

# MINUTES



# County of Inyo Board of Supervisors

## March 15, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:31 a.m., on March 15, 2022 in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Assembly Bill 361: Chairperson Dan Totheroh, presiding, Rick Pucci, Matt Kingsley, and Jennifer Roeser. Also present: Assistant County Administrator Sue Dishion, Assistant Clerk of the Board Darcy Ellis, Office Technician Hayley Carter, and County Counsel John-Carl Vallejo.

### *Closed Session Public Comment*

The Chairperson asked for public comment related to Closed Session items. There was nobody wishing to address the Board.

### *Closed Session*

Chairperson Totheroh recessed open session at 8:32 a.m. to convene in closed session with all Board members present to discuss the following item(s): No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9: one potential case.

### *Open Session*

Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10 a.m. with all Board members present.

### *Pledge of Allegiance*

Supervisor Pucci led the Pledge of Allegiance.

### *Report on Closed Session*

County Counsel Vallejo reported that no action was taken during closed session that is required to be reported.

### *Public Comment*

Supervisor Totheroh gave information about a blood drive at the Elks Lodge in Bishop on March 16<sup>th</sup> and 17<sup>th</sup> and encouraged anyone interested to participate and donate.

Comments were heard from Lynette McIntosh in opposition of vaccine mandates and from Owens Valley School Principal Rosanne Lampariello who provided a flier on the upcoming 100<sup>th</sup> birthday celebration of the Historic Courthouse on April 10.

Commenters via Zoom included Emily Simms, who spoke in opposition to the Pfizer vaccine report and shared an audio clip from Bill Gates on over-population; and from Cari Arnal who spoke about protecting children by supporting their rights, health, and their ability to not have to wear masks.

### *County Department Reports*

Museum Administrator Shawn Lum reported on a grant application that was submitted for the Eastern California museum and gave information on the upcoming Earthquake Remembrance ceremony located at the Lone Pine earthquake site on March 26 at 10:30 a.m.

HHS Director Marilyn Mann gave updates on managed care providers and requested the Board send a letter of support to the State.

Deputy Public Works Director John Pinckney reminded everyone that there will be a free dump day at Lone Pine and Independence landfills this weekend.

### *CAO-Public Defender – Terry Walker Contract*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve the Agreement between the County of Inyo and Terry Walker for the Provision of Professional Services as a Public Defender (Misdemeanors - South County) for the period March 15, 2022 through April 1, 2025, in an amount not to exceed \$335,700 contingent on the adoption of future County budgets, and authorized the Chairperson to sign. Motion carried unanimously.

- Risk – Disability  
Resolution # 2022-08* Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Resolution No. 2022-08, titled, "A Resolution of the Inyo County Board of Supervisors Making a Determination of Industrial Disability of an Employee as Required by Government Code Section 21154 and 21156," and authorized the Chairperson to sign. Motion carried unanimously.
- County Counsel – RON  
Rescission/Reso #  
2022-09* Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Resolution No. 2022-09, titled, "A Resolution of the Inyo County Board of Supervisors Rescinding Resolution Nos. 2017-38, 2017-39, and 2017-40," and authorized the Chairperson to sign. Motion carried unanimously.
- HHS-  
Health/Prevention –  
Emily Faircloth Contract* Moved by Supervisor Pucci and seconded by Supervisor Roeser to ratify and approve the contract between the County of Inyo and Emily Faircloth of Reno, NV for the provision of external evaluation of the Inyo County Tobacco Education program in an amount not to exceed \$50,960.00 for the period of January 1, 2022 through June 30, 2025, contingent upon the Board's approval of future budgets, and authorized the Chairperson to sign. Motion carried unanimously.
- Probation –  
Redwood Toxicology  
Sole-Source Contract* Moved by Supervisor Pucci and seconded by Supervisor Roeser to A) declare Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA a sole-source provider; B) approve the contract between the County of Inyo and Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA for the provision of urine sample collection devices (supplies) and laboratory services, in an amount not to exceed \$100,000 for the period of July 1, 2022 to June 30, 2023, with an option to renew a second and third year, contingent on the adoption of future fiscal year budgets; and C) authorized the Chairperson to sign. Motion carried unanimously.
- Public Works –  
Guardrail Project RFP* Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve the Request for Proposal for Design Services for the Miscellaneous Guardrail Project and authorized the Public Works Director to advertise the project. Motion carried unanimously.
- Public Works-Recycling  
& Waste – Organics  
Collections/Reso #  
2022-10* Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Resolution No. 2022-10, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Opting to Affirm an Exemption from the Requirements of Mandatory Organics Collection Services," and authorized the Chairperson to sign. Motion carried unanimously.
- Public Works-Recycling  
& Waste – Owens River  
Clean up Fee Waiver* Moved by Supervisor Pucci and seconded by Supervisor Roeser to consider approval of waiver of solid waste disposal and gate fees up to \$100 for trash and litter removed at the Lower Owens River Clean event, April 23, 2022. Motion carried unanimously.

