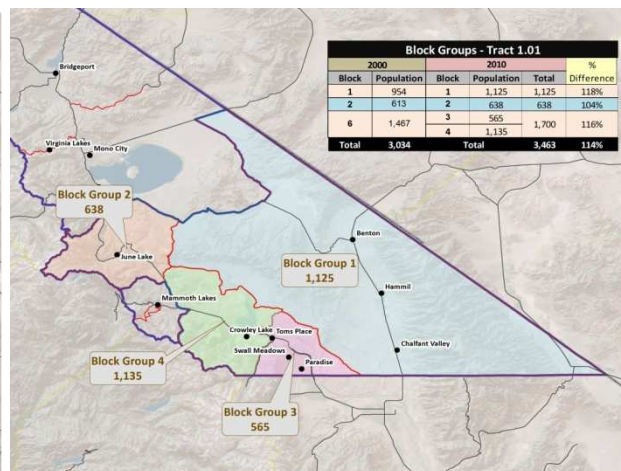
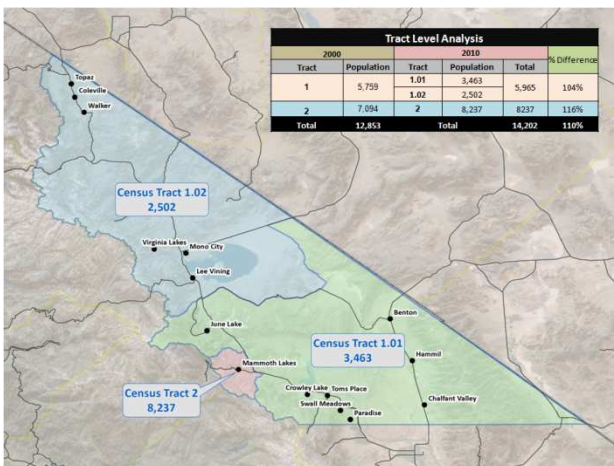
United States®
Census
2020

2010 Mono County Redistricting Committee Findings & Alternatives



Population Change : 2000 - 2010

- **Mono County as a whole grew by 10% to 14,202**
 - Most of the growth took place within the Town of Mammoth Lakes, which grew 16% to 8,237
 - The southern portion of the County grew 14% to 3,463
 - The northern portion of the County shrank 8% to 2,502



Census Implications on Redistricting

- Population and demographic data within each Census block is interpreted relative to existing Supervisorial Districts using GIS

District	Supervisor	2000 Pop.	2010 Pop.
1	Larry Johnston	2,571	3,556
2	Duane "Hap" Hazard	2,423	2,828
3	Vikki Magee-Bauer	2,567	2,043
4	Tim Hansen	2,718	2,498
5	Byng Hunt	2,574	3,277
Total		12,853	14,202
Distribution Average		2,570	2,840

- Each district must have a population as close to 2,840 as possible (Elections Code)
- There cannot be more than a 10% spread between the largest and smallest population districts (Equal Protection)
- 10% of 2,840 = 284 people

Public Engagement

- **Publicity and Announcements**
- **Meetings**
- **Outreach by Committee Members**

Public Community Meetings

- **The following public meetings were held**
 - 05/16/2011 : Mammoth Lakes (organizational meeting)
 - 05/23/2011 : Mammoth Lakes
 - 05/25/2011 : Lee Vining
 - 06/01/2011 : June Lake
 - 06/13/2011 : Benton
 - 06/15/2011 : Bridgeport
 - 06/20/2011 : Mammoth Lakes
 - 06/22/2011 : Walker
 - 06/27/2011 : Crowley Lake
 - 06/29/2011 : Mammoth Lakes (selection of the 3 Alternatives)

