

# MINUTES



# County of Inyo Board of Supervisors

## December 20, 2022

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 December 20, 2022, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present per California Assembly Bill 361: Vice Chairperson Jennifer Roeser, presiding, Jeff Griffiths, Rick Pucci, and Matt Kingsley. Also present: County Administrator Nate Greenberg, County Counsel John-Carl Vallejo, Assistant Clerk of the Board Darcy Ellis, and Office Technician Hayley Carter. Absent: Dan Totheroh.

*Public Comment* The Vice Chairperson asked for public comment related to Closed Session items, and no one requested to speak.

*Closed Session* Vice Chairperson Roeser recessed open session at 8:32 a.m. to convene in closed session with all Board members except Supervisor Totheroh 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** – Name of case: *Inyo County v. Los Angeles Department of Water and Power, Kern County Superior Court Case Nos. BCV-18-101260-TSC, BCV-18-101261-TSC, and BCV-18-101262-TSC*; No. 3 **Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to §54956.9(d)(4)** - Number of cases: one. Facts and circumstances: Fire Damage to Commander's House Property; No. 4 **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 – Administrative Officer Nate Greenberg, Assistant County Administrators Sue Dishion and Meaghan McCamman, Deputy Personnel Director Keri Oney, County Counsel John-Carl Vallejo, Auditor-Controller Amy Shepherd, Senior Budget Analyst Denelle Carrington, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson; and No. 5 **Public Employee Performance Evaluation – Pursuant to Government Code §54957** – Title: County Administrator.

*Open Session* Vice Chairperson Roeser recessed closed session and reconvened the meeting in open session at 10:10 a.m. with all Board members present except Supervisor Totheroh.

*Pledge of Allegiance* Supervisor Kingsley 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 and said the Board will need to reconvene later in the meeting for items # 3-5.

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

Public comment was heard from Josh Nicholson.

*County Department Reports* Chief Probation Officer Jeff Thomson congratulated Supervisor Griffiths for his appointment to the CSAC Board; mentioned attending the Probation Chief meeting where officer Penni Brown was recognized as the Central Region Officer of the Year; and gave his thanks to retiring Sheriff Pritchard for his service. Thomson updated the Board on events that staff participated in including art days at local schools with Inyo Counsel of the Arts; Prop 64 grant money program Sacred Rok; holiday Shop with a Cop, and an annual blanket giveaway at the Bishop

Senior Center.

Retiring Sheriff Pritchard said farewell and thank you to the Board and gave updates on various accomplishments of the Sheriff's Department in 2022, including hiring of new staff, training opportunities, shift and schedule changes, and a growing K-9 program. The Sheriff was proud to share the new department flag and noted that this was the first time the department has had one. He noted that every decision he has made has been in the best interest of the department. Board members offered their thanks, gratitude, and best wishes, with Supervisor Kingsley in particular noting that Pritchard has been the most accessible and communicative Sheriff the County has had since he's been on the Board.

*CAO-Emergency Services – EPMG Application/Reso #2022-52*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to review the proposed Fiscal Year 2022 Emergency Management Performance Grant (EMPG) Program Application and, if deemed acceptable: A) approve the submittal of the Fiscal Year 2022 EMPG Program Application and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application, as well as any and all accompanying documents, by approving the "Governing Body Resolution No. 2022-52," and B) authorize the Chairperson to sign the resolution addendum letter. Motion carried 4-0, with Supervisor Totheroh absent.

*CAO-Information Services – Western Audio-Visual Contract*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the agreement between the County of Inyo and Western Audio Visual and Security of Orange, CA, for the provision of the Boardroom Multimedia Replacement Project in an amount not to exceed \$95,000 for the period of December 20, 2022, through June 30, 2023, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried 4-0, with Supervisor Totheroh absent.

*County Counsel – AB 361 Findings*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to adopt findings pursuant to AB 361 that: A) the Board reconsidered the circumstances of the existing State of Emergency issued on March 4, 2020, in response to the COVID-19 pandemic; and B) local officials continue to recommend measures to promote social distancing, and/or the state of emergency continues to directly impact the ability of the members to meet safely in person. Motion carried 4-0, with Supervisor Totheroh absent.

