

MINUTES



County of Inyo Board of Supervisors

December 1, 2020

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on December 1, 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, and Rick Pucci. Absent: Mark Tillemans. Also present: County Administrative Officer Clint Quilter, Assistant Clerk of the Board Darcy Ellis, and County Counsel Marshall Rudolph.

Public Comment

Chairperson Kingsley asked the Assistant Clerk of the Board whether there was any public comment emailed for today's meeting for items not calendared on the agenda.

The Assistant Clerk of the Board said she had received none as of right then.

An individual requested to speak to the Board via the "hand-waving" feature on Zoom, but then realized he was attending the wrong meeting.

Closed Session

Chairperson Kingsley recessed open session at 8:32 a.m. to convene in closed session with all Board members present except Supervisor Tillemans 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. Wilder Barton Inc. et al* (Inyo County Superior Court Case No. SICV-CV-1964071); No. 3 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS** – 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; and No. 4 **PUBLIC EMPLOYEE EVALUATION - Pursuant to Government Code §54957** – Title: County Administrative Officer.

Open Session

Chairperson Kingsley recessed closed session and reconvened the meeting in open session at 10:02 a.m. with all Board members present except Supervisor Tillemans.

Pledge of Allegiance

Chairperson Kingsley 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 Kingsley 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 none as of right then.

Pete Peters, Commander for American Legion Post 118, raised his hand via Zoom to comment on the County's Veteran Service Officer position. Chairperson Kingsley advised him that public comment periods are reserved for items not calendared on the agenda, and that he would have a chance to address the issue when the Board commenced that agenda item.

Donation – John R.

Assistant County Administrator Leslie Chapman told the Board she was honored to be

Ziegler Charitable Trust

presenting a donation from John R. Ziegler, an 86-year-old Olancho resident who has listed the Inyo County Library as the beneficiary of his charitable trust. Chapman noted that Mr. Ziegler's wish is that the money not go toward normal expenses to supplant the regular library budget, but to be put aside for special projects and programs. Library Director Nancy Masters said she is very grateful for the donation which will allow the library to improve its facilities, outreach, and programming, potentially help with expanding the e-library collection, and in general help better position the library during the ongoing pandemic-related uncertainty. She said she has had email and phone conversations with Mr. Ziegler over the years and is happy to have been able to get to know him. Mr. Ziegler's son, Craig, spoke on his father's behalf, explaining that the donation is his dad's way of showing his appreciation for the library system and community.

Chairperson Kingsley said it was heartwarming that Mr. Ziegler wants to make this donation to the County's library system. Supervisor Griffiths agreed, saying the County really appreciated the support for its libraries, which are so important in this region. He said the donation will allow the libraries to do fun and important projects and asked that Craig Ziegler pass along his sincere appreciation. Supervisor Pucci and Supervisor Tothoroh also expressed their appreciation, with Supervisor Tothoroh noting that \$70,000 is a wonderfully large donation for Inyo's small library system. Moved by Chairperson Kingsley and seconded by Supervisor Tothoroh 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. Motion carried 4-0, with Supervisor Tillemans absent.

County Department Reports

Chairperson Kingsley opened the floor to county department reports but there was no-one requesting to speak to the Board.

COVID-19 Staff Update

Assistant HHS Director Meaghan McCamman said that Inyo County's COVID positive case total will be at least 307 by the end of the day, with positive results coming in daily at a steady clip. She said Inyo saw 21 cases just over the last 7 days and has a current positivity rate of 4.4%. She said the earliest Inyo County could move out the Red tier classification in the State's Roadmap to Recovery would December 12, but she cautioned Inyo County is not moving in that direction.

HHS Deputy Director-Public Health Anna Scott said that with case numbers spiking across the state, Sacramento is looking closely at hospitalization increases. Locally, staff is monitoring for impacts from the Thanksgiving holiday and anticipate seeing new cases as a result both in Inyo and around the state. She noted that given the sharp increase in coronavirus cases statewide in late November, staff does anticipate the State taking additional action as early as this week.

Public Health Officer Dr. James Richardson said Inyo County's new COVID cases are widespread throughout the county, with the effects of travel into and out of Inyo for Thanksgiving starting to be seen. He said he expects an upsurge related to that activity alone. He said that while a vaccine is nice to talk about, it will not be available to the general public for at least another 3-6 months, so Inyo County needs to continue finding a balance between keeping the economy running and public health disease control. He said he thinks that messaging – that we cannot rely on vaccines to solve the pandemic – should be emphasized rigorously and people encouraged to avoid gatherings, which are becoming a major source of new infections. He said people are unfortunately disregarding public health orders and doing what they want, so they will need to be convinced that following the guidelines is in their and the community's best interest.