Public Meeting Focus

- **Except for the first and last, each meeting followed the same general format:**
 - The Committee welcomed the public & introduced themselves
 - Public comment was invited
 - Minutes of previous meetings were approved
 - An update on meeting schedules and locations was provided to the public
 - County Counsel provided an overview of the redistricting laws
 - IT Staff provided an overview of the 2010 Census results and redistricting implications
 - Concepts under consideration were reviewed, commented on by the public, and debated by the Committee Members
 - The Committee gave instructions for the fine tuning of particular Concepts and/or the development of new Concepts based on the comments received and discussions held

Other Outreach

- **County Staff** (John Vallejo & Nate Greenberg) **also made public presentations to:**
 - Mammoth Lakes Noontime Rotary Club
 - Mammoth Lakes Sunrise Rotary Club
 - Mammoth Lakes Chamber of Commerce
 - Mammoth Lakes Town Council (John Vallejo)
- **Mono County IT developed a website dedicated to redistricting effort** (www.monocounty.ca.gov/Redistricting) **containing:**
 - Detailed information on process, meetings, and documents
 - Interactive maps for each developed Concept/Alternative
 - Public interaction/commenting ability for comments/general

Redistricting : Discretionary Factors

- **“in establishing the boundaries of the districts the Board may give consideration to the following factors:”**
 - **Topography**
 - **Geography**
 - **Cohesiveness, contiguity, integrity, and compactness of territory**
 - **Community of interests of the districts.**

Considerations, Priorities & Conclusions

- **Identified Community Interests**
 - Economy:
 - Agricultural (generally)
 - Tourism Economies
 - » Ski Area
 - » Fishing
 - » Other Recreation
 - » Service Industry
 - School Districts
 - Watersheds
 - Racial Groups
 - Proximity to Medical Services
 - Proximity to Retail Services

Considerations, Priorities & Conclusions

- **Public Concerns & Feedback**

- Each community generally tended to express a concern about the political balance of power between Mammoth and the Unincorporated areas of the County
- No community wanted to be split
- Residents of the Sierra Valley neighborhood in Mammoth wanted that area to be placed within one district
- A massive geographical territory within one district would be hard and/or impossible for one supervisor to effectively represent
- Any one Supervisor should not have too many RPACs to represent

Alternative A

- **Description**

- 3 Mammoth Districts, 2 Unincorporated Districts
- The unincorporated area of the County is divided into an east/west split.

- **Pros:**

- » Does do an excellent job of representing the communities of interest. Agriculture; Front Country Tourism; and Mammoth;
 - » Reflects well the population distribution;
 - » Doesn't split communities; divides Mammoth logically; maintains a strong ethnic minority district.

