

MINUTES



County of Inyo Board of Supervisors

October 19, 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 19, 2021, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Assembly Bill 361: Chairperson Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Jennifer Roeser, and Matt Kingsley. Also present: County Administrator Leslie Chapman, 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.

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 8:32 a.m. to convene in closed session with all Board members present to discuss the following item(s): No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9 – Inyo County v. Wilder Barton, Inc.**, Inyo County Superior Court Case No. SICV-CV-19-64071; No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code § 54956.9(c). Number of potential cases: one; No. 4 **PUBLIC EMPLOYMENT – Pursuant to Government Code §54957 –** Title: County Counsel; No. 5 **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, Assistant County Administrator 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 10:06 a.m. with all Board members present.

Pledge of Allegiance

Supervisor Kingsley led the Pledge of Allegiance.

Report on Closed Session

County Counsel Rudolph reported that by unanimous action with all members present, the Board selected John-Carl Vallejo to serve as the new County Counsel. He said Vallejo was chosen following a competitive search through a recruitment firm. He said the contract outlining compensation and terms of employment will be on the next agenda.

Public Comment

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

Michele Kubiak of Bishop wanted to know who is in charge of mask mandates, saying there is enough data to show masks aren’t warranted, and also disagreed with any mandates the Public Health Officer might be considering for Inyo County.

Wes French of Bishop said a prayer for the Board.

Larry Levy inquired about right-of-way applications for Southeast Inyo related to OHV routes,

as well as the Tecopa Cemetery District's taxable base.

Cari Arnal asked whether the Board will have courage to stand up for the people of Bishop against vaccination mandates.

Craig Thornburg encouraged the Board members to remember their oaths of office and consider its decisions through that lense, rather than the opinions of constituents, or their own philosophies and medical opinions.

Mike Kubiak said he agreed with Mr. Thornburg.

Lynette McIntosh said a lot of people's constitutional rights have been taken from them, the vaccine doesn't seem to be stopping the virus, and there are safer alternative treatments.

Josh Nicholson said he agreed with the other speakers about protecting people's rights and upholding oaths.

*Proclamation –
Domestic Violence
Awareness Month*

Moved by Supervisor Pucci and seconded by Supervisor Tothoroh to approve a proclamation declaring October 2021 as Domestic Violence Awareness Month in Inyo County. Motion carried unanimously. Wild Iris Executive Director Matias Bernal addressed the Board to discuss local statistics and a fundraiser for the organization.

DVNP Update

Death Valley National Park Superintendent Mike Reynolds provided a park update to the Board.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 11:45 a.m. and reconvened the meeting at 11:56 a.m. with all Board members present.

*County Counsel -
Redistricting
Hearing*

Chairperson Griffiths opened and Deputy County Counsel Grace Chuchla introduced the second of several public hearings on the 2020 Census redistricting process in Inyo County. She and Planning Director Cathreen Richards reviewed for the Board and public the Census numbers, redistricting requirements and ideal goals, factors to consider in redrawing district lines, and draft maps. They stressed that staff encouraged feedback and ideas from the public.

Questions seeking clarification were received from Nancy Masters, Josh Nicholson, Wes French, and Lynne Greer. Assistant Clerk of the Board Ellis read aloud a comment from Jerry Core opposing any changes to supervisorial districts.

The public hearing was closed.

*County Counsel –
Ordinance 1271*

Moved by Supervisor Tothoroh and seconded by Supervisor Kingsley to approve Ordinance 1271 titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Adding Chapter 3.70 to the Inyo County Code Pertaining to the Implementation of the Digital Infrastructure and Video Competition Act of 2006." Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting at 12:34 p.m. and reconvened the meeting at 12:57 p.m. with all Board members present.

*COVID-19 Staff
Update*

HHS Assistant Director Meaghan McCamman and HHS Deputy Director-Public Health & Prevention Anna Scott provided the Board with an update on COVID-19, including local case numbers (including a sharp increase in pediatric cases), vaccinations, current hospitalizations, and upcoming availability of booster shots. Ms. Scott shared a slide show with data showing local trends, including 5 current hospitalizations with two patients in the respiratory unit and continued difficulty finding out-of-area hospital beds.

