

MINUTES



County of Inyo Board of Supervisors

October 20, 2020

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 10:00 a.m., on October 20, 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 of Allegiance Chairperson Kingsley led the Pledge of Allegiance.

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

The Assistant Clerk of the Board read aloud a letter from Stephanie DeWolfe reiterating her request from the last two weeks for more funding for the Sheriff's Office so that it has the resources to investigate her mother's 2003 murder.

County Department Reports HHS Director Marilyn Mann reported that due to poor air quality, Verily could not operate its drive-through COVID testing site yesterday and HHS had to cancel a drive-through flu clinic in Independence on Sunday. She said that clinic was rescheduled to tomorrow, but would be moved across the street to the Legion Hall if air quality is an issue again.

Emergency Services Manager Kelley Williams reported participating in a legislative session on emergency services, and believes she was able to provide good information on Inyo County's demographics, history of disasters, and challenges in responding to disasters. She added she was invited to sit on a Public Safety Power Shutoff advisory board.

COVID-19 Staff Update HHS Director Marilyn Mann provided a status update on local COVID-19 cases, noting Inyo County is currently at 218 cases – 6 of which were added over the weekend. She said 3 are associated with the Southern Inyo Hospital Skilled Nursing Facility and 3 originated in the North County. She said the additional cases should not impact the county's ability to move from the "Orange" stage to a less restrictive designation, as small counties are allowed up to 14 cases for two weeks before they are bumped up to a more restrictive level.

HHS Deputy Director-Public Health Anna Scott concurred with Ms. Mann regarding Inyo County's status with the state, adding that the county will have to stay at the "orange" level for a while longer before being allowed to move to "yellow."

Public Health Officer Dr. James Richardson said the increased COVID-19 activity in Southern Inyo is somewhat concerning, noting at this stage only 3 patients remain in isolation but there is continued activity being seen among staff. Ms. Mann commended County staff for immediately helping to quash what could have been a significant outbreak. As discussion continued, he said there are currently no cases at local schools and teachers and staff are being tested.

Supervisor Griffiths inquired whether the County was working on a vaccination distribution plan. Ms. Scott said that, essentially, the details of the plan will depend on which vaccine ultimately hits the market, although there is a prioritization list in the works at the State level that starts with healthcare workers working with COVID-19 patients.

Chairperson Kingsley asked Dr. Richardson why it seemed the illnesses are less severe than they have been. Dr. Richardson explained he couldn't say for sure but said the seemingly

decreased severity could be contributing to fatigue in the community – with residents wondering why they should bother with the public health guidelines if COVID-19 isn't that bad. Dr. Richardson cautioned that continued vigilance is required, especially because there are reports that the next 6-12 months could be the worst seen so far during the pandemic.

Assistant County Administrator Leslie Chapman provided an update on the REVIVE grant program and said the selection committee was on track to getting notifications regarding grant awards out to applicants.

*Public Works –
Airport Authorized
Strength & Range
Changes*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to:

- A) amend the Fiscal Year 2020-2021 Bishop Airport Budget 150100 as follows: increase revenues in Operating Transfers In Revenue Code No. 4998 by \$32,665; increase appropriation in Salaried Employees object code (5001) by \$7,680; increase Retirement & Social Security object code (5021) by \$470; increase PERS Retirement object code (5022) by \$745; increase Medical Insurance object code (5031) by \$12,900; increase Disability Insurance object code (5032) by \$75; decrease Other Benefits object code (5043) by \$1,620 (4/5ths vote required);
- B) amend the Fiscal Year 2020-2021 General Revenues & Expenditures Budget 011900 as follows: increase appropriations in Operating Transfers Out (5801) by \$32,665 (4/5ths vote required);
- C) amend the Fiscal Year 2020-2021 Contingencies Budget 087100 as follows: decrease appropriations in the Contingencies object code (5901) by \$32,665 (4/5ths vote required);
- D) amend the Fiscal Year 2020-2021 Public Works Budget 011500 as follows: increase revenues in Intra County Charges Revenue Code No. 4824 by \$12,415; increase appropriations in Salaried Employees Object Code (5001) by \$10,450; increase Retirement & Social Security object code (5021) by \$830; increase PERS Retirement object code (5022) by \$1,030; increase Disability Insurance object code (5032) by \$105 (4/5ths vote required);
- E) approve the modified job description for Airport Technician I-II, and Operations Supervisor Airport and; approve the new salary Ranges as follows: Airport Technician I, from a Range 50 to a Range 56; Airport Technician II, from a Range 54 to a Range 60; and Operations Supervisor Airports, from a Range 63 to a Range 71;
- F) approve the new job description for Deputy Director of Public Works - Airports, Range 85;
- G) increase the authorized strength in the Public Works Department by adding one (1) Airport Technician I, Range 56 (\$3,391 - \$4,114) or Airport Technician II, Range 60 (\$3,758-\$4,564) with the understanding that this position remains unfunded until the Mid-Year Budget Review occurs;
- H) reclassify one Associate Engineer, Range 78 (\$5,741 - \$6,976) to the Deputy Director of Public Works - Airport, Range 85 (\$6,799 - \$8,266);
- I) find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for a currently vacant Airport Technician I/II exists in the Bishop Airport Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; 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 3) approve the hiring of one (1) Airport Technician I at Range 56 (\$3,391 - \$4,114) or an Airport Technician II, Range 60 (\$3,758 - \$4,564), depending on qualifications and;
- J) grandfather in the existing Part-Time BPAR Airport Technician at Range 54, until that position becomes vacant.