- **Cons:**

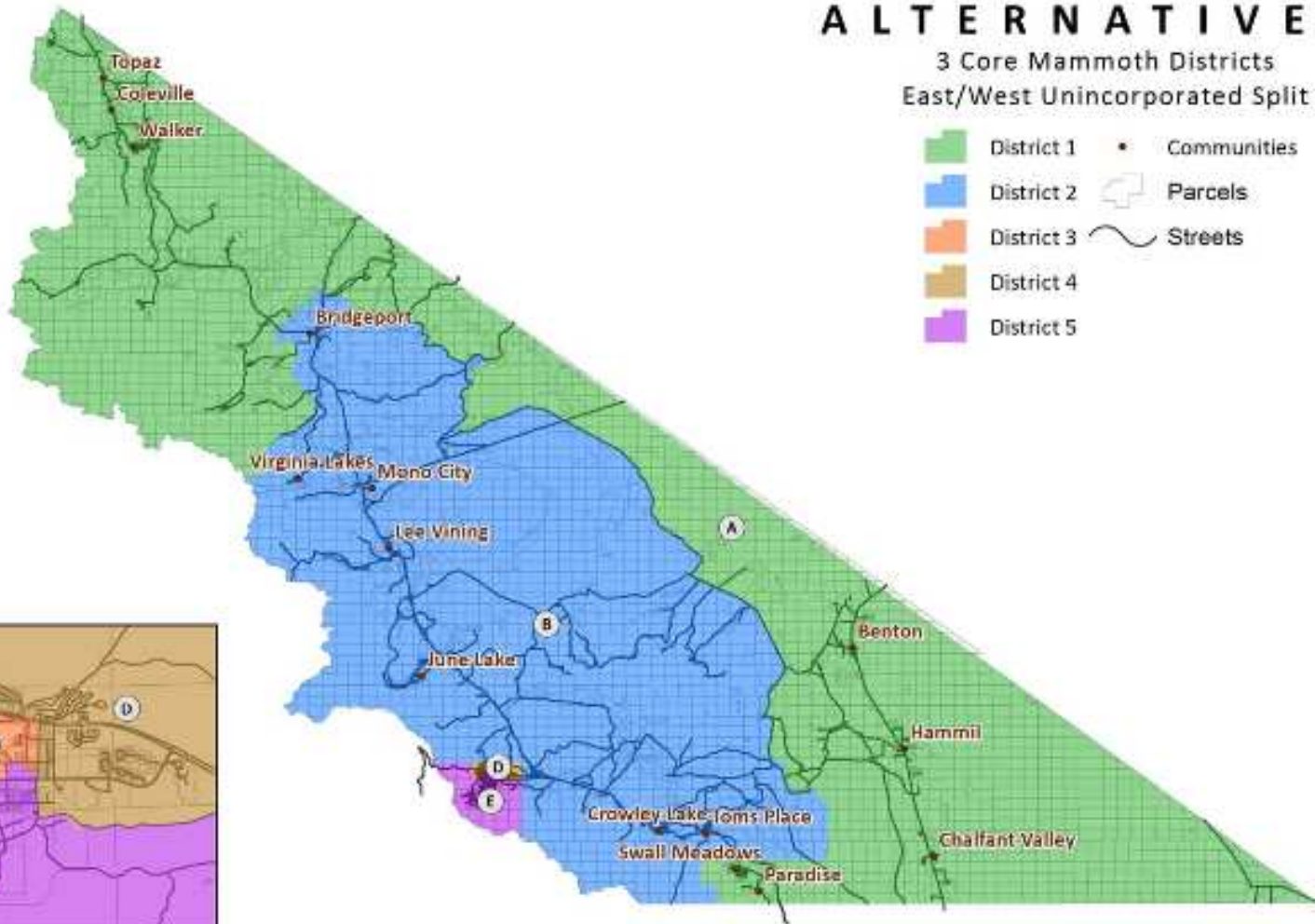
- » Large size of District 1 makes managing the district highly difficult, especially in the winter months; the "tourism district" is also a difficult territory to manage;
 - » Splits Crowley away from Swall Meadows and Paradise;
 - » Bridgeport has more in common with the agricultural District 1 than with the front country/tourism area;
 - » Under represents rural communities because they are so geographically removed from each other that they will not form a consensus and they have different interests aside from just agriculture;
 - » People in the unincorporated/ag. areas did not like it;
 - » Was designed to satisfy a political motive for county government to be controlled by Mammoth;
 - » May exacerbate the "us v. them" mentality in the County.



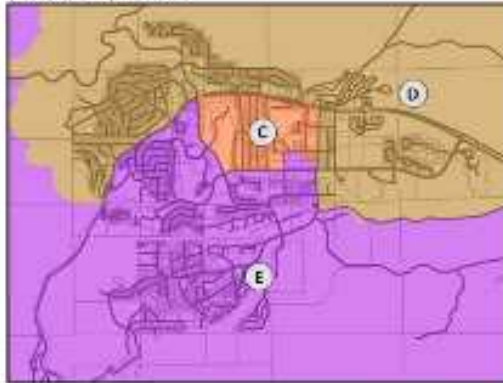
ALTERNATIVE A

3 Core Mammoth Districts
East/West Unincorporated Split

- District 1
- District 2
- District 3
- District 4
- District 5
- Communities
- Parcels
- Streets



