

MINUTES



County of Inyo Board of Supervisors

March 9, 2021

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 9, 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.

Public Comment

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

Fran Hunt noted that it has been 3 weeks since the Board discussed at length and ultimately upheld an appeal to stop a safe parking project at the Nazarene Church in Bishop. She said a lot of compassion was also expressed that day, which is good considering that half of the local homeless population is living out of vehicles. She said it seems like a good time for the Board to update the community on its efforts to find an alternate solution, noting that the community has a moral obligation to address the issue responsibly and rapidly.

Bob Olin said COVID-19 has had a major impact on small businesses and schools, with mask mandates impacting people's health.

The Assistant Clerk of the Board read aloud a letter from Margaret Warner of Lone Pine stating that it is time to open up restaurants and other businesses.

Closed Session

Chairperson Griffiths recessed open session at 8:38 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); and No. 3 **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 Clint Quilter, Assistant 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 10:02 a.m. with all Board members present.

Pledge of Allegiance

Supervisor Griffiths led the Pledge of Allegiance.

Report on Closed Session

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

Public Comment

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

The Assistant Clerk of the Board said she had received no written comments as of right then.

Supervisor Totheroh announced a blood drive next week at the Elks Lodge in Bishop.

*County Department
Reports*

The Chairperson opened the floor to Department Reports and there was nobody wishing to address the Board.

*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 of vaccines and ongoing testing. HHS Director Marilyn Mann reported that rates continue to decline, although Inyo County does have by far the highest case rate in the state. HHS Deputy Director-Public Health Anna Scott said another mass vaccination clinic will be held this weekend, and the next population group eligible for the vaccine will be individuals ages 16-64 with underlying health conditions. Public Health Director Dr. James Richardson spoke about the challenges the Public Health Department has faced during the pandemic. He also said he can sympathize with business owners, the widespread frustration, and the desire to return to normal, but cautioned that lifting public health mandates at this time would be tantamount to running a 12-month marathon and then sitting down at the 100-yard line. He said the restrictions and regulations in place are not arbitrary, but are based on science and their ability to decrease transmission rates.

The Board also took comment from members of the public including several business owners:

- Chris Taylor, owner of 1903 Taphouse in Bishop, said he has opened his doors for indoor dining at 25% capacity, noting that it will be on the County's hands if businesses have to shutter permanently, if employees lose their jobs, and Bishop gains more empty storefronts. He said the \$25,000 grant he received from the County is "pennies" in contrast to the \$200,000 in debt he accrued in a single year.
- Stephen Muchovej, Bishop City Mayor, addressed the issue of the current tier system set by the State being stacked against rural counties, especially those that are tourist destinations like Inyo County. He said if the local population and visiting population were both recognized in the metrics, Inyo County would likely be in the much less restrictive Orange Tier soon. He urged the County to join the City in engaging the State in redefining the tier system for rural counties.
- Lynette McIntosh of Bishop said nobody is getting a paycheck but the Board and the public has been learning how to be safe for more than a year, so it's time to safely open back up tax-paying businesses.
- David Blacker of the Death Valley National History Association agreed the "COVID math" is flawed and said he did not envy the Board's position.
- Tiffany Lau of Bishop addressed the idea of a "vaccination passport," saying people could opt-in to share their vaccination info and receive a government-funded ID to show. She added that restaurants have the right to refuse service to anyone, so no rights would be violated.
- Holly Mullanix, owner of Bishop Twin Theatre, said she nothing the Governor says justifies businesses not being allowed to open, and that the logic behind the closures doesn't make sense. She said small businesses have been doing the right thing and she stands by those restaurants who choose to resume indoor service.
- Rosie Garcia of Amigo's in Bishop said the closures have been a difficult, endless battle and is grateful for the support of the small community but still might not be able to open. She said businesses have done their part to follow the guidelines for a year and are seeing all the tourist money go up to Mammoth, so now is the time to open.
- Neale Gordon said he wants to shop and eat in Inyo County but lately has been taking a lot of his business to Ridgecrest. He said masks are unconstitutional and thinks all businesses should open up to 100% capacity with no mask requirements.
- Pamela Erickson said the County of Inyo has implemented many guidelines that businesses have adopted and adhered to.
- Shale Ann Cluff, owner of Cardinal Village, via a letter read aloud by the Assistant Clerk of the Board, said business owners have been following the guidelines while their businesses suffer, and it is time for the County to take the lead in restoring a

healthy economy. She added that business owners feel disconnected to their supervisors by lack of contact from them to gauge their challenges and concerns.

