

# MINUTES



# County of Inyo Board of Supervisors

## October 5, 2021

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on October 5, 2021, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Governor Executive Orders N-25-20 and N-08-21: Chairperson Jeff Griffiths, presiding, Dan Tothoroh, Rick Pucci, Jennifer Roeser, and Matt Kingsley. Also present: Assistant County Administrator Sue Dishion, Assistant Clerk of the Board Darcy Ellis, and County Counsel Marshall Rudolph. Absent: County Administrator Leslie Chapman.

- Public Comment* The Chairperson asked for public comment on items not calendared on the agenda.
- The Assistant Clerk of the Board had not received any written comment and nobody requested to speak to the Board via the “hand-raising” feature on Zoom.
- Closed Session* Chairperson Griffiths recessed open session at 8:33 a.m. to convene in closed session with all Board members present to discuss the following item(s): No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Names of cases: *LADWP v. Inyo County et al.* (CA 5th District Court of Appeal Case No. F081389) and *Inyo County v. LADWP* (Kern County Sup. Ct. Case Nos. BCV-18-101260-TSC, BCV-18-101261-TSC, and BCV-18-101262-TSC); No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Name of case: *Helm v. Inyo County et al.* (Inyo Superior Court Case No. ICSI-CVCV-200-66094); No. 4 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to § 54956.9(c): one potential case; No. 5 **PUBLIC EMPLOYMENT – Pursuant to Government Code §54957** – Title: County Counsel; and No. 6 **CONFERENCE WITH COUNTY’S LABOR NEGOTIATORS – Pursuant to Government Code §54957.6** – Regarding employee organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. County designated representatives – County Administrator Leslie Chapman, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson.
- Open Session* Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present.
- Pledge of Allegiance* Chairperson Griffiths led the Pledge of Allegiance.
- Report on Closed Session* County Counsel Rudolph reported that no action was taken in closed session that is required to be reported.
- Public Comment* Chairperson Griffiths asked for public comment on items not calendared on the agenda.
- Wes French of Bishop said we should consider the original intent and bedrock of the Constitution in preserving god-given freedoms.
- Proclamation – Indigenous Peoples’* Chairperson Griffiths brought forward a proclamation recognizing October 11 as Indigenous Peoples’ Day 2021 in Inyo County. Supervisor Roeser said she was taken aback by the

divisive, patronizing language in the proclamation, and the fact it was brought forward without prior consultation with the rest of the Board. She said the entire tone of the proclamation is one of blame and victimization, and does not promote healing or unity. She said the Board should have celebrated the recent California Native American Day. She further said the proclamation casts aspersions and condemnation, and contains revisions of history. Chairperson Griffiths responded that: 1) this is the standard process for bringing forward proclamations; 2) local Tribes and Tribal members have been asking the County to recognize Indigenous Peoples' Day for the past couple years; 3. he doesn't understand the distinction being made between California Native American Day and Indigenous Peoples' Day; 4. he fails to see any language in the proclamation that is divisive or historically inaccurate; and 5. failing to acknowledge sins of the past doesn't make them go away, nor does it promote healing. Chairperson Griffiths asked Supervisor Roeser to point out which specific sentences or sections she found problematic, and Supervisor Roeser responded that there are better uses for the Board's time. The Board continued discussion and debate, with Supervisor Totheroh ultimately moving to approve the proclamation with a change suggested by Supervisor Roeser. The motion died for lack of a second.

*County Department Reports*

Planning Director Cathreen Richards provided an update on SB 9 and SB 10.

Clerk-Recorder-Registrar of Voters Danielle Sexton gave a report on the recent recall election.

*COVID-19 Staff Update*

HHS Director Marilyn Mann, HHS Deputy Director-Public Health & Prevention Anna Scott, and Public Health Officer Dr. James Richardson provided the Board with an update on COVID-19, including local case numbers, vaccinations, current hospitalizations, and upcoming availability of booster shots.

Lynne Greer of Bishop asked whether Dr. Richardson has changed his previous stance on children getting the vaccine, and also applauded HHS staff for its hard work and trying to get clear information out to the public. Dr. Richardson said he changed his stance to support pediatric vaccinations when it was shown that children were more susceptible to the Delta variant.

Wes French of Bishop spoke out against the vaccine, saying he will not stand for abuse of children, and accused the County of either unwittingly or knowingly spreading misinformation from the government.

An emailed comment was received from Emilee Mullen in which she urged the County to implement a masking mandate to protect vulnerable populations.

*Child Support Services – Change in Authorized Strength*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to:  
A) change the authorized strength in Child Support as follows:

1. delete one Office Clerk III position, Range 52 (\$3,243 - \$3,940), effective October 14, 2021;
2. delete one Child Support Officer II position, Range 60 (\$3,908 - \$4,747);
3. delete one Child Support Officer III position, Range 64 (\$4,289 - \$5,211);
4. increase the authorized strength by adding one Office Technician I - III, Range 55-63 (\$3,477 - \$5,091); and
5. reclassify one Child Support Officer III, Range 64 (\$4,289 - \$5,211) to a Child Support Supervisor, Range 72 (\$5,180 - \$6,292) effective October 14, 2021; and

B) find that, consistent with the adopted Authorized Position Review Policy:

1. the availability of funding for one (1) Office Technician I-III Range 55-63 (\$3,477 - \$5,091) exists in the Non-General Fund budget, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; and
2. where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and

C) approve the hiring of one (1) Office Technician I-III Position at Range 55-59 (\$3,477 - \$4,636) up to an E Step, depending on qualifications.