Mammoth Detail



District	Population Distribution			White		Hispanic		Black		American Indian		Asian		Mammoth		Unincorp.	
	Population	Deviation	% Deviation	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%
District A	2952	112	3.943662	2508	84.959	411	13.923	13	0.4404	158	5.3523	30	1.0163	0	0%	2952	100%
District B	3016	176	6.197183	2546	84.416	579	19.198	5	0.1658	95	3.1499	34	1.1273	0	0%	3016	100%
District C	2748	-92	-3.239437	2022	73.581	1242	45.197	11	0.4003	18	0.655	25	0.9098	2748	100%	0	0%
District D	2729	-111	-3.908451	2282	83.62	885	32.429	8	0.2931	22	0.8062	39	1.4291	2729	100%	0	0%
District E	2757	-83	-2.922535	2339	84.839	645	23.395	10	0.3627	9	0.3264	64	2.3214	2757	100%	0	0%

This map is for conceptual planning purposes only and does not represent official boundaries or conclusions.

June 21, 2011

Alternative B

- **Description**

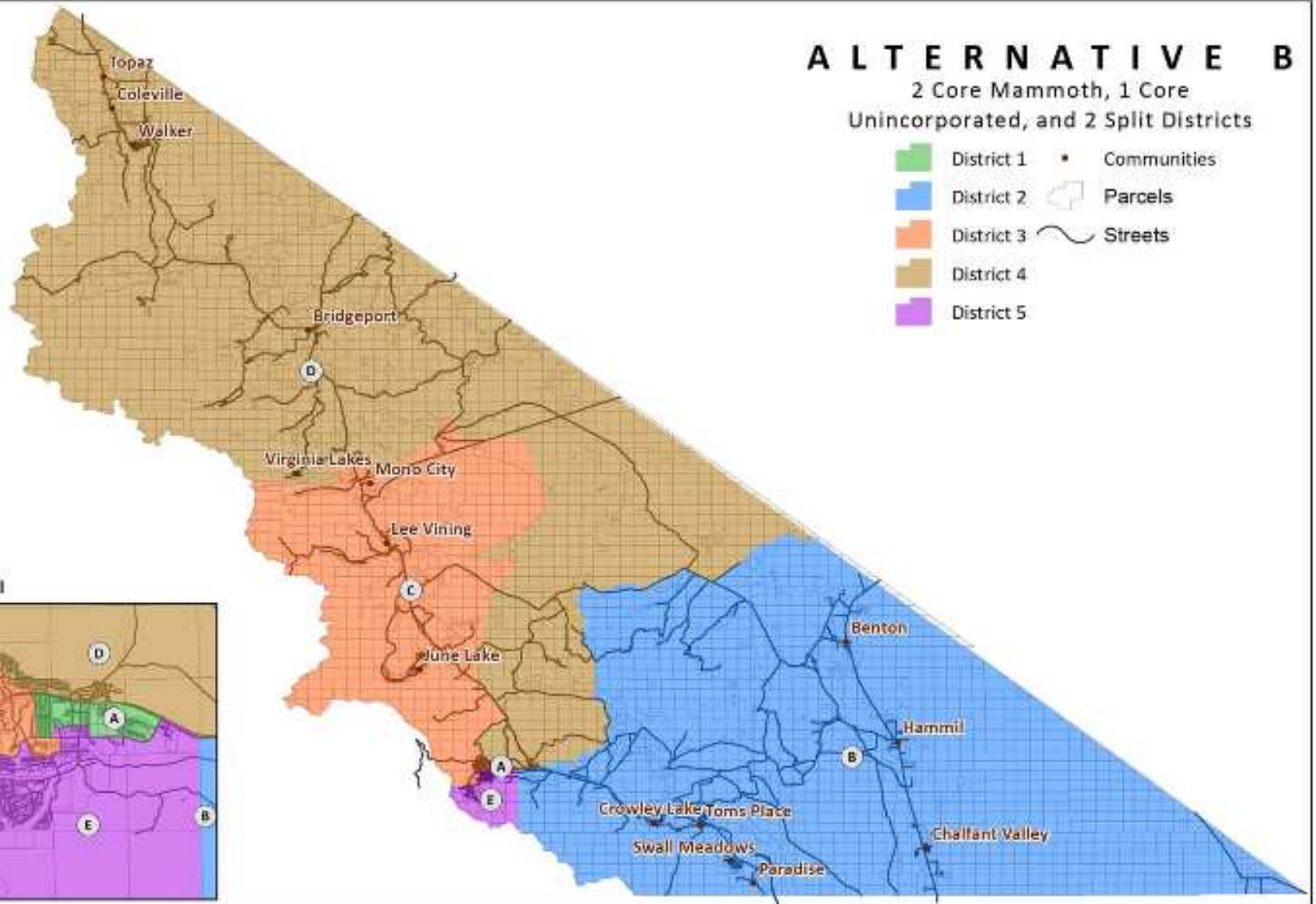
- 2 Core Mammoth, 1 Core Unincorporated, 2 Split Districts
- District D moves into Mammoth and District C into the Mono Basin