Motion carried unanimously.

*Motor Pool –
Code 3 IT P.O.*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) declare Code 3 IT & System Integrations of Mojave, CA the successful bidder for the safety and communications equipping of a 2020 Ford Expedition patrol vehicle; and B) authorize a purchase order payable to Code 3 in the amount of \$12,819.58. Motion carried unanimously.

*Public Works –
Meyer Land
Surveying Contract*

Supervisor Totheroh asked that the agenda item be moved from Consent to Departmental for discussion. He asked whether the County would consider adding any routes to the Adventure Trails network if it got the easements, and if so, whether new analysis would be performed per the California Environmental Quality Act. County Counsel Rudolph referred to a 2015

Stipulated Judgment that addresses the issue, adding that the County will fully comply with CEQA and analyze anything required by CEQA at that time, but he did not want to speculate on what those requirements might be. CAO Quilter clarified that it would not be the County choosing to add new Adventure Trail routes; an outside entity would submit an application for a requested route and there is a process identified in County Code as to how the Board would proceed from there. Chairperson Kingsley said the County has not and does not propose Adventure Trails routes and he thinks the phrasing such as Supervisor Totheroh used about the County adding routes contributes to the public's confusion about the program. He added that the goal of this agenda item is secure the County's rights-of-way on Forest Service land. Supervisor Totheroh thanked him for the clarification. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the contract between Inyo County and Meyer Land Surveying of Hesperia, CA for the performance of surveying services of four (4) County roads on United States Forest Service (USFS) land for proposed easements, in an amount not to exceed \$59,330.00 for the period between October 20, 2020 and December 26, 2020, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

Item Postponed

The Board was scheduled to accept a donation of John R. Ziegler charitable remainder trust, with a current value in excess of \$70,000, to the Inyo County Free Library to be used for library improvements that do not supplant the normal Library budget. Assistant County Administrator Leslie Chapman asked that the agenda item be postponed, as Mr. Ziegler would like to speak to the item and was unavailable for today's meeting.

*Clerk-Recorder –
Appointments in Lieu
of Election*

Clerk-Recorder-Registrar of Voters Kammi Foote offered an explanation on the differentiation between appoints in lieu of election and vacancies that end up on the ballot. She said every two years local special districts have offices that come up for election and those available offices are heavily publicized, with a timeframe of about a month for candidates to file for election. In districts where there are not more candidates than positions available, they are not added to the ballot but instead the Board is asked to appoint them in lieu of an election. She explained that when there are still vacancies after the filing deadline districts are informed that citizens can apply for the positions by submitting letters of interest. Foote noted this was the case in the Keeler Community Services District, where three individuals filed for election and there was one remaining vacancy for which two individuals later submitted letters of interest. She said the Board now had to make the appointment by selecting one of the candidates. The Board opted to do the requested appointments by separate motions. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to declare appointed-in-lieu-of-election the following candidates submitted for the special districts for the November 3, 2020 Uniform District Election as per the Clerk's Certificates for positions where there are not more interested candidates than positions available, to the following terms starting the first Friday in December:

