

# MINUTES



# County of Inyo Board of Supervisors

**July 21, 2020**

The Board of Supervisors of the County of Inyo, State of California, met in special session at the hour of 8:30 a.m., on July 21, 2020, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via videoconferencing per California Governor Executive Order N-25-20: Chairperson Matt Kingsley, presiding, Dan Totheroh, Jeff Griffiths, Rick Pucci, and Mark Tillemans. Also present: County Administrative Officer Clint Quilter, Assistant Clerk of the Board Darcy Ellis, and County Counsel Marshall Rudolph.

*Pledge*

Chairperson Kingsley led the Pledge of Allegiance.

*Public Comment*

Chairperson Kingsley asked the Assistant Clerk of the Board whether there was any public comment emailed for today's meeting for items not calendared on the agenda.

The Assistant Clerk of the Board said she had received none.

HHS Director Marilyn Mann addressed the Board to provide an update on COVID-19. She reported that Inyo County is now at 40 cases but still within the metrics identified by the State and reasonably stable in other metric areas. She noted there have questions about Inyo County's testing numbers, and explained that staff is working to be able to incorporate Verily testing numbers into local totals. Ms. Mann also said that the County is preparing to send out letters this week to three local businesses notifying them of non-compliance with public health orders. She added that staff will be seeking the Board's approval of a letter to the State Department of Public Health and State Health and Human Services Agency in support of County local determination for the opening and closure of industry sectors to prevent the spread of COVID-19. CAO Quilter said staff will be reaching out to Board members to schedule a special meeting Thursday or Friday.

*County Counsel/CAO  
– Temporary  
Enforcement  
Suspension/Reso #  
2020-32*

CAO Quilter introduced a proposed resolution to temporarily suspend enforcement of land-use regulations to allow local businesses to operate outdoors. He explained that the County, in response to Governor Newsom's order requiring some businesses to re-close statewide, wanted to be able to be as flexible as possible to allow those businesses to continue providing services within the confines of the statewide restrictions. He said Planning, Public Works, Environmental Health, the Sheriff's Office, and County Counsel were consulted. It was noted that a Conditional Use Permit is required for outdoor operations but the process is costly and time-consuming. He said the resolution was developed as a mechanism to provide the flexibility the County wanted.

County Counsel Rudolph reviewed the resolution for the Board, noting various nuances, conditions, and caveats. He noted that the County always has the discretion to enforce code at its discretion, and in that spirit the proposed resolution will not change County policy, but rather provide leeway to existing, lawfully operating businesses to provide services outdoors on property owned by the businesses or adjacent property they have permission to use. He said the resolution reserves the Board's rights to modify the suspension as it sees fit.

CAO Quilter reported that, for those businesses wanting permission to operate on County property, Public Works has developed an expedited encroachment permit process and will be issuing permits this week. He said Caltrans will have a similarly expedited process for businesses wanting to operate on sidewalks along U.S. 395.

Chairperson Kingsley wondered whether restaurants would be allowed to continue outdoor service when they are eventually allowed to re-open for indoor service. Rudolph said the Board, if it chooses, can always modify its land-use regulations so that Conditional Use Permits

are no longer required for outdoor retail, but the enforcement suspension is not meant to be permanent.

CAO Quilter added that if the State orders further closures to businesses like hair salons, this resolution would allow them to move outdoors as well.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to adopt a proposed resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Temporarily Suspending Enforcement of County Land-use Restrictions Pertaining to Outdoor Business Operations," and authorize the Chairperson to sign.

*Public Comment*

The Chairperson solicited public comment. No comment letters were submitted and nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*Adjournment*

Chairperson Kingsley adjourned the meeting at 12:30 p.m. to 8:30 a.m. Tuesday, July 28, 2020 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER  
Clerk of the Board*

*by: \_\_\_\_\_  
Darcy Ellis, Assistant*