- **Pros:**

- » Population spread is the tightest among the 3 alternatives;
 - » Maintains a strong ethnic minority district within Mammoth;
 - » Mammoth maintains potentially strong representation on the Board reflective of its population;
 - » Provides the balance of political power which forces a discussion between the unincorporated communities and Mammoth;
 - » Maintains the integrity of outlying communities;
 - » Reunites the Mono Basin and June Lake;
 - » Gives a more natural divide to watersheds and basins;
 - » Generally easier to manage in winter than the other concepts;
 - » Does not split the Mountain properties (Ski Areas).
 - » Provides an opportunity within one district for portions of Mammoth to work with the unincorporated areas of Bridgeport and the Antelope Valley.
 - » The Communities of Mammoth, Bridgeport, and the Antelope Valley share a reliance, in part, on recreation and tourism.

- **Cons:**

- » Splits Mammoth into 4 districts.
 - » Combines in one district Mammoth, Bridgeport, and the Antelope Valley;
 - » The north-county district reaches into Mammoth but they do not share any particular community of interest.

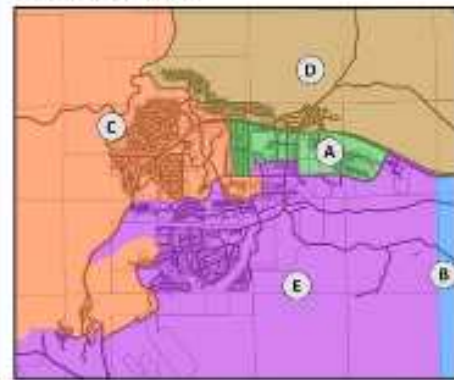


ALTERNATIVE B

2 Core Mammoth, 1 Core Unincorporated, and 2 Split Districts

- District 1
- District 2
- District 3
- District 4
- District 5
- Communities
- ▭ Parcels
- ~ Streets

Mammoth Detail



District	Population Distribution			White		Hispanic		Black		American Indian		Asian		Mammoth		Unincorp.	
	Population	Deviation	% Deviation	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%
District A	2889	49	1.73	2090	72.34	1354	46.87	10	0.35	28	0.97	26	0.9	2889	100%	0	0%
District B	2820	-20	-0.7	2450	86.88	311	11.03	5	0.18	100	3.55	44	1.56	0	0%	2820	100%
District C	2857	17	0.6	2471	86.49	603	21.11	7	0.25	50	1.75	24	0.84	1810	63%	1047	37%
District D	2801	-39	-1.37	2382	85.04	535	19.1	16	0.57	115	4.11	24	0.86	734	26%	2067	74%
District E	2835	-5	-0.18	2304	81.27	959	33.83	9	0.32	9	0.32	74	2.61	2835	100%	0	0%