Wes French cited literature that was available at the recent mass vaccination clinic that described side effects from the vaccine but did not include death as one of them. He said he believes it is a crime, and it reminds him of the Holocaust.

Chairperson Griffiths said, as someone who has friends and loved ones whose relatives were killed in the Holocaust, he found Mr. French's comparison deeply offensive.

BOS – Tecopa Cemetery District Discussion

Assistant Clerk of the Board Ellis explained the current situation with the Tecopa Cemetery District not having a governing board, as well as unsuccessful efforts to recruit residents to serve on the board aside from two individuals who expressed a willingness to serve. She reviewed the Board's options for remedying the situation, including reducing the number of trustee positions from five to three, although a board would have to be in place to make that request of the Supervisors. County Counsel Rudolph suggested that, given the current lack of a board of trustees to make the request, the Board of Supervisors temporarily make itself the district governing board in order to hold the public hearings and take the required actions to reduce the governing board's membership. Supervisor Kingsley asked that staff proceed with the hearings as suggested by County Counsel Rudolph, and hopefully two individuals could be appointed to the board of trustees to form a quorum. (Supervisor Kingsley left the meeting to attend an event in Tecopa.)

County Department Reports

CAO Chapman read a report from Emergency Services Manager Kelley Williams about the Great Shakeout Drill set for Thursday, and this weekend's green waste fee waiver at the landfills.

HHS-Behavioral Health – HHS Specialist IV

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) HHS Specialist IV exists in the Behavioral Health budget, 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 an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) HHS Specialist IV at Range 60 (\$3,908 - \$4,747). Motion carried unanimously 4-0, with Supervisor Kingsley absent.

HHS-Health/Prevention – Term-Limited Nurses

Moved by Supervisor Totheroh and seconded by Supervisor Roeser to:

- A) Reclassify the Infection Preventionist at Range 78 and Senior Infection Preventionist at Range 80, respectively, to the Registered Nurse at Range 78 and Public Health Nurse at Range 80 classifications;
- B) Approve the job description for a Licensed Vocational Nurse (LVN) at Range 73;
- C) Add an LVN classification to the Health and Human Services department's authorized strength; and,
- D) find that, consistent with the adopted Authorized Position Review Policy:
 - 1. the availability of funding for two (2) term-limited Licensed Vocational Nurse or Registered Nurse or Public Health Nurse exists in the non-general fund Epidemiology Laboratory Capacity (ELC) budget, as certified by the HHS 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
- E) approve the hiring of two term-limited Licensed Vocational Nurses at Range 73 (\$ 5,302 - \$6,449) or Registered Nurses at Range 78 (\$5,971 - \$7,255) or Public Health Nurses at Range 80 (\$6,259 - \$7,613) with the term ending June 30, 2023.

Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Planning – Assistant or Associate Planner

Moved by Supervisor Totheroh 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 the requested positions exists in the Planning Department budget, as certified by the Planning Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates might meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however, an external recruitment is more appropriate; and C) approve the hiring of one Assistant Planner, Range 70 (\$4,943 - \$6,012), or Associate Planner, Range 74 (\$5,432 - \$6,604). Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Public Works – ESCOG Grant Support Letter

Moved by Supervisor Roeser and seconded by Supervisor Totheroh to approve and authorize the Chairperson to sign two letters of support for: A) the Eastern Sierra Council of Governments (ESCOG) to pursue grant funding for the Eastern Sierra Connected Communities Trails Plan (Plan); and B) to express support for ESCOG to conduct the planning efforts and activities needed to conceptualize the Plan. Motion carried unanimously

4-0, with Supervisor Kingsley absent.

