

MINUTES



County of Inyo Board of Supervisors

November 16, 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 November 16, 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 John-Carl Vallejo.

- Public Comment* The Chairperson asked for public comment on 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** – 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); No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Names of cases: *County of Inyo et al. v. Amerisourcebergen Drug Corporation et al* (National Prescription Opiate Litigation – Northern District of Ohio, MDL 2804); *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.); and *In Re Mallinckrodt PLC et al*, Case No. 20-12522 (JTD) (Bankr. Del. Dist.); and No. 4 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) Government Code §54956.9: one potential case.
- 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 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* The Chairperson asked for public comment on items not calendared on the agenda.
- The Board heard from Wes French and Cari Arnal, who spoke about deep corruption, fear propaganda, and a fake pandemic perpetrated by Big Pharma, Dr. Fauci and others.
- County Department Reports* The Chairperson opened the floor to County Department Reports and nobody requested to speak.
- Introductions* The following new employees were introduced to the Board: Elsa Fitch, Engineering Assistant II, Public Works; and Robert Ross, Engineering Assistant I, Public Works. Fellow new employee Thomas Hennessey, Gate Attendant, Recycling & Waste Management, was unable to attend the introductions.
- COVID-19 Staff Update* HHS Deputy Director-Public Health & Prevention Anna Scott, and Public Health Officer Dr. James Richardson provided the Board with an update on COVID-19, including local case

numbers, vaccinations, current hospitalizations, and upcoming availability of booster shots. Ms. Scott also shared a slide show with data showing local trends, noting that Inyo County's case rate continues to decline but it is still the highest case rate in the state.

The Assistant Clerk of the Board read aloud letters from Rhonda Erickson, urging a lifting of the mask mandate; and Ron Borin DDS, who said the blame for transmission of COVID should not be placed on any individuals or business owners. She also read aloud letters from the following who expressed gratitude to the Board, HHS, and Dr. Richardson, as well as support for the mask mandate, and urged the Board to stand strong against a hostile and very vocal minority: Kim Huizar, Marty Hornick, Betsy McDonald, Ann Strohm, Harold McDonald, Robert Atlee, Drew and Judy Wickman, Karen and Stan Conger, Dr. Erica Rotondo, Fran Hunt, Linda Arnold, Jean Sprague, Theresa Carson, Karen and Rick Scott, John and Ros Gorham, Edie and Erich Warkentine, Monica Stigliano-Stormo and Ron Stormo, Julie Tiede, Bryan Mack, Esq., and Sherry Cosgrove.

Public comment was made via Zoom by Wes French, who accused the Board of ignoring both common sense and science in favor of illegal mandates; Lynette McIntosh, who said deaths from the vaccine are being hidden; Justin Barton, who said he and his wife have been personally touched by six deaths from the virus and as a long-time medic, he is scared – especially for the really vulnerable populations; Deena Davenport-Conway, who said a lot of business owners and individuals are losing patience with the loud minority disseminating misinformation and basically holding Inyo County back from moving beyond the virus; Wayne Croasdale, who asked whether anyone on the Board can actually list two of the ingredients in the vaccine; Drew Wickman, who pointed to school-mandated vaccines that have been effective in preventing his grandchildren from contracting the measles, mumps, and chicken pox and said we're in this together whether we like it or not; Josh Nicholson, who disagreed with one the letter-writers that speakers are bullying the Board and did not like another veteran's comments about sacrifice with relation to wearing a mask; and "Todd," who asked whether vaccine recipients are being given a fact sheet at the time of their shots.

Recess/Reconvene

The Chairperson recessed the meeting at 11:42 a.m. and reconvened the meeting at 11:52 a.m. with all Board members present.

*County Counsel –
Redistricting
Hearing*

Chairperson Griffiths opened and Deputy County Counsel Grace Chuchla introduced the sixth of several public hearings on the 2020 Census redistricting process in Inyo County. Ms. Chuchla and Planning Director Cathreen Richards reviewed for the Board and public the redistricting process, and potential changes to districts. They also presented proposed maps that would consolidate all local Tribes into a single supervisorial district, as requested by members of the public.