CAO – IMACA  
Funding  
Assistance/Reso #  
2022-11

Assistant CAO Meaghan McCamman introduced IMACA Executive Director Kate Morley to the Board. Ms. Morley gave an overview of the history and scope of services the agency provides to the community and explained the financial dilemma it is currently experiencing, as well as its requests for \$100,000 each from Mono County, the Town of Mammoth Lakes, City of Bishop, and Inyo County in order to keep the organization afloat. She explained that IMACA has 30 open contracts spread out over five departments and the vast majority are reimbursement contracts. She said there is often a significant delay between the time IMACA spends the funding and when it receives reimbursement. She noted IMACA's former Controller left in December, leaving IMACA three months behind on billing and in a tough financial spot. Supervisor Griffiths, an IMACA Board member, noted that utilizing grant monies is oftentimes difficult and that seeking reimbursement can cost IMACA more in staff time than it will receive in grant funding due to strenuous reporting requirements.

Ms. Morley said IMACA is in discussion with several local entities and working to redistribute essential services to agencies such as the Inyo County Office of Education to ensure continued access to resources. She said in the immediate future, IMACA will be concentrating on billing with the help of a contractor while trying to restore cash flow. She said the financial assistance will help IMACA continue to pay its vendors at a time when it is spread very thin and hoping not to add additional paperwork and reporting burdens. Ms. Morley said the top priority after reconciling billing will be developing a clear budget with a strong support team, working on reducing the annual budget, providing benefits to staff, and establishing a timeline for budgeting.

Chairperson Totheroh welcomed public comment. Comment via Zoom was heard by Cari Arnal who thanked the Board for addressing this issue, encouraged the community to help cut the red tape, and said that she hopes the County will take leadership of this. Comment was heard in-person by Lynette McIntosh on homelessness services, noting that people released from jail need better transition options. A written comment was received from Lynne Grier who asked IMACA what it has done to prevent and mitigate its financial hardships, and questioned whether County assistance will make a difference.

Discussion ensued among the Board, staff, and Ms. Morley, with the issue of accountability being raised. Ms. Morley agreed with the Board, saying she understands if there might be conditions made by the County in order to receive financial assistance. Supervisor Roeser said the Board has already set funding priorities with the County's contingency funding and there needs to be more detailed discussion about how IMACA plans to spend taxpayer money.

CAO Chapman said the funding Supervisor Roeser referenced are ARPA funds, which are not in Contingencies, have been budgeted for capital improvement and cannot be spent on anything not previously prioritized by the Board without additional Board approval. She said the funding to fulfill IMACA's request will come from Contingencies, which is money set aside for unforeseen circumstances.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve and authorize the Chairperson to: A) sign a resolution authorizing a grant to assist Inyo-Mono Advocates for Community Action (IMACA) to manage and administer community benefit programs to residents of Inyo County, with the condition that a budget and future forecast be delivered to the Board within six months; B) amend the Fiscal Year 2021-2022 Contingencies Budget (087100) by reducing appropriation in Contingencies (5902) by \$100,000 (*4/5ths vote required*); and C) amend the Fiscal Year 2021-2022 General Revenues and Expenditures Budget (011900) by increasing appropriation in Other Agency Contribution (5539) by \$100,000 (*4/5ths vote required*). Motion carried 4-1, with Supervisor Roeser opposing.

*Recess/Reconvene*

The Chairperson recessed the meeting at 12:04 p.m. and reconvened the meeting at 12:14 p.m. with all Board members present.

*Public Works-Recycling  
& Waste – Organics  
Presentation*

Kendra Knight of Waste Connections gave a presentation on SB 1383 regulations and requirements, emphasizing that this would not currently be required in the County. Additional information was provided regarding recycling resources available locally.

*BOS – Letters  
Opposing SB 866, SB  
871, AB 1993*

Supervisor Roeser opened discussion on the possibility of authorizing staff to draft and send a letter of opposition to Senate Bill 866 and/or SB 871 and/or Assembly Bill 1993. She noted that the issue isn't whether the Board or individual supervisors oppose or support vaccines, but about them supporting their constituents who are objecting to infringement on their parental and medical rights.