Ms. Scott provided an update on the vaccine and Verily testing. Supervisor Griffiths said he was informed last night during his CSAC rural group meeting that the State anticipates issuing another Stay-at-Home Order for a minimum of three weeks in order to prevent the loss of ICU bed capacity at hospitals around the state. He said the State anticipates capacity to be maxed out by mid-December, with no ICU beds available in neighboring states either.

Supervisor Pucci noted that the first Stay-at-Home Order did not stop people from visiting Inyo County anyway, and said Inyo should anticipate an influx of visitors again and increase in dispersed camping. Ms. Scott said there was fairly good compliance the first time around, but less so as the weeks and months dragged on. She said people continuing to visit from out of the area will be a big hurdle for Inyo County, noting that Public Health's concern right now is

the initial impacts from not being able to transfer local patients to outside hospitals.

Supervisor Griffiths also mentioned that the State just announced a business support program with grants of up to \$25,000 and other forms of aid. Assistant County Administrator Leslie Chapman said she believes the best thing the County can do with regard to these programs is keep informed and make good referrals to local businesses.

CAO Quilter reported that the County's next PSA video will be going out today along with a Spanish version. The video was screened for the Board.

Chairperson Kingsley thanked everyone for their continued hard work, noting that gearing up for another surge is not easy.

*HHS-Behavioral
Health – HHS
Specialist IV
at Step E*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to, consistent with the adopted Authorized Position Review Policy, approve the hiring of Salvador Montanez at Range 60, Step E (\$4,564) as a Health and Human Services Specialist IV. Motion carried 4-0, with Supervisor Tillemans absent.

*HHS-Social Services
– Integrated Case
Worker I*

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 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 4-0, with Supervisor Tillemans absent.

*HHS-Social Services
– Social Worker
Supervisor*

Moved by Supervisor Griffiths 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 one (1) Social Worker Supervisor exists in 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; C) approve the hiring of one (1) Social Worker Supervisor at Range 76 (\$5,476 - \$6,659); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill the resulting vacancy. Motion carried 4-0, with Supervisor Tillemans absent.

*Sheriff – Two
Correctional Officers*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for two (2) Correctional Officer positions 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 positions, the vacancies could possibly be filled by an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of two (2) Correctional Officers at Range 64A-E (\$4,177 - \$5,076), depending on qualifications/experience in the event a lateral/certificated is selected. Motion carried 4-0, with Supervisor Tillemans absent.

*CAO/Sheriff –
Full-time VSO*

CAO Quilter introduced an agenda item requesting the Board create a full-time Veterans Service Officer position and authorize recruitment to begin immediately. He explained that, while counties are not required to have a VSO, Inyo County has chosen to provide the service. He noted that Sheriff Hollowell receives a stipend to act as the VSO while the services have historically been provided by a VSO representative. He said when the VSO representative position was vacated, staff went about researching better ways to provide services to veterans. He said after consultation with Sheriff Hollowell, it was decided the most prudent course of action would be to create a full-time VSO position and have the individual filling that position be the one actually providing services. Quilter explained that the VSO would remain in the Sheriff's budget, but will be appointed by the Board with oversight performed by County Administration, which he said will provide more flexibility and more administrative support for the position. He said the proposal is essentially to create a boots-on-the-ground VSO position with a more robust administrative structure, noting that the former could include deploying

additional staff as needed at a much quicker rate. Sheriff Hollowell said he believes the full-time position will provide the Board with a better supervision structure.

Supervisor Pucci noted that veterans services is something he has been advocating for and working to improve both locally and nationally. He said the current proposal is a necessary first step to improving services and suggested that more than one staff member be assigned to the office.