Josh Nicholson of Bishop said he is trying to refine the proposed map he submitted to the County, noting that his goal is to keep redistricting simple based on communities of interest. The Assistant Clerk of the Board read aloud comments from Stacey Brown of Bishop, making five points about the process, including the need for supervisors to be able to physically travel to and represent their constituents; Mel Joseph of Lone Pine who opposed the idea of single Tribal district; Michael Godbe, who supported the idea of a single Tribal district; Teri Roberts-Allsup, who opposed redistricting altogether; Dan Connor and Kathryn Erickson, who both suggested each district should have the same number of people represented by a single supervisor.

Board members encouraged additional feedback and ideas from the public, including the local Tribes. Ms. Chuchla noted that the Board will be approving a final map on December 14, so realistically the public should submit them no later than December 1 so staff can study them.

The public hearing was closed.

Recess/Reconvene

The Chairperson recessed the meeting at 11:26 a.m. and reconvened the meeting at 11:31 a.m. with all Board members present.

*Planning –
Ordinance 1274
(McNeal GPA, ZR)*

Planning Director Cathreen Richards provided background and other details on a request to amend the zoning of a piece of property in Tecopa. The Chairperson opened the public hearing at 12:47 p.m. and, with nobody wishing to speak, closed the public hearing at 12:47

p.m. Moved by Supervisor Kingsley and seconded by Supervisor Roeser to: A) approve General Plan Amendment (GPA) 2021-03/W. McNeal; B) approve proposed Ordinance 1274 - Zone Reclassification (ZR) 2021-03/McNeal, amending the Zoning Map of the County of Inyo; and C) certify that the provisions of the California Environmental Quality Act have been met. Motion carried unanimously.

*Personnel – PA/PG
Salary Correction*

CAO Chapman and Assistant CAO Se Dishion introduced an ordinance to correct a clerical error involving the salary of the Public Administrator/Public Guardian in an ordinance approved by the Board earlier this year to adjust elected offices' salaries. Justin Barton spoke in favor of tabling the item to allow the Board to get a true sense of just how much work the PA/PG does, at all hours of the day and night. CAO Chapman said the proposed action is not meant to make any judgment on the PA/PG's work performance. She noted that as the methodology for creating the new salaries was being developed, every elected official was given the chance to negotiate the figures and that time has passed. The Board agreed that the new ordinance is no reflecting of the PA/PG's performance. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) waive the first reading of proposed Ordinance 1275 titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for a correction in the Salary for Certain Elected County Officials, Excluding Members of the Board of Supervisors," B) and set enactment for November 23, 2021 in the Board of Supervisors Chamber, Independence. Motion carried unanimously.

*County Counsel –
Grace Chuchla
Contract
Amendment 1*

Moved by Supervisor Totheroh and seconded by Supervisor Roeser to approve Amendment No. 1 to the employment agreement between the County of Inyo and Grace Chuchla for the provision of personal services as a Deputy Counsel effective November 16, 2021. Motion carried unanimously.

*HHS – Assistant
HHS Director*

Moved by Supervisor Kingsley 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) Assistant Director of Health and Human Services (HHS) 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 an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Assistant Director of HHS at Range 92 (\$8,394 - \$10,204); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill the resulting vacancy. Motion carried unanimously.

*Public Works-Parks
& Rec – Parks
Specialist II Step E*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the hiring of a Parks Specialist II at Range 54 (\$3,392 - \$4,127), Step E. Motion carried unanimously.

*Sheriff – Office
Technician I-III*

Moved by Supervisor Kingsley 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) Office Technician I-III exists in the General Fund, as certified by the Sheriff 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) Office Technician I-III, Range 55-63 (\$3,477 - \$5,091), up to step E depending on qualifications. Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting at 1:05 p.m. and reconvened the meeting at 1:32 p.m. with all Board members present.