The Chairperson opened the floor to public comment.

The Assistant Clerk of the Board reported receiving 19 written comments for this agenda item, with nine individuals opposed to SB 866, SB 877, and AB 1993, and eight individuals supporting the legislation: Amber Olson, Teri Roberts Allsup, Jason Olin, Keith Leon, Bob Olin, Kelli Brown, Betty Wagoner, Bryan Winzenread, and Taylor Ludwig (opposed); and Joy Wilson, Judy Weisman, Lindon Wiebe, Barbara Kelley, Alisa Lynch, April Zrelak, Harold McDonald, Nina Weisman, and Derik Olson (supporting). In the interest of time, and because most of the letters were in excess of the 250-word limit, the Assistant Clerk of the Board read only a single letter from each camp – Dr. Ludwick, opposed, and April Zrelak, supporting – noting that the majority of the comments in both sides' letters were the same.

In-person comments were heard from Scott W. Kemp, Scott T. Kemp, and Lynette McIntosh, all in opposition to legislation that would impact their rights as parents, individuals, and business owners.

Zoom comments were heard from Amely Greeven, Lynne Greer, Lisa Johnston, Kelli Brown, Josh Nicholson, Owens Valley School Board President Joey Peterson, and Cari Arnal, all in opposition to the proposed legislation.

Discussion ensued among Board members. Supervisor Griffiths in particular said that regardless of his personal feelings about COVID vaccines and the misinformation being spread to and by vaccine opponents, he supports bodily autonomy, with individuals having the right to decide what to put into their bodies and the bodies of their children. He also noted the pandemic in general has been tremendously difficult on business people and schools, and these bills have the potential to worsen conditions rather than help with the return to normalcy and unity. Supervisors Roeser, Kingsley, and Pucci concurred. Chairperson Totheroh expressed support for SB 877, because not all children are blessed to live in homes where parents are making wise decisions. He also said he can't support or oppose AB 1993 as the language is much too broad.

The Chairperson postponed further discussion at 1:57 p.m. in favor of the 1 p.m. timed item.

*Recess/Reconvene*

The Chairperson recessed the meeting at 1:57 p.m. and reconvened the meeting at 2:05 p.m. with all Board members present.

*Planning –  
Patsiata Historic District  
Nomination*

Phil Kiddoo, Air Pollution Control Officer for the Great Basin Air Pollution Control District, spoke to the Board on the modern history of Owens Lake. Kathy Bancroft, Tribal Historic Preservation Officer, for Lone Pine Paiute-Shoshone Tribe, discussed the conservation task force that was put together to protect tribal archeology at the proposed Patsiata Historic District. Ann Logan, Deputy Air Pollution Control Officer, reviewed the history and processes that led up to the 2020 nomination to make Patsiata an official Historic District and said there would be a meeting April 29 in Sacramento on the subject. Assistant Clerk of the Board Darcy Ellis read aloud written comments from Malcolm Clark urging the Board to support making the Patsiata Historic District an officially registered historic site. Oral public comment was received from Lynn Boulton, asking the Board to provide a letter to show their support.

Supervisor Kingsley said he would consult with the Planning Department on drafting a letter and the Board agreed.

*Recess/Reconvene*

The Chairperson recessed the meeting for lunch at 2:44 p.m. and reconvened the meeting at 3:14 p.m. with all Board members present.

*HHS-Health&Prevention  
– Dr. Richardson  
Contract Amendment 2*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Amendment No. 2 to the contract between the County of Inyo and James A. Richardson, MD of Bishop, CA, amending the effective date for Dr. Richardson's salary adjustment for the amount of

\$205,000 per year to December 1, 2021, and authorized the Chairperson to sign. Motion carried unanimously.

*Public Works – Budget Amendments, Cardno Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to:

- A) Amend the Fiscal Year 2021-2022 State Funded Road Budget 034601 as follows: (1) increase estimated revenue in State Other object code 4499 by \$300,000 and (2) increase estimated revenue in Operating Transfers In object code 4998 by \$100,000 and (3) increase appropriations in Lone Pine Streets Rehab object code 5709 by \$400,000 (*4/5ths vote required*);
- B) Amend the Fiscal Year 2021/2022 Road Budget 034600 as follows: increase appropriations in Operating Transfers Out object code 5801 by \$100,000 (*4/5ths vote required*); and
- C) Approve the contract between the County of Inyo and Cardno, Inc. of Zephyr Cove, NV for the provision of Environmental and Engineering services in an amount not to exceed \$402,545.86 for the period of April 1, 2022 through June 30, 2023, contingent upon the Board's approval of the Fiscal Year 2022-2023 Budget, and authorized the Chairperson to sign.

