

MINUTES



County of Inyo Board of Supervisors

August 17, 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 August 17, 2021, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Governor Executive Orders N-25-20 and N-08-21: 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 did not receive any emailed comments 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. **PUBLIC EMPLOYMENT – Pursuant to Government Code §54957** – Title: County Administrator; 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 – 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 10:06 a.m. with all Board members present.

Pledge of Allegiance

Chairperson Griffiths led the Pledge of Allegiance.

Report on Closed Session

County Counsel Rudolph reported that no action was taken in 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 did not receive any emailed comments and nobody requested to speak to the Board via the “hand-raising” feature on Zoom.

County Department Reports

Deputy County Counsel Grace Chuchla gave the Board an update on the Census-driven redistricting process, including initial federal data showing the County gained 470 residents. She said the numbers will likely change after adjustments made by the State.

COVID-19 Staff Update

HHS Director Marilyn Mann updated the Board on current case numbers, which she said are on a decline with a total of 1,517, including 10 new cases since August 10. She said three of the cases appear to be breakthrough infections in vaccinated individuals, which she said is a good reminder that while the COVID vaccines are extremely effective, no vaccine is 100% protective.

Deputy HHS Director Anna Scott said there has been a steady increase in vaccinations over the past few weeks, with 59.8% of Inyo County's eligible population is now fully vaccinated.

Public Health Officer Dr. James Richardson said case rates are decreasing quite a bit, to the extent that the Delta outbreak could be over by the end of the month. He noted that the CDC has now approved and recommended booster vaccine shots for the immunocompromised population and will then probably approve it for the general population. He also said the U.S. will be facing a national health disaster as a result of what's become known as long-haul COVID – long-lasting complications among those infected by the virus. He said a report in the New England Journal of Medicine calls the primary preventative measure for long-haul COVID is vaccines. Dr. Richardson also spoke about the masking mandate at schools, noting he was leery at first but has changed his stance 180 degrees because of increased, symptomatic cases being diagnosed in K-15 because of the Delta virus. He addressed the issue of an Inyo County health order to mandate masking in public by all individuals. He said the County is currently seeing more and more voluntary compliance and an order would cause more trouble than it is worth.

Philip Anaya of Bishop, in support of a mask mandate, said his experience is that maybe 40% of the shoppers in the supermarkets are masked, and he doesn't think those who are opposed to masking because of politics or philosophies would voluntarily comply.

Introductions

The following new employees were introduced to the Board: Sheriff's Deputies Eric Clinton, Mark Loyd, and Timothy Plunkett.

*Public Works –
Mechanic Trainee
I-II*

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) Mechanic Trainee exists in the Road Fund, 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) Mechanic Trainee at Range 50 (\$3,094 - \$3,764) or Mechanic Trainee II at Range 52 (\$3,243 - \$3,940) depending on qualifications. Motion carried unanimously.

*Public Works –
Equipment Operator
Heavy I-II*

Moved by Supervisor Roeser 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) Equipment Operator Heavy I / II exists in the Roads 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) Equipment Operator Heavy I at Range 58 (\$3,726 - \$4,533) or Equipment Operator Heavy II at Range 60 (\$3,908 - \$4,747), depending on qualifications. Motion carried unanimously.

*Clerk-Recorder –
DFM Assoc. Annual
Payment*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve payment to DFM Associates in an amount of \$15,720.00 for the annual DFM Associates software License Maintenance and Support Fee, contingent upon the Board's adoption of the 2021-2022 annual budget. Motion carried unanimously.

*HHS-Behavioral
Health – CBHDA
21-22 Dues*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to authorize approval to pay County Behavioral Health Directors Association (CBHDA) membership dues for Fiscal Year 2021-2022 in an amount not to exceed \$19,301, contingent upon the Board's adoption of the Fiscal Year 2021-2022 Budget. Motion carried unanimously.

*Public Works –
Caltrans Manual
Chapter 10/Reso #
2021-43*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve Resolution No. 2021-43, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Adoption of Caltrans' Local Assistance Procedures Manual Chapter 10," and authorize the Chairperson to sign. Motion carried unanimously.