*HHS – EMCC Appointments*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) appoint Peter Spiers, Southern Inyo Hospital; Lucas Reynolds, Southern Inyo Fire Protection District; Joseph Dell, Bishop Fire Department; Jacinda Thomsen, Northern Inyo Hospital District; Carl Bursell, Lone Pine Volunteer Fire Department; and LeRoy Kritz, Member-At-Large to two-year terms on the Inyo County Emergency Medical Care Committee (EMCC) ending December 31, 2024; and B) appoint Wendy Derr to an unexpired two-year Member-At-Large term on the EMCC ending December 31, 2023. Motion carried 4-0, with Supervisor Totheroh absent.

*HHS – ESAAA Appointments*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) Change the ESAAA term of appointments from ending December 11 of a calendar year to ending on December 31 of a calendar year; and B) appoint Roger Rasche, Sandra Lund, and Heidi Dougherty to unexpired 2-year terms on the Eastern Sierra Area Agency on Aging (ESAAA) Advisory Council ending December 31, 2024. Motion carried 4-0, with Supervisor Totheroh absent.

*Planning – REAP 2 Grant Fund Application and Receipt/ Reso #2022-53*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Chairperson to sign Resolution No. 2022-53 authorizing the application and receipt of REAP 2 grant funds. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Works – CA Dept. of Fish & Wildlife Maintenance Agreement*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Routine Maintenance Agreement between the County of Inyo and the California Department of Fish and Wildlife for the period of January 1, 2023, through December 31, 2033, contingent upon the Board's approval of future budgets, and authorize the Public Works Director to sign. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Works- Recycling & Waste Management – Waste Hauler*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) Approve the Consumer Price Index (CPI) adjustment of 5.34%, to the portion of the Annual Service Fee Adjustment rates not associated with the tipping fees, effective January 1, 2023, in accordance with Franchise Agreements between the County of Inyo and contract waste

<i>Maximum Rate Adjustments</i>	haulers; and B) Adopt the new schedule of Maximum Charges for Waste Hauling Services for Areas A & B in Inyo County as presented in Exhibit A. Motion carried 4-0, with Supervisor Totheroh absent.
<i>Public Works- Road Department – Plant Mixed Asphalt Acquisition</i>	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) Declare Granite Construction of Bakersfield, CA the successful bidder for the acquisition and delivery of plant mixed asphalt per Bid Nos. RD22-04 and RD22-05; and B) Authorize the purchase of 2,185 tons of plant mixed asphalt from Granite Construction Company of Bakersfield, CA for an amount not to exceed \$339,584.55. Motion carried 4-0, with Supervisor Totheroh absent.
<i>Public Works – Wilder Barton Inc. Invoice Payment</i>	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize paying \$2,928 of the invoice applicable to the part and rejecting the amount of the invoice identified as labor costs and sales tax. Motion carried 4-0, with Supervisor Totheroh absent.
<i>Sheriff – Sheriff Pritchard Badge Purchase</i>	Moved by Supervisor Pucci and seconded by Supervisor Griffiths pursuant to Penal Code Section 538d, authorize Undersheriff Jared Sparks to provide Retiring Sheriff Eric Pritchard with his badge. Motion carried 4-0, with Supervisor Totheroh absent.
<i>Public Works – Road Department – Budget Amendment FY 22-23</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to amend the Fiscal Year 2022-2023 Road Budget 034600 as follows: increase estimated revenue in State Other Revenue Code No. 4499 by \$310,000 and increase appropriation in North Round Valley Road Object Code 5717 by \$310,000 ( <i>4/5ths vote required</i> ). Motion carried 4-0, with Supervisor Totheroh absent.
<i>Planning – ZTA 2022-02/ Ordinance No. 1290</i>	<p>Planning Director Cathreen Richards gave a brief summary of the changes required to the zone text in order to meet state compliance for the Housing Element.</p> <p>Vice Chairperson Roeser opened the public hearing at 10:37 a.m., and with no public comments to be heard, closed the hearing at 10:38 a.m.</p> <p>Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) approve the proposed Ordinance 1290, titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code Sections 18.03.060; 18.06.220; 18.06.225; 18.06.291; 18.06.356; 18.06.456; 18.06.466; 18.06.746; 18.06.776; 18.06.777; 18.73.030; 18.06.495; 18.78.350; 18.21.020; 18.21.040; 18.22.020; 18.22.040; 18.30.030; 18.30.040; 18.33.020; 18.34.020; 18.34.040; 18.44.020; 18.44.030; 18.45.020; 18.48.020; 18.49.020; 18.51.020; 18.54.020; 18.75.090 D; 18.75.110 A; 18.75.060 E; 18.75.100 B; 18.78.310 A; 18.78.310 B; 18.78.150 E; 18.76.060 A; and, Amending Chapters 18.36 and 18.61 of the Inyo County Code;" B) Make the requested findings and certify that the action is exempt from CEQA; and C) Waive further reading and enact said ordinance.</p> <p>Motion carried 4-0, with Supervisor Totheroh absent.</p>
<i>Planning – ZTA 2022-03/ Ordinance No. 1291</i>	<p>Planning Director Cathreen Richards gave a brief summary of the changes required to the zone text in order to meet state compliance for Reasonable Accommodation.</p> <p>Vice Chairperson Roeser opened the public hearing at 10:43 a.m., and with no public comments to be heard, closed the hearing at 10:44 a.m.</p> <p>Moved by Supervisor Roeser and seconded by Supervisor Pucci to: A) approve the proposed Ordinance 1291, titled, "An Ordinance of the Inyo County Board Of Supervisors Adding Section 18.80 to the Inyo County Code, Providing a Procedure for Reasonable Accommodation in the County's Land Use and Zoning and Building Regulations Pursuant to Federal and State Fair Housing Laws;" B) Make the requested findings and certify that the action is exempt from CEQA; and, C) Waive further reading of and enact said ordinance.</p> <p>Motion carried 4-0, with Supervisor Totheroh absent.</p>
<i>CAO – Electric Vehicle Charging System</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) Waive the first reading of proposed Ordinance 1292, titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California Adding Chapter 14.30 to the Inyo County Code and Setting Forth Procedures for Expediting Permitting Processing for Electric Vehicle Charging

