

# MINUTES



# County of Inyo Board of Supervisors

## January 19, 2021

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 10:02 a.m., on January 19, 2021, 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 Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Jennifer Roeser, and Matt Kingsley. Also present: County Administrative Officer Clint Quilter, Assistant Clerk of the Board Darcy Ellis, and County Counsel Marshall Rudolph.

*Pledge of Allegiance* Chairperson Kingsley led the Pledge of Allegiance.

*Public Comment* Chairperson Griffiths asked if there was any public comment pending for items not calendared on the agenda.

Joshua Nicholson requested to speak via Zoom. He said he found the County mission statement as well as the Board's Legislative Platform on the website and wondered what the Supervisors thought the mission of the Board is. Supervisor Roeser provided her opinion. Mr. Nicholson said he didn't think the Board was necessarily living up to the mission given that the platform's stance on opposing legislation burdensome to private businesses seemed at odds with the Board's recent actions to prohibit Airbnb rentals and shut down churches. Supervisor Kingsley also gave his opinion on his mission as a supervisor, asking Mr. Nicholson not to confuse his own opinion with the will of the community at-large.

County Counsel Rudolph interjected to quote the Brown Act, reminding those in attendance that the Board's ability to respond to public comment is limited. He said Board members can make a brief response but not carry on discussion among the Board.

*County Department Reports* Planning Director Cathreen Richards gave an update on the Desert Renewable Energy Conservation Plan and the management plan for the Alabama Hills.

Clerk-Recorder Kammi Foote addressed rumors going around with concerns about election ballot drop boxes that are still installed containing uncounted ballots. She said staff, to assuage concerns, made videos of her office checking the boxes for ballots and showing they were empty. She encouraged anyone with concerns to contact her office directly – not message her family members on Facebook – so that she can properly address them in the transparent manner in which her office operates.

*COVID-19 Staff Update* The Board heard staff's weekly update on the status of COVID-19 cases locally, as well as state and national trends. Staff also updated the Board on the distribution on vaccines and ongoing testing. HHS Director Marilyn Mann reported a bit of a slow-down in positive cases following the big jump after the holidays. She noted that ICU beds are still at capacity regionally and Inyo County is still tracking in the Purple level in the State's road map for reopening. Deputy HHS Director-Public Health Anna Scott said there has been high demand for vaccines and staff is working on a plan for mass vaccination clinics.

The Assistant Clerk of the Board was asked if she had received any public comment. She read aloud letters from Cathy Hesseman, questioning whether the County was adhering to the statewide vaccination distribution schedule, and from Mark Rabe accusing the Public Health Officer of overstepping his authority, particularly as it relates to the restrictions being placed on churches, which he said violated First Amendment rights. Dr. Richardson responded that he is not acting unilaterally or wielding power, but enforcing guidelines and enacting State mandates in consultation with the Public Health Department, County Counsel, and other officials.

ShaleAnn Cluff asked to speak via Zoom. She asked about other safety measures and prophylactic that can be utilized until the vaccine is available to the masses. An individual named Declan asked about vaccine rates. Lynne Greer wondered how many Board members have been in contact with business owners on the brink of closing permanently, because they are in dire straits. She said it's ridiculous that commerce is allowed on Main Street but local hairdressers aren't allowed to operate with public health safety measures in place. Chairperson Griffiths said he has heard heartbreaking stories from friends and other community members and is advocating with State and Federal officials for financial support for small businesses. Assistant County Administrator Leslie Chapman urged Ms. Greer to write to the State, whose guidelines the County is required to follow. Supervisor Roeser said State Senator Anthony Borgeas has introduced non-partisan legislation to provide additional relief to businesses, and noted that in the meantime, the local faith-based community has been rallying to support community members. Discussion continued about the difficult situation the County is in. Joshua Nicholson requested to speak via Zoom and said his heart is heavy that the County would target churches. He asked what data existed to connect religious services to increased COVID numbers. Dr. Richardson mentioned that fatigue on the part of the public in general is contributing to increased cases, but said it's well known that if you gather people together indoors, the virus lingers in the air for minutes, sometimes hours. He said it's important all age groups and demographics take the virus seriously, because even in "healthy" people it can lead to death or long-term debilitating effects. Rick Klug, of the Calvary Baptist Church, said he has been meeting with other pastors and they are all taking the virus and risk to the public seriously, but the mental and spiritual health of residents also needs to be considered. He said his church complies with the masking and distancing orders, and any members of the congregation who have contracted the virus did not do so at the church and have not been in attendance until they recover. Supervisor Roeser said County staff has conducted themselves in a manner worthy of respect, and their ability to pivot with changing rules is inspiring. She said that personal responsibility is also necessary, however, for the community to stay healthy and it's important to respect Constitutional rights. She offered to set up a meeting with local pastors, Dr. Richardson, and County Counsel to help everyone get on the same page.

*Parks & Rec –  
Campground  
Reservation*

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to approve request from Mr. Allan Johnson to reserve all campsites at Portuguese Joe Campground, October 7-10, 2021. Motion carried unanimously.

*HHS – MOU  
Redirecting HHAP-2  
Funds*

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to approve the Memorandum of Understanding between the County of Inyo and Eastern Sierra Continuum of Care (CoC) to redirect the total allocation of Inyo County's Homeless Housing, Assistance and Prevention Round 2 (HHAP-2) Program funds in the amount of \$72,340.00 and authorize the County Administrator to sign. Motion carried unanimously.

*Planning – Yucca  
Mountain  
Certification*

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to: A) certify that \$23,778.95 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425 and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); B) authorize the Chairperson to sign the certification; and C) direct Staff to submit the certification to the U.S. Department of Energy. Motion carried unanimously.