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Alternative C

- **Description**

- 1 Core Mammoth District, 4 Radiating Districts that touch Mammoth

- **Pros:**

- » Most common sense approach with regard to watershed lines;
- » Keeps major groups of communities of interest together (e.g. Mono Basin and June Lake; Crowley, Tom's Place, Swall Meadows, and Paradise; Tri-Valley Communities; Antelope Valley Communities);
- » Maintains the political opportunity for Mammoth to have a majority, especially if the population trends we saw in this census data continue throughout the next decade;
- » The split districts give Mammoth and the unincorporated areas an opportunity to work together.
- » The Communities of Mammoth, Bridgeport, and the Antelope Valley share a reliance, in part, on recreation and tourism.

- **Cons:**

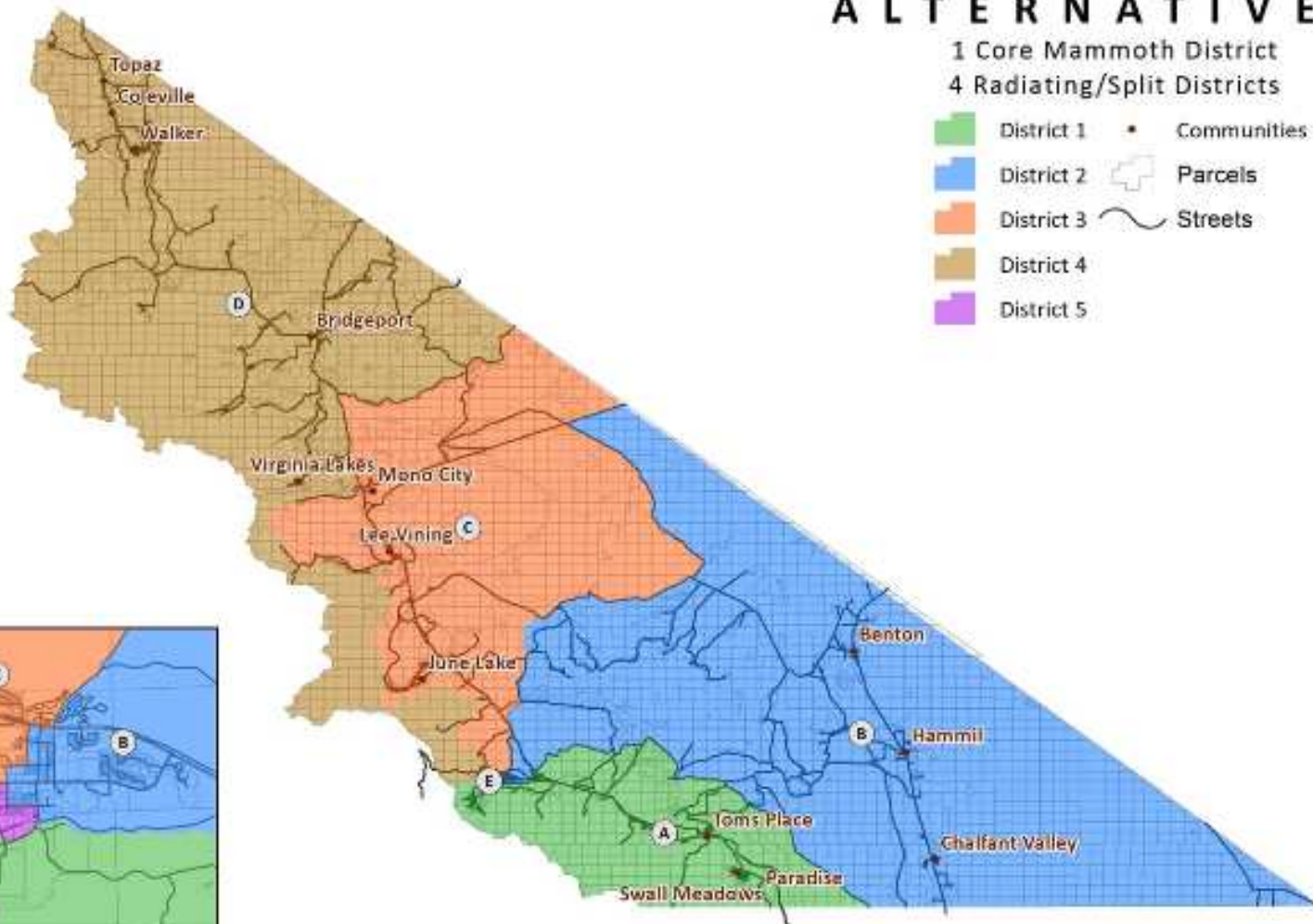
- » Combines Mammoth with the Antelope Valley, which are not communities of common interest.
- » Combines Tri-Valley with Mammoth, not communities of common interest.
- » Combines communities that have significant geographical separations;
- » Carves up more of Mammoth neighborhoods, particularly the center of town.
- » Puts the two resorts in separate districts.