The Chairperson asked for public comment. Pete Peters, president of American Legion Post 118, said veterans are currently have to travel to Bakersfield, putting themselves at risk for COVID-19, and a local office is not just necessary to reduce the risk but to provide direct services. He said a full-time VSO position is advantageous for many reasons and noted that services can be supplemented by veteran volunteers. Clerk-Recorder Kammi Foote noted for historical context that when the VSO position was originally consolidated with the Sheriff's Office, it was done after the voters had passed Measure A, which requires voter approval before any office is created, eliminated, combined with, or separated from another office. She noted that legal action followed the VSO consolidation and expressed concern that the proposal might be in conflict with the result of that legal action. County Counsel Rudolph said, in his legal opinion, the proposed full-time position is not in conflict with Measure A. He said the County is not proposing to create, eliminate, combine, or separate any office, only make a minor change to the appointment process. He said aside from that, he would consider Measure A unconstitutional, as have the County Counsels before him, as it is as odds with the Military Code and is an unlawful delegation of the Board's powers. Ms. Foote reiterated her concern that the proposed action would be in conflict the aforementioned legal action. Josh Nicholson spoke next, alleging the current VSO is not considered a veteran under the military code. He said his experience as a veteran seeking services from the VSO was much improved when the County had a fellow combat veteran providing the services. He asked who would be hiring the new full-time VSO and whether the County has reached out to any veterans for their input. CAO Quilter said the Board would be hiring to fill the position and noted that the County's human resources head did extensive research by contacting other VSO offices across the state and the State Veterans Service Organization, all of which helped frame the job description also up for approval. He added that the County has a very competent counsel to advise on requirements for the office. He said that if the Board approves the position, recruitment will begin immediately but the position cannot be filled until the Board approves a related ordinance. He estimated it will be 6-8 weeks before someone is on the ground as VSO.

Supervisor Griffiths said he was in support of the full-time position and called it a necessary first step in building a robust program to serve veterans. He thanked everyone for their work in finding legal and administrative mechanisms to make the position a reality.

Supervisor Pucci said the full-time position needs to be created and filled as soon as possible and he supported starting recruitment immediately. He said in the meantime it's critical that no veterans are forgotten.

Supervisor Kingsley said the current configuration of the office did not happen by accident – the Sheriff's Office had qualified veterans that could serve as VSO. He said clearly now the situation has evolved and the County needs to take a different approach. He agreed the County needed to move as fast as possible but not at the expense of being able to hire the best candidate. He said he appreciated Sheriff Hollowell's cooperation in working with CAO Quilter on the proposal.

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to:

- A) approve the job description for a Veterans Service Officer, Range 78;
- B) increase the authorize strength in the Sheriff's Department (Veterans Service Division) by adding one full-time Veterans Service Officer, Range 78;
- C) find that, consistent with the adopted Authorized Position Review Policy:
 1. the availability of funding for one (1) Veterans Service Officer exists in the General Fund, as certified by the Sheriff and County Administrator and concurred with by the 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. 3. approve the hiring of one (1) Veteran's Service Officer at Range 78 (\$5,741

- \$6,976); and

- D) Direct staff to bring back a draft ordinance on December 8 to amend Inyo County Code Section 2.30.050.

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

<i>Information Services – CivicClerk Maintenance Agreement</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the renewal of a Software Maintenance Agreement between CivicPlus, Inc. and the County of Inyo for the County's Board streaming and agenda automation system for the period of December 1, 2020 through November 30, 2021, in an amount not to exceed \$11,220.00 Motion carried 4-0, with Supervisor Tillemans absent.
<i>Parks & Recreation – Prior-Year Invoice</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize payment to reimburse Laws Museum of Bishop, CA for a prior-year expense in the amount of \$3,269.91 for flooring supplies. Motion carried 4-0, with Supervisor Tillemans absent.
<i>HHS – Oliver Packing & Equipment Blanket P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) declare Oliver Packing & Equipment Company of Carol Stream, IL a sole-source vendor; and B) authorize issuance of a blanket purchase order in an amount not to exceed \$23,000, payable to Oliver Packing & Equipment Company for food trays and film to cover meals. Motion carried 4-0, with Supervisor Tillemans absent.
<i>HHS-First 5 – Commission Reso # 2020-01</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve Resolution No. 2020-01, titled, "A Resolution of the Governing Board of the First Five Commission of Inyo County Adjusting Certain Terms and Appointment Dates to Conform with the First Five Bylaws and the Inyo County Code," and authorize the Chairperson of the First 5 Commission to sign. Motion carried 4-0, with Supervisor Tillemans absent.
<i>Planning – Veronica Tam Contract</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the contract between the County of Inyo and Veronica Tam and Associates for the provision of professional services in an amount not to exceed \$17,000 for the period of December 1, 2020 through December 31, 2021, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried 4-0, with Supervisor Tillemans absent.
<i>Public Works – Prior-Year Invoice</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize payment to the California Department of Forestry & Fire Protection of Sacramento, CA for prior-year invoices in the amount of \$3,606.40 for thinning and weeding services provided on County Road in Big Pine. Motion carried 4-0, with Supervisor Tillemans absent.
<i>Public Works – Strictly Tech P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize a purchase order in an amount not to exceed \$13,500.24, payable to Strictly Tech of Fort Lauderdale, FL for 11 laptops, monitors and docking stations. Motion carried 4-0, with Supervisor Tillemans absent.
<i>Public Works – Stanley Access Technologies Sole-Source P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) declare Stanley Access Technologies of Walnut Creek, CA a sole-source provider; and B) authorize the issuance of a purchase order in an amount not to exceed \$15,000.00, payable to Stanley Access Technologies of Walnut Creek, CA for the purchase and installation of an electric door at the Bishop Senior Center. Motion carried 4-0, with Supervisor Tillemans absent.
<i>Clerk-Recorder – Statement of All Votes Cast Nov. 3, 2020</i>	Clerk-Recorder-Registrar of Voters Kammi Foote asked that the agenda item be moved from Consent to Departmental in order to provide the Board with an update on the election results. Foote reviewed for the Board the process for counting and reconciling votes, as well as the extensive risk limiting audit performed by her office in addition to a 1% hand count. She said she is 100% certain that the election results accurately reflect the will of the voters. Foote added that the community voted safely and in historically record numbers for a voter turnout of just over 82%. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to issue an order accepting the Statement of All Votes Cast at the Presidential General Election held November 3, 2020 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast included in this agenda item. Motion carried 4-0, with Supervisor Tillemans absent.