- Clerk of the Board – Fish & Wildlife Appointments* Moved by Supervisor Roeser and seconded by Supervisor Pucci to reappoint Ms. Gaye Mueller to an unexpired four-year term on the Inyo Fish & Wildlife Commission ending October 6, 2025 and appoint Mr. Jared Smith to an unexpired term for an alternate ending Oct. 6, 2025. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Clerk/Recorder-Elections – Statement of all Votes Cast* Moved by Supervisor Roeser and seconded by Supervisor Pucci to issue an order accepting the Statement of All Votes Cast at the California gubernatorial Recall Election held September 14, 2021, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Public Defender – Gerard Harvey Contract Amendment 3* Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve Amendment No. 3 to the contract between the County of Inyo and Gerard B. Harvey for The Provision of Professional Services as a Public Defender (Misdemeanors - North County) increasing the monthly amount to \$12,000 per month effective November 1, 2021, and increasing the contract amount by \$20,000, contingent upon the adoption of future budgets, and authorize the Chairperson to sign, contingent upon all signatures being obtained. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Public Works – Coastline P.O.* Moved by Supervisor Roeser and seconded by Supervisor Pucci to authorize the issuance of a purchase order in an amount not to exceed \$20,000.00, payable to Coastline of Bakersfield, CA for parts, service, and repair. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Public Works – Ultra Link Cabling Sole-Source Contract* Moved by Supervisor Roeser and seconded by Supervisor Pucci to: A) declare Ultra Link Cabling Systems, Inc. of Auburn, CA a sole-source provider of network cabling installation services; B) approve the contract between the County of Inyo and Ultra Link Cabling Systems, Inc. of Auburn, CA for the provision of network cabling installation services in an amount not to exceed \$10,847 for the period of October 19, 2021 to December 31, 2021; and C) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Public Works-Town Water Systems – Black Gold Asphalt Invoice* Moved by Supervisor Roeser and seconded by Supervisor Pucci to authorize payment to Black Gold Asphalt of Mammoth Lakes, CA for a prior-year invoice in the amount of \$1,500.00, dated June 21, 2021. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Correspondence – Action – IMACA Grant Application* Moved by Supervisor Roeser and seconded by Supervisor Pucci to authorize the County Administrator to sign Attachment C to IMACA's grant application for funding services and activities for homeless and at-risk of homelessness populations. Motion carried 3-0, with Supervisor Kingsley absent and Chairperson Griffiths recused.
- Public Comment* Chairperson Griffiths solicited public comment for the final public comment period.
- Assistant Clerk of the Board Ellis read aloud two letters, from Christina Arnal and "Xandra," opposing COVID-19 vaccines and face masks. She referenced and added to the record a third letter, also opposing vaccines, from Taj Beagler.
- Board Member and Staff Reports* Supervisor Pucci reported attending the Local Transportation Commission meeting and visiting the mass vaccination clinic over the weekend.
- Chairperson Griffiths reported attending meetings of IMACA and the Continuum of Care, and traveling to Sacramento.
- Recess/Reconvene* The Chairperson recessed the meeting at 2:13 p.m. and reconvened the meeting at 6 p.m. with all Board members present.
- County Counsel – Evening Redistricting* Chairperson Griffiths opened and Deputy County Counsel Grace Chuchla introduced the third of several public hearings on the 2020 Census redistricting process in Inyo County. After providing some legal clarification, she and Planning Director Cathreen Richards reviewed for

Hearing

the Board and public the Census numbers, redistricting requirements and ideal goals, factors to consider in redrawing district lines, and draft maps. They stressed that staff encouraged feedback and ideas from the public.

Comments and questions seeking clarification were received from Sandy Lund, who objected to new Districts 4 and 5 that were too Bishop-centric; Jennifer Duncan, who wondered why the districts weren't redrawn in 2010; David Blacker, who said adding Independence to District 5 would make Southeast Inyo residents' votes irrelevant; Mike Godbe, who asked for a clarification of the term "communities of interest;" Josh Nicholson, who wanted to know how many members of the public were in attendance during this evening hearing as opposed to the morning hearing (as was told there were more in attendance this morning); Stephen Pischel, who wondered whether Inyo could add a sixth supervisorial district; and Mary Roper, who wondered if there would be a tutorial video available after this Thursday's live Zoom tutorial.

The public hearing was closed.

Adjournment

Chairperson Griffiths adjourned the meeting at 7:05 p.m. to 8:30 a.m. Tuesday, October 25, 2021 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: LESLIE CHAPMAN
Clerk of the Board*

by: _____
Darcy Ellis, Assistant