- Walter D. Sharer, Gary James Doyel, and Kent Schlick each to four-year terms on the Big Pine Community Service District board;
- Pete Schlieker to a two-year term on the Big Pine Fire Protection District board;
- Tom Mcpartland and Kathy Davis each to four-year terms and David Lesty and Samuel Rosan each to two-year terms on the Darwin Community Service District board;
- Craig Leck, Elizabeth (Liz) Toton, and Ogilvie (Gil) Larimor each to a four-year term on the East Independence Sanitary District board;
- Russell Adams and Ronald Stone each to four-year terms on the Eastern Sierra Community Service District board;
- Alan Broch to a four-year term in the Independence Fire Protection District board;
- Casey Dean, Dave Mappus, and Luis Elias, Jr. each to four-year terms on the Indian Creek/Westridge Community Service District board;
- Noah Weidemann Bricker and Dan Dickman each to two-year terms and Sharon Cummings to a four-year term on the Keeler Community Service District board;
- Joyce Spearman, Doris Brackney, and Brian Avery each to four-year terms on the Lone Pine Service District board;
- Nathaniel Gratz and Karen Kiefer-Cudney each to four-year terms and Kari Orr and Suzanne C. Robinson each to two-year terms on the Mesa Community Service District board;
- Neale Gordon, Lu-Ellen Hays, and Tim Jones each to four-year terms on the Olancha Community Service District board;
- Bruce Kingsbury, John Beischel, and James E. Langley each to four-year terms on the Sierra Highlands Community Service District board;

- Jon Zellhoefer and D. Paul Carter each to four-year terms and Gary Barkley, Christine M. Horne, and Robert Barbee each to two-year terms on the Southern Inyo Fire Protection District board;
- Catherine Sanchez-Strand, Karen Nelson, and Linda Emerson each to four-year terms on the Starlite Community Service District board;
- Linda Baptie and Charles Phinizy each to four-year terms and Ryan Naranjo and Sagette Gilbert each to two-year terms on the Sierra North Community Service District;
- Mary Mae Kilpatrick to a four-year term representing Director Zone 4 and Topah Spoonhunter to a two-year term representing Director Zone 5 on the Northern Inyo Healthcare District board;
- Charles Carson, Mark Lacey, and Carma Roper each to four-year terms and Bruce Branson to a two-year term on the Southern Inyo Healthcare District board;
- Crystal Joyce Aldrich and Joyce Owen each to four-year terms on the Death Valley Unified School District board;
- Emily N. Faircloth and Steven E. Pischel each to four-year terms on the Owens Valley Unified School District board; and
- Andrea Johle to a four-year term on the Round Valley Joint Elementary School District board;

Motion carried unanimously.

The Board was then asked to make an appointment to fill the remaining vacancy on the Keeler Community Service District Board, for which Jim Macey and Alice M. Robertson both applied. County Counsel Rudolph explained that statute simply states the supervising authority – the Board of Supervisors – may appoint anyone of its choosing who is qualified to serve at the time the election would have taken place. He said statute does not specify a process for determining who is a qualified candidate and the Board can use whatever approach it wants as long as it believes the person ultimately selected is qualified. The Chairperson asked if there was anyone wishing to make public comment. Robert Spry of Keeler spoke, endorsing Ms. Robertson for the position.

Chairperson Kingsley explained that he has known each candidate for a long time and they represent two different factions in Keeler that do not get along. He said he hears almost weekly complaints from one side or the other is frankly tired of the groups' genuine dislike of each other and lack of motivation to work together for the community's sake. He said he is also disappointed that neither applicant filed for candidacy, so that the voters of Keeler would be making the decision and not the Board. The Chairperson said that since both candidates are qualified and the rest of the Board does not know them well, he proposed giving each applicant three minutes to address the supervisors. He said if a motion was made and seconded to appoint someone after that, he would abstain from the vote. If no motion is made or there is a tie, he proposed having the Assistant Clerk of the Board open a brand-new back of playing cards, shuffle them, and start pulling cards off the top until the candidate says, "Stop." He said the next card on the top of the deck would be their card and removed from the deck, which would be reshuffled to repeat the process. He said whichever candidate pulled the highest card, would then be appointed. The rest of the Board was in consensus with his proposal. Mr. Macey spoke first, followed by Ms. Robertson. The Assistant Clerk of the Board opened the pack of cards and proceeded as outlined by the Chair. Ms. Robertson pulled a 7 of spades and Mr. Macey pulled a king of diamonds. Moved by Supervisor Tillemans and seconded by Chairperson Kingsley to appoint Jim Macey to a two-year term on the Keeler Community Services District board, commencing the first Friday in December. Motion carried unanimously.