*CAO/County
Counsel –
Ordinances 1268*

Assistant County Counsel John Vallejo introduced two ordinances to repeal County Code Chapter 2.07, which was the codification of the substance of "Measure A," approved by voters in 2000, and to repeal Ordinance 1044 and establish a new Chapter 2.30, to allow for the

transfer of the Veterans Service Officer from the Sheriff’s Department to the Administrator’s Office. He explained that the codification of Measure A did not affect the validity or invalidity of Measure A, and Chapter 2.07 itself is arguably an unconstitutional attempt to delegate to the voters a discretionary power that is in the nature of a public trust which cannot be exercised by anyone except the Board of Supervisors. He noted that the proposed action before the Board does not impact Measure A. He explained Measure A’s requirement that the County put before voters any “significant change” to department structure/reorganization that would require an ordinance is irrelevant because the proposed action today does not require an ordinance. He said the County is proposing an ordinance simply because a prior Board organized the VSO within the Sheriff’s Department via ordinance.

Public comment was heard from Mary Roper, Philip Anaya, and Nancy Masters, who argued that County Counsel’s opinion is incorrect and adopting the proposed ordinance would be violating Measure A and would be an illegal act per Election Code. Ms. Roper noted that there was widespread objection to the VSO being placed in the Sheriff’s Department to begin with, as there were concerns about veterans with PTSD having to deal with a law enforcement atmosphere. Ms. Roper and Ms. Masters also noted that the matter of Measure A’s constitutionality is a matter of opinion, not settled law. Josh Nicholson commented that having the VSO report directly to the Board seems like a no-brainer solution, and suggested that veterans should not be used as a pawn in the current argument. County Counsel Rudolph clarified that, per an ordinance the Board adopted a few months ago, the VSO already reports directly to the Board or its designee, which would be the CAO. He said today’s proposed action will move the VSO budget from the Sheriff’s Department to Administration. Extensive discussion ensued between the Board, County Counsel, and Ms. Roper and Ms. Masters. Ms. Masters suggested leaving Chapter 2.07 in place and just repealing Ordinance 1044.

The Board ultimately came to consensus that: 1. The proposed action does not impact Measure A; 2. Board members were elected to efficiently and effectively operate the County, and by law have the authority to reorganize the operational structure as needed in most situations; 3. Going to voters for every “significant change” is an impediment to efficient and effective governance; 4. While the unconstitutionality of Measure A is still a matter of opinion, it’s an opinion that every County Counsel has shared since the initiative’s passage, and the County relies on the legal advice of its Counsel; and 5. The overriding issue is about providing the best services to veterans as possible, and the code section and ordinance proposed to be repealed have proved a hindrance to being able to do so thus far.

Mr. Anaya renewed his objections that the Board was poised to ignore the will of the people who voted in favor of Measure A. Chairperson Griffiths presented Mr. Anaya with a hypothetical scenario in which voters passed an initiative requiring slavery in Inyo County, and asked whether the Board in that situation would be mandated or even have the ability to implement it. Mr. Anaya replied that such an initiative would be unconstitutional and the Board would have to follow the Constitution.

After additional discussion, the Board determined that while the issues surrounding Measure A do need to be resolved at some point, what matters most immediately is being able to provide better services to veterans.

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Chapter 2.07 of the Inyo County Code, Pertaining to Reorganization of County Departments and Offices.” Motion carried 4-1, with Supervisor Roeser voting no.

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Ordinance Number 1044 and Establishing a New Chapter 2.30 of the Inyo County Code.” Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 12:46 p.m. and reconvened the meeting at 1:17 p.m. with all Board members present.

Planning – General Plan Amendment 2021-22/Inyo

The Chairperson opened the public hearing at 1:18 p.m. Planning Director Cathreen Richards reviewed for the Board General Plan Amendment 2021-01/Inyo County – 2021 General Plan Housing Element Update. The Board engaged in discussion with Ms. Richards. No public comment was received, and the Chairperson closed the public hearing at 2:14 p.m. Moved by