ALTERNATIVE C

1 Core Mammoth District
4 Radiating/Split Districts

- District 1
- District 2
- District 3
- District 4
- District 5
- Communities
- ⊕ Parcels
- ~ Streets



Mammoth Detail



District	Population Distribution			White		Hispanic		Black		American Indian		Asian		Mammoth		Unincorp.	
	Population	Deviation	% Deviation	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%	Pop	%
District A	2798	-42	-1.478873	2446	87.42	421	15.046	7	0.2502	21	0.7505	59	2.1086	1101	39%	1697	61%
District B	2868	28	0.985915	2222	77.476	1081	37.692	5	0.1743	100	3.4868	37	1.2901	1740	61%	1128	39%
District C	2933	93	3.274648	2298	78.35	847	28.878	10	0.3409	56	1.9093	33	1.1251	1888	64%	1045	36%
District D	2855	15	0.528169	2484	87.005	490	17.163	17	0.5954	114	3.993	25	0.8757	790	28%	2065	72%
District E	2748	-92	-3.239437	2247	81.769	923	33.588	8	0.2911	11	0.4003	38	1.3828	2748	100%	0	0%

This map is for conceptual planning purposes only and does not represent official boundaries or conclusions.

Concept Eliminations

- **Unable to meet the population target legal requirement**
- **Too similar to other, better Concepts**
- **Lacked Committee Support**

Facts Not Considered

- **Domicile of sitting Supervisors**
- **Voter Registration**
- **Voter Turn-out in Prior Elections**

Major Issues

- **Reluctance to Split Unincorporated Communities**
- **Requirement to Divide Mammoth**
- **Political Control of the Board of Supervisors**
- **Perception of the Agricultural/Tourism Division of the Unincorporated County**
- **Community of Interest**
 - (i) Racial Discrimination
 - (ii) Mammoth vs. Unincorporated
 - (iii) Unincorporated vs. Unincorporated

Alternative Selection Vote

Concepts	Voters	Total Votes
A1	Harper/Taylor,B/Schaefer/ Carmichael/Kitts/Taylor,T/Phelps	7
B1	Harper/Taylor,B/Miller/Peters/ Carmichael/Phelps/Morgan/ Schaefer	8
B2	Schaefer/Carmichael/Taylor,T/ Phelps	4
B3	Miller/Morgan/Peters	3
C1	Kitts	1
C2	Harper/Taylor,B/Miller/Kitts/ Taylor,T/Morgan/Peters	7
D1		0

Redistricting Advisory Committee

Individual Input

Bob Peters, Chair
(Bridgeport)

Bill Taylor, Vice-Chair
(Mammoth Lakes)

Chris Carmichael (Mammoth Lakes)

Brent Harper (Mammoth Lakes)

Cindy Kitts (Benton)

Sally Miller (Lee Vining)

Rob Morgan (June Lake)

Rick Phelps (Crowley)

Bob Schaefer (Mammoth Lakes)

Tony Taylor (Mammoth Lakes)