Emergency Services & HHS – America's Best Value Inn Agreement

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the agreement between the County of Inyo and America's Best Value Inn of Bishop, CA for the provision of COVID-19 related sheltering in an amount not to exceed \$50,000.00 for the period of October 20, 2020 until terminated by either party, contingent upon the Board's approval of future budgets, and authorize the Chairperson and Dr. James Richardson to sign. Motion carried unanimously.

Probation – Tuolumne County MOU Amendment 2

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve Amendment No. 2 to the Memorandum of Understanding between Inyo County and Tuolumne County that increases the daily bed rate to \$175.00 per day and guarantees one (1) bed at the Tuolumne Juvenile Hall at a daily rate of \$150.00 and \$175.00 per day for every subsequent bed used by Inyo County, and authorize the Chairperson and Chief Probation Officer to sign.

Motion carried unanimously.

**Public Works – ARFF
Purchase & Protest
Response**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize the purchase of one (1) Striker 4x4 1500-gallon Aircraft Rescue and Fire Fighting vehicle and accessory equipment from Oshkosh Airport Products, LLC of Neenah, WI in an amount not to exceed \$828,045.82 and approve of the Purchasing Agent's response to the bid protest submitted on September 1, 2020 by Rosenbauer Minnesota LLC. Motion carried unanimously.

**Emergency Services
– CalOES Power
Resiliency Allocation**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) authorize the receipt of the State of California Office of Emergency Services 2020 Community Power Resiliency Allocation in the amount of \$77,399; B) authorize the Inyo County Administrator, as the Designated Director of Emergency Services and Authorized Agent, to enter into an agreement with the State of California Office of Emergency Services by signing the Notification of Subrecipient Allocation; and C) Amend the Fiscal Year 2020-2021 Board Approved Budget by increasing revenue in the General Relief Budget #010205 State Other Object Code #4499 by \$77,399, increasing expenditures in Equipment Object Code #5650 by \$38,699 and General Operating Object Code #5311 by \$38,700 (4/5ths vote required). Motion carried unanimously.

**Clerk of the Board –
Approval of Minutes**

The Assistant Clerk of the Board informed the Board that there was an omission in the motion language for item 35 in the draft October 6 minutes and she has corrected it. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the minutes of the regular Board of Supervisors meetings of October 6, 2020 and October 13, 2020, as corrected. Motion carried unanimously.

**Planning – Ordinance
1260/GPA 2019-01
(Olancha RV)**

Assistant Planner Steve Karamitros introduced and explained a request for a zone reclassification for an 80-acre site located at 205 Highway 190 in the community of Olancha (APNs: 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03). No comments were received during the public hearing. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) approve General Plan Amendment No. 2019-01/Olancha Lake RV changing the General Plan designation from Residential Estate (RE) to Resort Recreational (REC) to best match the requested zoning and current uses on the property; B) certify that the provisions of the California Environmental Quality Act (CEQA) have been met and make certain findings with respect to and approving Zone Reclassification No. 2019-02/Olancha Lake RV and General Plan Amendment No. 2019-01/Olancha Lake RV; and C) waive the reading of and approve an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2019-02/Olancha Lake RV and amending the Zoning Map of the County of Inyo by rezoning an 80-acre Parcel located east of the community of Olancha (APNs 033-500-03, 033-500-04, 033-500-14, 033-500-15, 033-500-16, 033-500-17, and 033-080-03) from Rural Residential with a 5-acre Minimum (RR-5) & Light Industrial with a 2.5-acre Minimum (M2-2.5) to Commercial Recreation with an 80-acre Minimum (C5-80)." 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
Staff Reports**

Supervisor Griffiths reported being busy with meetings, including with NACo, CSAC, and California Health and Human Services Secretary Dr. Mark Ghaly, as well as for the ESCOG and ESTA boards.

Supervisor Totheroh reported also attending the ESCOG and ESTA meetings.

CAO Quilter said he finished up interviews last week for Code Enforcement Officer and will be making an offer to the top applicant this week.

Chairperson Kingsley reported attending his usual meetings locally and some with RCRC.

Adjournment

Chairperson Kingsley adjourned the meeting at 11:22 a.m. to 8:30 a.m. Tuesday, October 27, 2020 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

*by: _____
Darcy Ellis, Assistant*