- Greg Ricketts, a pastor in Lone Pine and owner of a business in Ridgecrest, noted that Inyo County is losing business to neighboring jurisdictions that are allowing establishments to reopen. He said it seems like the goal posts keep moving and business owners live in fear they may never be able to open again. He urged the Board to allow for reopening and not enforce the current State guidelines preventing such.
- Debborah Morales of Bishop thanked County staff for their hard work during the past incredibly difficult year in which many people lost loved ones to the virus. She said she understands what business owners are going and wants them to reopen, but said it has to be a team effort where everyone is on the same page. She noted she has been targeted by someone who has plastered fliers of her picture around town with the caption "COVID Snitch" and said hurting, threatening, and attempting to harm others should not be part of the process.

Considering and weighing all of this information, the Board indicated support for a proposed letter from the Board Chair to the Governor requesting that the state allow for indoor dining and theatre operation in counties currently in the Purple Tier of State's Blueprint for a Safer Economy. The letter also requests changes to the tier system to make it easier for small rural counties to move from the Purple Tier to the Red Tier and to provide early access to indoor dining and theatres for those that can demonstrate that they have been vaccinated. The Board also provided direction to concentrate the County's limited staff resources towards vaccinations, contact tracing, and education. Although the most egregious public health violations may still be acted on, staff will prioritize its time pursuant to this Board direction.

*BOS – USFS
Workshop Postponed*

The Board was scheduled to conduct a workshop with U.S. Forest Service Washington and Regional office leadership to facilitate a cooperative relationship to secure funding for Deferred Maintenance projects on the Inyo National Forest. However, the preceding discussion did not end before the scheduled workshop time, and thus the workshop was postponed to a future meeting to better accommodate the participants from Washington, D.C.

Recess/Reconvene

The Chairperson recessed the meeting at 12:25 p.m. and reconvened the meeting at 12:44 p.m. with all Board members present.

*HHS-Social Services
– Integrated Case
Worker I*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Integrated Case Worker I exists in one or more non-General Fund budgets, as certified by the HHS 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 as a State Merit System position, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Integrated Case Worker I at Range 60 (\$3,758 - \$4,564). Motion carried unanimously.

*Ag-ESWMA –
Sierra Nevada
Alliance MOU*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve the Memorandum of Understanding between the County of Inyo and Sierra Nevada Alliance for the provision of three AmeriCorps members in an amount not to exceed \$7,125 per member for the period of April 5, 2021 through September 18, 2021, and authorize the Agricultural Commissioner and the Water Department Director to sign. Motion carried unanimously.

*Recycling & Waste
Management –
Franchise Agreement
Amendments/Reso #
2021-22*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to:

- A) approve Resolution No. 2021-22, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Assignment of a Solid Waste Franchise," and authorize the Chairperson to sign;
- B) approve and authorize the Chairperson to sign the First Amendment to the Franchise Agreement Between the County of Inyo and Madera Disposal Systems, Inc. D/B/A Bishop Waste Disposal, contingent upon all appropriate signatures being obtained; and
- C) concurrently approve and authorize the Chairperson to sign the First Amendment to the Franchise Agreement Between the County of Inyo and Preferred Septic and Disposal, Inc., contingent upon all appropriate signatures being obtained.

Motion carried unanimously.