<i>County</i>	Supervisor Kingsley and seconded by Supervisor Roeser to approve General Plan Amendment 2021-01/Inyo County – 2021 General Plan Housing Element Update and certify that it is a Negative Declaration of Environmental Impact; and direct staff to send to the California Department of Housing and Community Development for certification. Motion carried unanimously.
<i>County Counsel – Waive First Reading of Title 22 Ordinance</i>	Deputy County Counsel Grace Chuchla reviewed for the Board a proposed ordinance to repeal and replace Title 22 in the Inyo County Code, based in part on Board feedback from the August 3 workshop. The Board had some discussion about the proposed administrative penalties, and came to consensus that they should be lowered to \$10, \$25, and \$75, as the proposed higher amounts could pose a hardship to low-income homeowners. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing and Replacing Certain Sections of Title 22 of the Inyo County Code Related to Code Enforcement," and schedule enactment of the ordinance – as amended – for 11 a.m. September 7, 2021 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously.
<i>HHS – HolaDoctor Contract</i>	Moved by Supervisor Roeser and seconded by Supervisor Kingsley to ratify and approve the agreement between the County of Inyo and HolaDoctor Inc. of Doral, FL for compensation of services satisfactorily rendered to support Spanish Language Services for Health & Human Services activities in Inyo County, in the amount of \$30,000 for the period of July 1, 2021 through June 30, 2023, contingent upon the approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>HHS-Health & Prevention – Cardno ChemRisk Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Roeser to ratify and approve the agreement between the County of Inyo and Cardno ChemRisk of San Francisco, CA for compensation of services satisfactorily rendered to support Epidemiology services for Public Health & Prevention/COVID-19 Response activities as part of the ELC 2 & ELC Expansion Grant in Inyo County, in the amount of \$120,000 for the period of July 1, 2021 through June 30, 2023, contingent upon approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>HHS-Social Services – DSS Legal Consultation Contract</i>	Moved by Supervisor Roeser and seconded by Supervisor Roeser to ratify and approve the contract between the County of Inyo and the State of California Department of Social Services for the provision of legal consultation and representation in administrative action appeals associated with the Resource Family Approval program, for the period July 1, 2021 through June 30, 2024 and authorize the HHS Director to sign. Motion carried unanimously.
<i>Personnel – Hanson Bridgett LLP Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Roeser to ratify and approve the contract between the County of Inyo and Hanson Bridgett LLP for the provision of Specialized Law Enforcement Legal Services and Employment Advice, in the amount of \$100,000 for the term of July 26, 2021 through June 30, 2022, contingent upon the Board's adoption of the Fiscal Year 2020-2021 Budget, authorize the Chairperson to sign the contract and HIPPA Business Associate Agreement, contingent upon obtaining all appropriate signatures. Motion carried unanimously.
<i>County Administrator – Surplus Furniture</i>	Moved by Supervisor Roeser and seconded by Supervisor Pucci to: A) declare a limited amount of office furniture staged at the fairgrounds after the move to the County Office Building to be surplus; and B) approve the donation of said office furniture to various local agencies (<i>4/5ths vote required</i>). Motion carried unanimously.
<i>Clerk of the Board – Approval of Minutes</i>	Moved by Supervisor Totheroh and seconded by Supervisor Roeser to approve the minutes of the regular Board of Supervisors meetings of July 27, 2021, August 3, 2021, and August 10, 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-raising" feature on Zoom.
<i>Board Member and</i>	Supervisor Pucci said he has Local Transportation Commission and Tribal Consultation

Staff Reports

meetings this week.

Supervisor Totheroh reported meeting last week with the state economic development coordinator and attending meetings of the Eastern Sierra Council of Governments and Eastern Sierra Transit Authority.

County Counsel Rudolph notified the Board he will be out of the office Thursday through Tuesday.

Supervisor Roeser announced the Friends of the Mt. Whitney Fish Hatchery dinner this Saturday; reported attending the final installment of the New Supervisors Institute as well as a meeting between herself, the VSO, and Chairperson Griffiths with VA representatives; and said she plans to attend tomorrow's LTC meeting.

Chairperson Griffiths said he and HHS and IMACA staff met with the state's supportive housing coordinator regarding veterans housing opportunities; went to Sacramento last week for the CSAC Executive Board meeting; attended ESCOG, ESTA and Arts Council board meetings; and facilitated a visit from the Mexican consulate general and meetings at the Consolidated Office Building.

CAO Chapman notified the Board that Administrative Analyst Miquela Beall will be doing presentation Monday night to City Council about the Small Business Center; said she attended a meeting with the Mexican consulate general; and reminded the Board about Friday's special meeting. The Board and staff asked that the meeting be scheduled for 7:30 a.m.

Supervisor Kingsley said he had the opportunity to meet with the Mexican consulate general, and will have an RCRC Board meeting tomorrow.

Assistant Clerk of the Board Ellis reminded the Board and public that the Board will be dark the next two weeks, with the next regular Board meeting scheduled for September 7.

Adjournment

Chairperson Griffiths adjourned the meeting at 3:22 p.m. to a special session scheduled for 7:30 a.m. Friday, August 20, 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