*Permitting Process  
Draft Ordinance*

Systems;" and B) Set enactment for Tuesday, January 3, 2023 in the Board of Supervisors Chambers, Independence, CA. Motion carried 4-0, with Supervisor Totheroh absent.

*Proclamations –  
Honoring Supervisors  
Totheroh & Pucci*

Supervisor Griffiths read aloud the proclamation acknowledging 8 years of public service by Supervisor (and current Board Chairperson) Dan Totheroh. Supervisor Totheroh, although absent, was listening via Zoom and was able to hear kind words from Board members and staff and offer a thank you.

Vice Chairperson Roeser: "I want to say it's been quite an honor to serve with you the last two years, and in your absence the last two months I've tried to run the board meetings as you would have, so I hope I wasn't too far off the mark. Also, you've had two, really maybe three tremendous careers and I worked with you quite a bit when you were in the Forest Service Engineering Department. You were always appreciated. I know you've always said everything begins and ends with water and you've served as a volunteer for many, many years helping numerous communities. Your service to the citizens of Inyo County is duly noted, as Supervisor Griffiths read. We look forward to you returning healthy and I have always, always appreciated your input."

Supervisor Kingsley: "I worked with Dan for a number of years at the Forest Service and we both ended on this Board together. We share not only that history but have both been the lucky recipients of brain surgery. I know Dan is struggling now with this current one, but I know he's going to get through it just fine. Dan, I always you used to tease you, and sometimes called you "Data Dan," because you always wanted more data. I have to say I've always appreciated you wanting to make sure we had all the information we needed to make a decision and I've enjoyed some of our travels together in the past. I'm wishing you the best of luck."

Supervisor Pucci: "I would just reiterate that it's been a pleasure working with you. You've brought some smiles to this group and sometimes that's tough to do. You carried us through a real rough time as Chair on this Board and I want to thank you for that and thank you for your service – your long number of years in the public sector – and I also wish you and your family the best."

Supervisor Griffiths: "I'll just add that, Dan, sometimes your jokes were so bad they circled all the way back around and were funny. Seriously, I've always appreciated the way you care for this community and the way you put thoughtful intent in your decision-making and truly listened to your constituents and all segments of the community. You used to say to me a lot well, 'Jeff, I'm the new guy.' You can't say that anymore – you've finished two terms. I know you will continue to volunteer and serve your community because that's just the type of person you are."

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the proclamation honoring outgoing Supervisors Dan Totheroh for his service to Inyo County. Motion carried 4-0, with Supervisor Totheroh absent.