<i>HHS-ESAAA – Advisory Council Appointment</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to appoint Teresa McFarland to an unexpired two-year term on the Eastern Sierra Area Agency on Aging Advisory Council, ending December 31, 2021. Motion carried unanimously.
<i>HHS- Health/Prevention – CDPH Agreement Amendment</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Amendment No. 2 to Agreement 17-10320 between the County of Inyo and the California Department of Public Health, increasing the contract by \$43,302 to an amount not to exceed \$233,898 for Fiscal Year 2020-2021, and authorize the HHS Director to sign. Motion carried unanimously.
<i>Public Works – SIAAC Appointments</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to appoint Don Bright and David Blacker each to an unexpired four-year term on the Southern Inyo Airport Advisory Committee ending June 1, 2024. Motion carried unanimously.
<i>Public Works – Indy Water Main N.O.C./Reso # 2021-23</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Resolution No. 2021-23, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Recording of a Notice of Completion for the Independence Water Main Installation Project," and authorize the Chairperson to sign. Motion carried unanimously.
<i>BOS – Letter Opposing AJR 5</i>	Supervisor Roeser suggested editing a proposed letter opposing Assembly Joint Resolution. She said the animals should be referred to as “feral” as opposed to wild in casual reference. Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve a letter opposing Assembly Joint Resolution 5, relative to wild and free-roaming horses and burros and with the edits suggested. Motion carried unanimously.
<i>Public Works – NIAAC Appointments</i>	The Board was asked to consider five Letters of Interest for three four-year terms on the Northern Inyo Airport Advisory Committee ending October 31, 2024 and one four-year term on the Committee as an Alternate ending October 31, 2024, in order to appoint three individuals as "regular voting" members and one individual as an "alternate voting" member. Supervisor Pucci suggested and Supervisor Totheroh concurred with reappointing Ms. Eileen Burger and Mr. Peter Tracy each to four-year regular member terms, appointing Mr. Mike Patterson to the remaining four-year regular member term, and appointing Ms. Jessica Diaz to the alternate position. Chairperson Griffiths did not support the suggestion as it would mean not reappointing Mr. Harry Bhakta, who he said has been an active member of the committee and experienced business owner. Chairperson Griffiths instead suggested retaining all of the current members and appointing Mr. Patterson to the alternate position. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to appoint Ms. Eileen Burger, Mr. Peter Tracy, and Mr. Mike Patterson each to four-year terms on the Northern Inyo Airport Advisory Committee ending October 31, 2024 and appoint Ms. Jessica Diaz to a four-year term on the Committee as an Alternate ending October 31, 2024. Motion carried 4-1, with Chairperson Griffiths opposed.
<i>Water Department – OVGA Rep Direction</i>	Water Director Dr. Aaron Steinwand sought direction from the Board for the County’s Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority meeting scheduled for March 11, 2020. He reviewed the agenda with the Board and Supervisor Totheroh, the Board’s OVGA representative, expressed his support of the Groundwater Sustainability Plan consultants’ proposal for the Management Areas and GSP itself.
<i>Clerk of the Board – Approval of Minutes</i>	The Assistant Clerk of the Board said the minutes for February 16 need additional editing and she asked that the Board postpone its consideration of them until the next meeting. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of February 2, 2021, February 9, 2021, and February 23, 2021. Motion carried unanimously.
<i>Public Comment</i>	The Chairperson 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-waving” feature on Zoom.
<i>Board Member and Staff Reports</i>	Supervisor Kingsley said he has a Great Basin Unified Air Pollution Control District board meeting, NACo public lands meetings, and an RCRC board meeting in the offing and spent a

lot of time speaking with constituents over the past week.

Supervisor Totheroh said he attended a Behavioral Health Advisory Board meeting yesterday and will have an Owens Valley Groundwater Association on Thursday.

Supervisor Roeser said she has had a lot of meetings and constituent interaction over the past week; attended the CSAC Women's Leadership Forum and another session of CSAC's new supervisor institute; and toured the Eastern California Museum and proposed project of the Independence Fire Safe Council. She said she will have her first Great Basin Unified Air Pollution Control District board meeting as a Supervisor.

Chairperson Griffiths said he attended numerous meetings over the past week, including the Bishop City Council meeting, and has a meeting of the Eastern Sierra Transit Authority board on Friday.

Adjournment

Chairperson Griffiths adjourned the meeting at 1:24 p.m. to 8:30 a.m. Tuesday, March 16, 2021 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*