*Public Works – Right  
of Entry for Bridge  
Project*

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to approve the Right of Entry between the County of Inyo and the Los Angeles Department of Water and Power for temporary construction and laydown areas and construction of rock slope protection for the North Round Valley Road Bridge Replacement Project, and authorize the Director of Public Works to sign. Motion carried unanimously.

*Planning – Nature  
Conservancy  
Presentation*

The Board received a presentation from Jason Pelletier, Land Program Director for the Nature Conservancy, California Chapter, regarding the Conservancy's property purchase in the southeast county area known as Chicago Valley.

*BOS – ESCOG  
Program/Reso #  
2021-11*

Moved by Supervisor Tothorh and seconded by Supervisor Roeser to approve proposed Resolution No. 2021-11, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California Authorizing the Eastern Sierra Council of Governments to Commence a Program

of Work to Be Known as the 'ESCOG: Sustainable Recreation and Ecosystem Management Program,'" and authorize the Chairperson to sign. Motion carried unanimously.

*Recess/Reconvene* The Chairperson recessed the meeting at 1:02 p.m. for a break and reconvened the meeting at 1:15 p.m. with all Board members present.

*Planning – 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> District Commissioner Appointments* The Board was asked to appoint Planning Commissioners to represent the Second, Fourth, and Fifth Supervisorial Districts. Per County Code, the Supervisors for those districts presented their nominees to the rest of the Board: Chairperson Griffiths for Kate Morley to continue representing District 2; Supervisor Roeser for Callie Peek to replace Scott Stoner, who declined to seek reappointment, representing District 4; and Supervisor Kingsley for Scott Kemp Jr. to continue representing District 5. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to appoint the nominees as presented, to four-year terms ending January 4, 2025 and effective February 1, 2021. Motion carried unanimously.

*Public Works – SIAAC Appointment* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to re-appoint Mr. Neil Woodruff to complete an unexpired four-year term ending June 1, 2023 on the Southern Inyo Airport Advisory Committee. Motion carried unanimously.

*Sheriff – DEA Agreement* Moved by Supervisor Pucci and seconded by Supervisor Roeser to ratify and approve the agreement between the County of Inyo and Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ) for the provision of illicit cannabis eradication and suppression funding in an amount not to exceed \$25,000 for the period of October 1, 2020 through September 30, 2021, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget, and authorize the Sheriff or designee to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Information Services – Ultra Link Cabling Contract* Moved by Supervisor Totheroh and seconded by Supervisor Roeser to waive competitive bidding requirement and then ratify and approve the agreement between the County of Inyo and Ultra Link Cabling Systems, Inc., of Auburn, CA, under the California Multiple Award Schedule No. 3-18-70=1981D for the provision of network cabling infrastructure installation in an amount not to exceed \$195,000 for the period of January 20, 2021 through June 30, 2021, and authorize the Public Works Director or the Information Services Director to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Ag Commissioner- Cannabis – Hearing on Revocation of License # 000142* The Chairperson continued the hearing from January 5 on the revocation for non-payment of commercial cannabis business license number 000142 issued to Old Spanish Cannabis and Commerce Park, LLC, as requested in an appeal by the licensee. The Board was asked to make a determination based on the hearing to revoke or not revoke license number 000142. Ag Commissioner Nate Reade said the renewal of license number 000142 on January 5 was contingent on the license holder paying the annual license fee by the time of today's continued hearing. He said that the representative for Old Spanish Cannabis and Commerce Park, David Saccullo, informed him that he sent the check by mail but he did not anticipate the closure of County offices yesterday due to the Martin Luther King, Jr. holiday. He said it is assumed the check is waiting to be delivered today to the Bishop office, not Independence. Supervisor Kingsley expressed disappointment that Mr. Saccullo was given two weeks to get the payment in and it still is not in County hands. Mr. Saccullo apologized for the delay, saying he was traveling and his mother-in-law contracted COVID-19, and he didn't realize yesterday was a County holiday. He assured the Board that the check was good. Supervisor Roeser shared additional disappointment in Mr. Saccullo's inability to meet the two-week deadline. She moved to revoke license number 000142 and Supervisor Kingsley seconded the motion. After additional discussion, the Board came to consensus to not revoke the license contingent on Mr. Saccullo's check clearing the bank. Supervisors Roeser and Kingsley withdrew their motion and second, respectively. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to reinstate the license for Old Spanish Cannabis and Commerce Park if the check clears, and to revoke it if it doesn't. Motion carried unanimously.

*Public Comment* The Chairperson solicited public comment for the final public comment period. No additional comments had been emailed and nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*Board Member and* Supervisor Kingsley said he participated in an RCRC Western Interstate Region call on Friday, has been named as the WIR representative, and has been engaging with constituents, mostly

*Staff Reports*

about COVID-19.

Supervisor Totheroh said he attended last week's meeting of the Owens Valley Groundwater Association meeting.

Supervisor Roeser said she attended several meetings, including the OVGA meeting, and also had a lot of constituent interaction. She said she has met with representatives from different veterans groups and there is definite interest in establishing a Veterans Advisory Committee.

CAO Quilter said staff will be conducting interviews for the Veteran Service Officer position next week.

Supervisor Pucci reported fielding a lot of constituent calls, most related to COVID-19.

The Assistant Clerk of the Board notified the Board that three seats have expired on the Northern Inyo Advisory Committee and will be advertised along with an existing, vacant alternate position. She said if it was the will of the Board, she would also advertise the remaining vacancies on the Southern Inyo Airport Advisory Committee.

Chairperson Griffiths said he attended the 2021 RCRC officer installation and also had a CSAC Executive Board meeting.

*Adjournment*

Chairperson Griffiths adjourned the meeting at 1:57 p.m. to 8:30 a.m. Tuesday, January 26, 2021 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*