

MINUTES



County of Inyo Board of Supervisors

December 15, 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 15, 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: Acting County Administrative Officer Leslie Chapman, 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. Joshua Nicholson requested to speak via Zoom. He asked for clarification on the public comment process, as it does not seem to be the question-and-answer period he expected. County Counsel Marshall Rudolph clarified that public comment is literally an opportunity to comment to the Board, not a question-and-answer period. He said the County has no obligation to entertain a series of questions.

Closed Session

Chairperson Kingsley recessed open session at 8:34 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 – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9. Number of potential cases: one case; No. 3 **PUBLIC EMPLOYMENT – Pursuant to Government Code §54957** – Title: Environmental Health Director; and No. 4 **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 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, but that the Board would be returning to closed session later in the meeting to resume discussions on the agenda items.

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. Nobody requested to speak to the Board via the "hand-raising" feature on Zoom.

County Department Reports

Child Support Services Director Susanne Rizo wished the Board happy holidays, noting this will be her last Board meeting before taking office as Superior Court Judge in January. She

read aloud a letter of appreciation. The Board reciprocated its thanks, and wished Rizo well in her new position.

COVID-19 Staff Update

Staff provided their weekly COVID-19 update to the Board, including current case numbers. It was noted that 44 additional cases were added to the County's total over the weekend and there was an additional death, bringing that total to 18. Staff reported that the activity is countywide and not exclusive to any one area, and was anticipated given the recent holiday gatherings and travel among residents. Staff also reported on the continued Stay-at-Home Order, upcoming vaccine distribution, and regional and local hospital bed capacity. The Board cautioned that now is not the time for the public to let "COVID fatigue" make them less vigilant about public health guidelines. After lengthy discussion, the Chairperson solicited public comment. Sherrie Newman, a business owner from Lone Pine, said the County has been doing an amazing job trying to manage public health guidelines and the local pandemic response. She said knows it has been hard on staff and the Board, and thanked them for the efforts and for supporting small businesses.

Ag Commissioner – ESWMA – Two Seasonal Field Assistants 01

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the positions and the vacancies could possibly be filled through internal recruitment, an open recruitment would be more appropriate; and C) approve the hiring of two (2) seasonal Field Assistants 01, Range 050PT (\$15.97 - \$19.39 per hour), from April 1, 2021 through September 29, 2021, contingent upon the adoption of the Fiscal Year 2021-2022 Budget. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Ag Commissioner- OVMAP – Three Field Assistants 01

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 the requested positions exists as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the positions and the vacancies could possibly be filled through internal recruitment, an open recruitment would be more appropriate; and C) approve the hiring of three (3) seasonal Field Assistants 01, Range 050PT (\$15.97 to \$19.39 per hour), from April 1, 2021 through September 29, 2021, contingent upon the adoption of the Fiscal Year 2021-2022 Budget. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Road Department – Office Tech I-III

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) Office Technician I/II/III exists in the Road Department budget, as certified by the Public Works 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) Office Technician I at Range 55 (\$3,343 - \$4,065), Office Technician II at Range 59 (\$3,669 - \$4,458) or Office Technician III at Range 63 (\$4,023 - \$4,895), depending on qualifications. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Recycling & Waste Management – Two Roll Off Bins Bid Award and Purchase

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to: A) declare ConFab Manufacturing of Galt, CA the successful bidder for two 50-yard roll off Bins; and B) authorize the purchase of two 50-yard roll off bins from ConFab Manufacturing of Galt, CA in an amount not to exceed \$15,553.63. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Works – Jail Roof Project N.O.C./ Reso #2020-47

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve Resolution No. 2020-47 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 Inyo County Jail Roof Sealing Project," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Sheriff – Inmate Calling Solutions Contract

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve and award the contract for Inmate Communication System to Inmate Calling Solutions, LLC of Antonio, TX as the successful bidder, in an amount not to exceed \$0.00 for the period of December 15, 2020 through December 15, 2023, contingent upon the Board's approval of future budgets, and

authorize the Sheriff or designee to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*CAO-Advertising
County Resources –
Written, Oral Film
Commissioner
Reports*

The Board received the Fiscal Year 2020-2021 Mid-Year Written Report and an oral report from Inyo County Film Commissioner Chris Langley.