*Clerk-Recorder-
Elections –
Granicus Sole-
Source P.O.*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare Granicus, LLC of Saint Paul, MN a sole-source provider of electronic management of Conflict of Interest Form 700 software DisclosureDocs; and B) authorize payment in an amount not to exceed \$11,000, payable to Granicus, LLC for the provision of software subscription services of DisclosureDocs/eDisclosureDocs for Fiscal Year 2021-2022. Motion carried unanimously.

<i>Information Services – Dell Tech Refresh Purchases</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to ratify and approve purchases from Dell USA L.P. for an amount not to exceed \$156,000 for the purchase of 116 Dell Latitude 5520 laptop computers with 3-year warranties, 116 Dell Monitors and 116 Dell docking stations, pursuant to the Technology Refresh Initiative. Motion carried unanimously.
<i>County Counsel – AB 361 Findings</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley 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 unanimously.
<i>HHS-Social Services – Binti Agreement</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to ratify and approve the agreement between the County of Inyo and Binti, Inc. for the provision of an online web portal for Resource Family Approval application and approval process management, for a total not to exceed \$19,103 for the period of July 1, 2021 through June 30, 2024 contingent upon adoption of future budgets; and authorize the HHS Director to sign the agreement. Motion carried unanimously.
<i>Public Works – LSC Contract Amendment 2</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment 2 to the contract with LSC Transportation Consultants, Inc., of Tahoe City, CA, in the amount of \$45,097 to update the 2023 Regional Transportation Plan, and \$69,510 to develop a Local Road Safety Plan, thereby increasing the amount of the contract to an amount not to exceed \$159,742, and to extend the end date of the contract to December 31, 2023, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.
<i>Public Works – LN Curtis P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize a purchase order in an amount not to exceed \$41,181, payable to LN Curtis of Walnut Creek, CA for firefighter personal protective equipment. Motion carried unanimously.
<i>Public Works – Security Camera Purchasing Increase</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize an increase of the Public Works Department's purchasing authority with International Distribution Network of Riverside, CA by \$2,573 to a total not-to-exceed amount of \$12,443.17, for the purchase of security cameras. Motion carried unanimously.
<i>Public Work – Trim Const./Allen's Garage Doors Sole-Source P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare Trim Const. / Allen's Garage Doors of Bishop, CA a sole-source provider; and B) authorize a purchase order in an amount not to exceed \$19,100.00 payable to Trim Const. / Allen's Garage Doors of Bishop, CA for the purchase and installation of industrial doors at the Posse Hut/Search and Rescue Building. Motion carried unanimously.
<i>Sheriff – Dooley's Sole-Source P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare Dooley's Enterprises, Inc. of Anaheim, CA a sole-source provider of ammunition; and B) authorize the issuance of a purchase order in an amount not to exceed \$44,955 payable to Dooley's Enterprises, Inc. of Anaheim, CA for ammunition. Motion carried unanimously.
<i>Water – 2020-2021 LORP Report</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the 2020-2021 Lower Owens River Project (LORP) Annual Accounting Report. Motion carried unanimously.
<i>CAO – Direction for Filling Sheriff Vacancy</i>	The CAO sought direction from the Board regarding filling the unexpired term for the Office of Inyo County Sheriff. It was explained that Sheriff Hollowell will be officially retired as of December 15, and, by virtue of his position, the Undersheriff will assume the duties of the Sheriff, but an individual will need to be appointed to the position of Sheriff to fill out the remainder of the term. After some discussion, the Board directed staff to begin advertising the vacancy until early January, at which time it will conduct public interviews of the candidates.
<i>BOS – Letter Supporting Caltrans Prop 68 Grant</i>	Supervisor Roeser introduced a letter supporting a grant application being submitted by Caltrans for a wildlife crossing project. Supervisor Kingsley suggested adding something about motorist safety. Moved by Supervisor Roeser and seconded by Supervisor Kingsley to: A) approve, as amended, a letter supporting Caltrans District 9's Proposition 68 grant submittal for the Mammoth 395 Wildlife Crossing Project, and authorize the Chairperson to sign; and B) authorize the Inyo Fish & Wildlife Commission to send a similar letter. Motion

carried unanimously.