Motion carried unanimously.

*Water Department – Standing Committee Rep Direction*

Water Director Aaron Steinwand requested Board provide direction to the County's Standing Committee representatives in advance of the meeting of the Inyo County/Los Angeles Standing Committee scheduled for March 24, 2022. Supervisor Roeser requested that he communicate the need for maximum flexibility to irrigation for lessees and Supervisor Kingsley concurred, noting the need for advanced notice to lessees.

*CAO-Information Services – Presentation Postponed*

The Board decided to postpone the planned update from Information Services Director Scott Armstrong on Inyo County's Broadband Task Force activities.

*CAO-Personnel – Senior Budget Analyst/Reso # 2022-12*

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to: A) approve the contract between the County of Inyo and Denelle Carrington for the provision of professional services as the Senior Budget Analyst, at Range 88, Step E, \$9,248 per month, with benefits provided pursuant to Resolution No. 2022-12, effective March 17, 2022; and authorized the Chairperson to sign; and B) approved Resolution No. 2022-12 and authorized the Chairperson to sign. Motion passed unanimously.

*CAO-Personnel – Deputy Personnel Director Contract*

Moved by Supervisor Griffiths and seconded by Supervisor Roeser to approve the contract between the County of Inyo and Keri Oney for the provision of professional services as the Deputy Personnel Director, at Range 88, Step E, \$9,248 per month, with benefits provided pursuant to Resolution 2022-12, effective March 17, 2022; and authorized the Chairperson to sign. Motion passed unanimously.

*BOS – Letters Opposing SB 866, SB 871, AB 1993 (Continued)*

The Board returned to discussions about SB 866, SB 871, and AB 1993. Supervisor Roeser addressing SB 866 and SB 871 in a combined letter. Supervisor Griffiths suggested an opening paragraph that notes the County's appreciation to the State for its promotion of/assistance with COVID vaccine campaigns, but that the proposed legislation is not in the best interest of the community due to divisiveness and the need to get the most youth possible back in school.

Moved by Supervisor Roeser and seconded by Supervisor Pucci to authorize staff to draft and send a letter of opposition to Senate Bill 866 to relevant Senate members and Inyo County's legislative delegation. Motion carried 3-2, with Supervisors Griffiths and Totheroh opposed.

Moved by Supervisor Roeser and seconded by Supervisor Griffiths to authorize staff to draft and send a letter of opposition to Senate Bill 871 to relevant Senate members and Inyo County's legislative delegation, with the language suggested by Supervisor Griffiths. Motion carried 4-1, with Chairperson Totheroh opposed.

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to authorize staff to draft and send a letter of opposition to Assembly Bill 1993 to the appropriate Assembly

members and Inyo County's legislative delegation, similar to the letter recently approved by the Kern County Board of Supervisors. Motion carried 4-0-1, with Chairperson Totheroh abstaining.

*Public Comment*

The Chairperson asked for public comment on items not calendared on the agenda.

Josh Nicholson let the Board know that sound is still an issue on the Zoom webinar.

*Board Member and Staff Reports*

Supervisor Kingsley reported attending an RCRC and Western Interstate Regions conference call, noted he is preparing for the WIR meeting in Alaska, and said he will be attending an Air Pollution Control District board meeting in Lee Vining on Thursday.

Supervisor Roeser said her report is the same as Supervisor Kingsley's, with the exception of the RCRC meeting.

Supervisor Pucci noted that the Tri-County Fairgrounds is doing a great job of hosting large events recently, including the Blake Jones Trout Derby, High School Rodeo

Chairperson Totheroh reported attending last night's event for entrepreneurs at the Small Business Resource Center.

Supervisor Griffiths said he also attended the RCRC meeting and the entrepreneurial event, as well as a presentation on addictions services at the Bishop City Council meeting.

Supervisor Kingsley added that he met with the new CHP Captain in Bishop and with the State BLM Director in Sacramento.

*Adjournment*

Chairperson Totheroh adjourned the meeting at 4:07 p.m., to 8:30 a.m. Tuesday, April 5, 2022, in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

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