*Public Works –
Proposed Title 11
Changes Ordinance*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to: A) waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending and Repealing Certain Sections of Title 11 of the Inyo County Code Related to Change Orders in Public Works Contracts;" and B) schedule enactment for 10:30 a.m. January 5, 2021 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*CAO/Sheriff –
Ordinance 1261
(VSO)*

Deputy Personnel Director Sue Dishion reported that the County is currently recruiting for the full-time Veterans Service Officer position approved by the Board on December 1. She said staff has reached out to the veteran community and asked an individual to be on the interview panel. She said as part of the ongoing process, She said the County has historically and consistently reached out to the Department of Veteran Affairs to ensure VSO candidates meet qualifications. The Chairperson solicited public comment. Joshua Nicholson thanked Ms. Dishion for reaching out to veterans, and Supervisor Pucci and Supervisor-elect Jennifer Roeser for taking him up on his invitation last week to attend the VFW meeting. He said there will be more trust for the County if the former VSO representative is reinstated and the VSO is kept independent of the Sheriff's Department. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to enact a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 2.30.050 of the Inyo County Code, Pertaining to the Qualifications, Appointment, and Compensation of the Veterans Service Officer." Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Recess/Reconvene –
Board of Equalization*

Chairperson Kingsley recessed the Board of Supervisors meeting at 11:44 a.m. and reconvened as the Board of Equalization (separate minutes to be approved at next Board of Equalization meeting) with all members present except Supervisor Tillemans. The Chairperson adjourned the Board of Equalization meeting at 12:18 p.m. and reconvened as the Board of Supervisors with all members present except Supervisor Tillemans.

*CAO-COVID-19 –
Resiliency Grant
Program*

Assistant County Administrator Leslie Chapman gave a presentation on the Inyo County Resiliency Grant Program, created with \$100,000 of General Fund money the Board appropriated for the 2020-2021 Fiscal Year. She explained the program in detail, noting one-time grants will be made available to help local non-profit groups recover lost revenues and offset increased expenses from March through December. Chapman reviewed eligibility requirements, evaluation criteria and scoring, as well as the program timeline. Chairperson Kingsley pointed out that the grants are not coming from CARES funding, but General Fund money the Board opted to put towards the program. He said he was very proud of how the grant program for small businesses turned out and is proud the Board is making funding available to non-profits. Supervisor Griffiths expressed his appreciation that the program is coming to fruition and thanked Chapman and her staff for their hard work. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) adopt the Inyo County Resiliency Grant Program for nonprofit organizations as proposed or amended, using \$100,000 of General Fund money appropriated by your Board for the 2020-21 Fiscal Year; and B) authorize the County Administrator to approve and enter into grant program contracts in accordance with the program guidelines, in a form approved by County Counsel. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Recycling & Waste –
Indy, LP Landfill
Operational Changes*

Recycling and Waste Management Superintendent Cap Aubrey presented to the Board a request to approve operational changes at the Independence and Lone Pine landfills. The Chairperson solicited public comment. The Assistant Clerk of the Board read aloud a letter from LADWP Aqueduct Manager Adam Perez, expressing hope that the changes will help reduce illegal dumping and noting LADWP only learned of the County's intention to adopt a CEQA exemption by reviewing the publicly posted staff reports. He stated that LADWP is hopeful that the County elects to work cooperatively on bringing its landfill operations.

Supervisor Griffiths asked LADWP Property Manager Elsa Jiminez whether the letter is meant to be a threat of a lawsuit. She said it is not a threat and LADWP will not sue the County for adding bins and changing landfill hours. She said LADWP just wanted to let the County know its position regarding CEQA. Chairperson Kingsley said he'd like to ask LADWP to work cooperatively with the County to get new leases approved and be able to provide a safe service to the public. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to:

- A) Add two, 40-yard bins at the Independence landfill for household trash, maintain the same operating days, and change the landfill public hours to 7:30 a.m. to 3:30 p.m. on both days;
- B) Find that (1) the proposed changes at the two landfills have already been addressed under the California Environmental Quality Act (CEQA) in two mitigated negative declarations (MNDs); (2) no subsequent or supplemental environmental review or further documentation is required pursuant to PRC 21166 and 14 CCR 15162 because: (a) the proposed changes do not involve new significant environmental effects or a substantial increase in the severity of any previously identified significant effects, (b) no substantial changes are proposed to the project. (c); the proposed changes in daily operations are permitted in the existing SWFPs for the two landfills, (d) no substantial changes in circumstances under which the project is being undertaken have occurred, and (e) no new information that was not known at the time of the preparation of the previous MNDs documentation has become available;
- C) Find that the proposed operational changes are exempt under 14 CCR section 15061 (the "common sense exemption") for the reasons presented above, because it can be seen with certainty that there is no possibility that these minor operational changes will have a significant effect on the environment. Also find that the operational changes are exempt under 14 CCR section 15301 (the "existing facilities exemption"), because they provide for the continued operation of the two existing landfills which involves negligible or no expansion of the existing use of the facilities. Additionally, there are no unusual circumstances or other exceptions under CEQA that would invalidate the existing facilities exemption for the two landfills; and
- D) Direct staff to file a notice of exemption.

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

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to:

- A) Change the Lone Pine landfill hours to be open Thursday through Monday from 7:30 a.m. to 3:30 p.m., adding Thursday and Sunday to the current operating schedule; both days;
- B) Find that (1) the proposed changes at the two landfills have already been addressed under the California Environmental Quality Act (CEQA) in two mitigated negative declarations (MNDs); (2) no subsequent or supplemental environmental review or further documentation is required pursuant to PRC 21166 and 14 CCR 15162 because: (a) the proposed changes do not involve new significant environmental effects or a substantial increase in the severity of any previously identified significant effects, (b) no substantial changes are proposed to the project. (c); the proposed changes in daily operations are permitted in the existing SWFPs for the two landfills, (d) no substantial changes in circumstances under which the project is being undertaken have occurred, and (e) no new information that was not known at the time of the preparation of the previous MNDs documentation has become available;
- C) Find that the proposed operational changes are exempt under 14 CCR section 15061 (the "common sense exemption") for the reasons presented above, because it can be seen with certainty that there is no possibility that these minor operational changes will have a significant effect on the environment. Also find that the operational changes are exempt under 14 CCR section 15301 (the "existing facilities exemption"), because they provide for the continued operation of the two existing landfills which involves negligible or no expansion of the existing use of the facilities. Additionally, there are no unusual circumstances or other exceptions under CEQA that would invalidate the existing facilities exemption for the two landfills; and
- D) Direct staff to file a notice of exemption.

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

*HHS – SIH Prior
Year Invoice*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to ratify and approve the payment of two invoices, one being from a prior fiscal year, that total \$15,015.86 to Southern Inyo Hospital for outpatient medical services for Inyo County inmates. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

HHS-Health/Prevention – Fairgrounds Indoor Rental Space Agreement Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to Board ratify and approve the agreement between the County of Inyo and the 18th District Agricultural Association (Tri-County Fairgrounds) for the provision of indoor rental space to conduct Verily COVID-19 testing services, in an amount not to exceed \$500 per day, \$26,000 total for the period of December 1, 2020, through March 31, 2021, and authorize the HHS Director to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Clerk of the Board – Approval of Minutes Moved by Supervisor Pucci and seconded by Supervisor Totheroh to Board approve the minutes of the regular Board of Supervisors meeting of December 1, 2020. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Board Member and Staff Reports Supervisor Totheroh reported on the Owens Valley Groundwater Association meeting he attended last week.

Supervisor Griffiths said he has attended a series of meetings regarding the Silver Peaks housing project in Bishop, with all partners looking to close escrow at the end of the month. He also reported on a Sierra Nevada Conservancy meeting, Zoom meetings of the OVGGA, Eastern Sierra Council of Government, and Eastern Sierra Transit Authority, as well as multiple Zoom calls over the weekend with regional partners on ICU bed capacity. He wished everyone a merry Christmas and safe and happy holidays.

Supervisor Pucci reported being busy with constituent phone calls and Zoom meetings, particularly with regard to COVID-19, the Tri-County Fair, and Mule Days.

County Counsel Rudolph, Assistant CAO Chapman, and the Assistant Clerk of the Board wished everyone a happy holiday.

Chairperson Kingsley also reported being busy with constituent meetings and calls, and the Rural County Representatives of California. He also said he knows everyone is missing CAO Quilter and hopes everything goes well for him and his family.

Recess/Closed Session Chairperson Kingsley recessed open session at 1:12 p.m. for a break and then to convene in closed session at 1:45 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 2:44 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 2:44 p.m. to 8:30 a.m. Tuesday, January 5, 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