CAO-Economic Development – Eastern Sierra Business Resource Center Workshop

Administrative Analyst Miquela Beall conducted a workshop with the Board on the Eastern Sierra Small Business Resource Center Project including information on how the project came to fruition, status of the physical space, the community stakeholder workgroup, the business and operation plan, and launch of the center. Allan Pietrasanta of the Sierra Business Council spoke to express his excitement about the project, and thank the County for its support.

CAO – SSW19, LLC Lease Agreement

Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve the lease agreement between the County of Inyo and SSW19, LLC of Bishop, CA, for the real property described as 269 Main Street, Bishop, California 93514, in an amount not to initially exceed \$3,000 per month for the period of December 1, 2021 through November 30, 2031, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

Water – OVGA Rep Direction

Water Department Director Aaron Steinwand sought direction for the Board to the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for November 18, 2021. Dr. Steinwand reviewed the agenda, as well as the ongoing process to finalize the Groundwater Sustainability Plan. No specific direction was provided to the representatives.

Public Works – Airport Budget Amendment

Moved by Supervisor Totheroh and seconded by Supervisor Roeser to:

- A) amend the Fiscal Year 2021-2022 Bishop Airport Terminal Budget (630400) as follows: increase estimated revenue in Federal Grants (4998) by \$17,547; increase estimated revenue in Operating Transfers In (4998) by \$127,453; increase appropriation in Construction in Progress (5700) by \$95,000; and increase appropriation in External Charges (5124) by \$50,000 (*4/5ths vote required*); and
- B) amend the Fiscal Year 2021-2022 CAO-ACO Budget (010201) as follows: increase appropriation in Operating Transfers Out (5801) by \$127,453 (*4/5ths vote required*).

Motion carried unanimously.

County Counsel – Ordinance 1273

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve proposed Ordinance 1273 titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Chapter 1.12 of the Inyo County Code Regarding Supervisorial Districts." Motion carried unanimously.

BOS – ESJPA 2022 Representatives

Moved by Supervisor Roeser and seconded by Supervisor Pucci to nominate and confirm Supervisor Kingsley as a delegate and Recycling & Waste Management Superintendent Cap Aubrey as alternate to serve on the Rural County Representatives of California's (RCRC) Environmental Services Joint Powers Authority Board of Directors for calendar year 2022. Motion carried unanimously.

Clerk of the Board – Approval of Minutes

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of October 5, October 12, October 19, October 26, and November 2, and the special Board meeting of October 7. Motion carried unanimously.

Public Comment

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

The Assistant Clerk of the Board had not received additional written comment and nobody requested to speak to the Board via the "hand-raising" feature on Zoom.

Board Member and Staff Reports

Supervisor Roeser said she attended the Veterans Day tribute in Big Pine, provided an update on the Caltrans projects in her district, and suggested there should be a grand opening celebration for the Bishop Airport, and that perhaps she and Chairperson Griffiths could facilitate another discussion about COVID.

Supervisor Pucci said he attended the meeting of the Inyo County Emergency Medical Care Committee.

Supervisor Totheroh said he and Supervisor Pucci and staff had their quarterly consultation meeting with the Bishop Tribe last week, and he will be attending a meeting of the Owens Valley Groundwater Authority Thursday.

Supervisor Kingsley said he had some discussion with the Lone Pine Tribe on redistricting, held a public meeting in Darwin, and will be attending a BLM Resource Advisory Group meeting this week.

CAO Chapman noted that agenda item 11 included setting enactment of the proposed ordinance for November 23. She said the meeting will start at 9 a.m. and at least three supervisors need to attend for a quorum. (This meeting was later rescheduled to 8 a.m. on November 30.)

Chairperson Griffiths said he'd be attending a meeting of the Eastern Sierra Transit Authority on Friday.

Adjournment

Chairperson Griffiths adjourned the meeting at 3:07 p.m., in memory of Deputy Chief Probation Officer Mark Olsen, to 9 a.m. Tuesday, November 23, 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*