Supervisor Kingsley read aloud the proclamation acknowledging 12 years of public service by Supervisor Pucci. Board members and staff had kind words to share and vowed to stay in touch well after his retirement. Members of Rick's family, including his wife Mary, were in attendance.

Vice Chairperson Roeser: "(My husband) Lee and I have always referred to Rick as a statesman and a gentleman who offered respect to everybody – it's always been appreciated. We consider you and Mary both dear friends and it's wonderful to see your family here. I think it's pretty awesome the way you've served your community, your county, your nation and I think it's something we can all aspire to. It's been an honor to serve with you the last two years; I wish it could've been longer, but you set a good example for all of us."

Supervisor Griffiths: "I've been working with Rick for 16 years. He was an old guy when I started but he looks the same. I've been working with you so long you're like family – I love your family – and you've been a mentor to me and taught me how this whole thing works. Even though we sometimes disagree, I've always respected your integrity and wisdom."

Supervisor Kingsley: "When I came on the Board in 2014, you were very nice to me. You and Linda (Arcularius) took me under your wing, and I was very lucky for that. One of the first times I really got to hang out with Rick and Mary was one of our trips to D.C. – we made a number of them – and I look back now on going there with Rick and Mary and Howard and Linda – wow what a great experience for me. Again, I feel really lucky for those experiences. Rick has always been available to me, just to call and discuss issues. And what I liked is he would give me counsel and advice, but he also knows how to tell you when you're wrong in a pretty nice way – sometimes you don't even know it until you hang up. I'm going to miss serving with Rick and traveling with both Rick and Mary."

Supervisor Pucci: "It's been an honor serving Inyo County for the last 12 years. This beautiful proclamation does not give enough credit to the people who have made possible the public services I have accomplished over the last 40 years here in the Eastern Sierra.

"First, I need to give thanks to my wife and family who have supported my dedication to a career choice of serving the public. The business often takes a toll on family priorities. Next, I want to say thank you to the tremendous staff I have been blessed to work with over these last several decades. Oftentimes those at the top levels of government and the legislative officials are given credit for the significant accomplishments that occur. But having worked both on the operational and legislative sides of government, I can say with certainty that nothing significant takes places without a dedicated team of people. So, thanks to all of you.

"And to all of the many legislative officials I have had the privilege of working with: We have agreed and disagreed on many issues – but I have always come away more learned from our discussions. And I believe each of you have made me a better representative for that.

"Last but most importantly, I would like to thank the people of Inyo County. I have been an employee and resident of this area for 42 years. My career choice of working for our local governments could not have been achieved without the support and confidence of the residents and citizens of this great area.

"I don't know whether or not this will be my last time at a public podium, but it has been a 50-year public service journey for me. It has been exciting, challenging and the fulfillment of a dream for me that began early in my life."

"It makes me proud to say thank you to all of you."

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the proclamation honoring retiring Supervisor Rick Pucci for his service to Inyo County. Motion carried 4-0, with Supervisor Totheroh absent.

Staff was given an opportunity to speak.

Chief Probation Officer Jeff Thomson: "Supervisor Pucci and I have worked together the last 12 years and I've known him and his family since many more years before that. I wanted to thank Mr. Pucci for his service to the community, to Inyo County. It's been a pleasure and an honor working with you. Without your support there are lots of things we couldn't have gotten done with the Probation Department and the County as a whole. I know that you've dedicated most of your life to public service. People say public service is one of the greatest things to do and for you to dedicate 42 years of your life to public service – that's just amazing. Thank you for that service. You've been a tremendous community leader, a mentor to me as I grew up in the County family, and also a friend of mine, too. On behalf of the Probation Department, we salute your 42 years of public service, 12 years with the county. Congratulations you and your family on your very well-deserved retirement."

HHS Director Marilyn Mann: "From me to both you and Dan, I want to thank you for all the support through the years. I appreciate this Board's and yours and Supervisor Totheroh's faith in me and choosing me as the director of HHS. I appreciate your acknowledgement of the role the team plays because we have incredible people at the County who do incredible things every day, and without your support I don't think we could do as good of a job as we do. I appreciate and have appreciated that both you and Supervisor Totheroh have brought issues and constituent concerns to your department heads and asked us about it and allowed us the opportunity to provide clarification. I just want to thank you for all your years of service, for

what you've meant to me personally and to the community as a whole. And during COVID ... I will tell you right now there are Directors statewide that would have wished they had this Board, and you and Supervisor Totheroh were part of that. You provided us the opportunity to serve our community and be respectful and have our back and it was very appreciated.