*Public Works –
CSA 2 Appointment*

Public Works Director Mike Errante presented a request for the Board to appoint one of two individuals to a vacancy on the County Service Area No. 2 Advisory Committee. He said letters of interest in the position were received from Mr. Rody Johnson and Mr. Phillip Moores, and at its last meeting, the Committee voted to recommend Mr. Johnson for the position. Supervisor Totheroh said both individuals are excellent candidates, with the deciding factor for the Committee being that Mr. Johnson's direct knowledge of the utilities involved. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to Received two letters of interest and CSA voted to recommend Mr. Johnson. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to appoint Mr. Rody Johnson to a four-year term on the County Service Area No. 2 Advisory Committee ending December 1, 2024. Motion carried 4-0, with Supervisor Tillemans absent.

*County Counsel –
Wendel Rosen LLP
Contract*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the agreement between the County of Inyo and Wendel Rosen LLP of Oakland, CA, for the provision of legal services in an amount not to exceed \$190,000 for the period of December 1, 2020, until completion of litigation unless sooner terminated, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried 4-0, with Supervisor Tillemans absent.

*Recycling & Waste
Management –
Floor Rate CPI
Increase*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) approve the Consumer Price Index (CPI) adjustment of 3.6%, to the portion of the Service Fee Floor rates not associated with the tipping fees, effective January 1, 2021, in accordance with Franchise Agreements between the County of Inyo and contract waste haulers; and B) adopt the new schedule of Minimum Charges for Waste Hauling Services for Areas A & B in Inyo County as presented in Exhibit A. Motion carried 4-0, with Supervisor Tillemans absent. Glen Long of Bishop Waste Disposal thanked the Board for the CPI increase, especially needed during the COVID-19 pandemic. Assistant County Counsel Leslie Chapman passed along the same sentiment from Dale Comontofski of Preferred Disposal.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the minutes of the regular Board of Supervisors meeting of November 10, 2020. Motion carried unanimously. Motion carried 4-0, with Supervisor Tillemans absent.

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 Totheroh said he participated in Caltrans' Zoom meeting two Fridays ago regarding the Meadow Farms ADA Project, noting that Caltrans took the Board's recent suggestions and turned them into a new alternative, 4A.

CAO Quilter reminded the Board that it would be going back into closed session today.

Assistant Clerk of the Board Darcy Ellis reminded the Board that the 2021 meeting calendar is out, and advised that the public can find it on the County's website.

Chairperson Kingsley reported he would be attending a Caltrans Zoom meeting regarding slowing down traffic on Main Street in Lone Pine.

*Recess/Closed
Session*

Chairperson Kingsley recessed open session at 12:15 p.m. for a 10-minute break and then to convene in closed session at 12:25 p.m. with all Board members present except Supervisor Tillemans to continue discussion and possible action as appropriate on previously noted closed session items.

Open Session

Chairperson Kingsley recessed closed session and reconvened the meeting in open session at 12:48 p.m. with all Board members present except Supervisor Tillemans.

*Report on Closed
Session*

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

Adjournment

Chairperson Kingsley adjourned the meeting at 12:48 p.m. to 8:30 a.m. Tuesday, December 8, 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