Motion carried unanimously.

*Clerk-Recorder – Office Technician I-II* Moved by Supervisor Roeser and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I exists in the Elections and County Clerk-General budgets, as certified by the Clerk-Recorder-Registrar of Voters and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Technician I at Range 55 (\$3,477 - \$4,228), an Office Technician II at Range 59 (\$3,816 - \$4,636), or an Office Technician III at Range 63 (\$4,184 - \$5,091), depending on qualifications. Motion carried unanimously.

*Public Works/Road – Office Technician I* Moved by Supervisor Totheroh and seconded by Supervisor Roeser for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I exists in the Road Department budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Technician I at Range 55 (\$3,477 - \$4,228). Motion carried unanimously.

*County Counsel – Jarvis Fay Gibson LLP Contract Amendment 2* Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve Amendment No. 2 to the agreement between the County of Inyo and Jarvis Fay Gibson LLP of Oakland, CA, increasing the contract to an amount not to exceed \$135,000 and updating the Schedule of Fees (Attachment B), contingent upon the Board’s approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*HHS-Behavioral Health – Kings View Prior Year Invoice* Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve prior-fiscal year payment to Kings View Corporation for Invoice # HIA 06/21 in the amount of \$3,125.00. Motion carried unanimously.

*Public Works – Fountainhead Consulting Contract Amendment 1* Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve Amendment No.1 to the agreement between the County of Inyo and Fountainhead Consulting Corporation of Anaheim, CA, replacing environmental subconsultant Jericho Systems of Redlands, CA with Geode Environmental of Bishop, CA, replacing Sierra Geotechnical Services of Bishop, CA with Eastern Sierra Engineering of Bishop, CA, and increasing the contract amount with Fountainhead Consulting Corporation by \$121,829.20 to cover a broader scope of environmental inspections as required by California Department of Fish & Wildlife; and authorize the Chairperson to sign the amendment, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Sheriff – Office Depot Blanket P.O.* Moved by Supervisor Kingsley and seconded by Supervisor Roeser to authorize the issuance of a blanket purchase order in an amount not to exceed \$20,000, payable to Office Depot for the purchase of office supplies and replacement office furniture. Motion carried unanimously.

*Sheriff – DOJ Sole-Source P.O.* Moved by Supervisor Kingsley and seconded by Supervisor Roeser to: A) declare California Department of Justice a sole-source provider of fingerprint verification services; and B) authorize a purchase order in an amount not to exceed \$15,000, payable to California Department of Justice for livescan services. Motion carried unanimously.

*HHS – Joint Workshop with MLH* Assistant HHS Director Meaghan McCamman and Patricia Robertson of Mammoth Lakes Housing conducted a joint workshop regarding the development of a Property Rehabilitation Program to address housing issues in Inyo County.

*BOS – 2021-2022 CSAC Board Nominations* Moved by Supervisor Roeser and seconded by Supervisor Totheroh to nominate Chairperson Griffiths as a director and Supervisor Pucci as an to serve on the California State Association of Counties (CSAC) Board of Directors for year 2021-2022. Motion carried unanimously.

*Clerk of the Board – Approval of Minutes* The Assistant Clerk of the Board reported that she had corrected an omission on page 2 of the September 7 regular meeting minutes. Moved by Supervisor Totheroh and seconded by Supervisor Roeser to approve the minutes of the regular Board of Supervisors meetings of September 7, 2021, September 14, 2021, September 21, 2021, and the Budget Hearings of

September 7, 2021, as corrected. Motion carried unanimously.

*Public Comment*

Chairperson Griffiths solicited public comment for the final public comment period.

The Assistant Clerk of the Board did not receive any emailed comments and nobody requested to speak to the Board via the “hand-raising” feature on Zoom.

*Board Member and Staff Reports*

Supervisor Pucci reported attending the recent annual meeting of the Rural County Representatives of California.

Supervisor Totheroh said he has an Eastern Sierra Council of Governments this Friday, and had a few other meetings over the hiatus.

Supervisor Kingsley said he also attended the RCRC meeting, and thanked Assistant Clerk of the Board Ellis and fellow Board members for helping to gather items for Inyo’s annual auction offering.

Supervisor Roeser reported also attended RCRC, meeting with the consultant for the small business center, attending a grant workshop for Caltrans District 9, and traveling to Durango, CO to see the County’s Slim Princess locomotive.

Assistant County Administrator Sue Dishion advised the Board that there will be a special meeting on Thursday, and if the Board wanted to revisit the proclamation discussed today, staff could add it to the agenda. Chairperson Griffiths and Supervisor Roeser agreed to work together on a revision.

Chairperson Griffiths said he attended the RCRC conference, took his youngest son to college, helped with the Millpond Music Festival, went to the Curly Fletcher cowboy poetry festival at Laws Museum, attended IMACA board and budget meetings, and has an ESCOG meeting this Friday.

*Adjournment*

Chairperson Griffiths adjourned the meeting at 12:42 p.m. to 8:30 a.m. Tuesday, October 12, 2021 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

Attest: *LESLIE CHAPMAN*  
*Clerk of the Board*

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