Assistant Clerk of the Board Ellis: "I've known Rick since I was 19 and, in that time, I've learned an awful lot about what community service really means, what public service really means. I've seen his dedication and sacrifice, his incredible diplomacy and patience and just the respect that he shows everyone even in the most difficult discussions – and I've seen this Board have some really tough discussions. I've really enjoyed the opportunity to work with you these past years – I've felt really lucky. I feel even luckier to know you and to know Mary; you're two of my favorite people and I wish you the best. Dan, it has been an honor to work with you as well. Your desire to learn and do more research and get more data is really admirable and your hard work has been undeniable. You did lead this Board through a really rough time, and you have my respect for that. I will miss you."

CAO Greenberg: "To both of you, I first want to say thank you for the vote of confidence, for inviting me into the County family and giving me an opportunity to serve. Certainly, Supervisor Pucci, the last four months have been great. I really value the wisdom that you offer –the knowledge and the experience that you brought with you into the City of Bishop is something I've long admired and certainly I know that's a legacy for you that you have brought forward to this Board. You've instilled a perspective and level of appreciation for the balanced judgment around the work that's required by everyone that makes these organizations run. I think for somebody to have that experience and to bring that into an elected body is unique and it's admirable for you to want to make that jump. I appreciate the wisdom and mentorship you've offered me. Thanks for your years of service, it very much is admirable, and fully enjoy the best of retirement."

*Recess/Reconvene*

Vice Chairperson Roeser recessed the regular meeting for a lunch break at 11:40 a.m. and reconvened the meeting at 1:09 p.m. with all Board members present except Supervisor Totheroh.

*CAO –  
Transient Occupancy  
Tax District  
Improvement Fund  
Budget Policy*

The Board discussed the draft budget policy concerning the TOT District Improvement Fund and questions were answered by CAO Greenberg as well as Auditor-Controller Amy Shepherd.

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the Transient Occupancy Tax District Improvement Fund Budget Policy and schedule it to go into effect on January 21, 2023.

Motion carried 4-0, with Supervisor Totheroh absent.

*Clerk of the Board –  
Approval of Minutes*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the minutes from the regular Board of Supervisors meeting of December 13, 2022. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Comment*

Vice Chairperson Roeser asked if there was any public comment pending for items not calendared on the agenda.

Public comment was received from Justin Barton.

*Board Member & Staff  
Reports*

Clerk of the Board Darcy Ellis wished the Board a Merry Christmas.

CAO Greenberg said that he met with the new District 4 State Senator last Saturday; had a collaborative meeting with the airports and the Town of Mammoth Lakes; had separate meetings with Chris Ellis from Coso Geothermal and Probation Chief Thomson; and announced that federal funds from USDA Rural Development were recently granted as well as a \$2 million award for the Bishop Airport terminal project.

County Counsel Vallejo let the Board know that he would be available during the holidays if they should need anything.

Supervisor Griffiths said that he met with the new District 4 Senator and had a conversation

about an upcoming project to rename a section of Highway 395 after Dave McCoy.

Supervisor Roeser said she had attended the recent Drug Court meeting, a Community Service District meeting, met with the new Senator at the Inyo Mono Cattle Women’s meeting, and attended a meeting with Eastern Sierra Council of Government’s Executive Director.

Supervisor Pucci said he had nothing to report but wanted to thank everyone again for the kind words on the eve of his retirement.

Supervisor Kingsley thanked the Clerk of the Board for arranging the meeting with the Senator and for the well-written proclamations honoring the retiring Supervisors.

*Closed Session*

Vice Chairperson Roeser recessed open session at 1:53 p.m. to convene in closed session with all Board members present except Chairperson Totheroh to continue discussion and possible action as appropriate on previously noted closed session items #3-5.

*Open Session*

Vice Chairperson Roeser recessed closed session and reconvened the meeting in open session at 3:22 p.m. with all Board members present except Chairperson Totheroh.

*Report on Closed Session*

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

*Adjournment*

Vice Chairperson Roeser adjourned the meeting at 3:23 p.m. to 8:30 a.m. Tuesday, January 3, 2023, in the County Administrative Center in Independence.

\_\_\_\_\_  
Chairperson, Inyo County Board of Supervisors

Attest: *NATE GREENBERG*  
*Clerk of the Board*

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