

MINUTES



County of Inyo Board of Supervisors

September 7, 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 September 7, 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 Tothoroh, 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 read aloud a letter from Sharon and Jeff White expressing concern about the discussion from the August 3 meeting regarding revisions to Title 22. They took exception to the County expecting citizens to drive code violation investigations and then staff referring to them as “serial complainers.”

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

Closed Session

Chairperson Griffiths recessed open session at 8:37 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.); No. 4 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Section 54956.9: one potential case; and 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, 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.

Proclamation – Patriot Day 2021

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve a proclamation declaring September 11, 2021 as Patriot Day and a Day of Service and Remembrance in Inyo County. Motion carried unanimously.

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.

Philip Anaya of Bishop said he was very disturbed about an item on the agenda that references a draft document that he has not personally seen, and asked that the document be made available immediately so he can review prior to the Board's discussion.

Lynne Greer of Bishop, and a USFS concessionaire and owner of a business in June Lake, spoke about the forest closure impacting her business, and in general the USFS failing to manage public lands. She requested to be added to the agenda so she and the Board can discuss it in more detail.

Lynette McIntosh expressed her feelings about the "fake pandemic" and unconstitutional guidelines and mandates being based on faulty data. She said she is concerned as a citizen that the Board of Supervisors and County health officials might be considering mandatory vaccine passports in Inyo County.

Supervisor Roeser thanked HHS staff and the Veterans Service Officer for their outreach to veterans during difficult times. She also read aloud the names of the U.S. military personnel killed in the August 6, 2021 attacks at the Kabul airport. She also asked that the Board adjourn today's meeting in honor of Chuck Kilpatrick, whose memorial services are this Saturday.

Supervisor Pucci added that the memorial service for Col. Robert (Bob) Waggoner will be held Sunday at the fairgrounds.

County Department Reports

The Chairperson opened the floor to County Department Reports and there was nobody requesting to address the Board.

COVID-19 Staff Update

HHS Director Marilyn Mann reported a slight uptick in local COVID-19 cases, and noted that Public Health Officer Dr. James Richardson issued a strong recommendation last week that citizens wear masks indoors regardless of their vaccination status. HHS Deputy Director-Public Health & Prevention Anna Scott said there were 12 new COVID cases diagnosed over the weekend and said testing sites continue to operate twice a week in Bishop and Lone Pine. She said 69.7% of the eligible population is currently fully vaccinated.

Dr. Richardson said Public Health officials will continue to monitor cases over the next two weeks to determine the impacts of the recent holiday weekend and Tri-County Fair. He said the FDA has not issued a firm recommendation yet, but booster shots are likely on the horizon for the general population. Dr. Richardson said he continues to monitor future variants and noted that severe sickness, hospitalizations, and deaths have skyrocketed nationwide, resulting in swamped hospitals and burned out healthcare workers once again. He said it appears the U.S. has undid all the progress it made to overcome the pandemic and, with the variants out there, COVID will probably never fully go away. He encouraged the public to continue taking safety precautions and to get vaccinated – which he called the main line of defense against severe illness.

Staff and the Board discussed healthcare worker shortages and full ICUs and the impact on patients' ability to get the level of care they need, whether COVID related or not. Supervisor Kingsley said the arguments about vaccinations aside, the bottom line is people are having trouble getting hospital beds when they need them.

Wes French of Bishop said there are suppressed treatments that have proven effective; mask mandates are unconstitutional, ineffective, and a health hazard; vaccines are unnecessary because of effective therapeutic treatments; and the Board needs to stop taking advice based on "closed-loop junk science" and start upholding peoples' rights.

Josh Nicholson of Bishop said there are currently no local mandates about masking or vaccinations but the writing is on the wall as the State continues to infringe on peoples' rights.

He said service members sacrificed to preserve freedoms and these mandates trample on their sacrifices.

Lynne Greer of Bishop expressed concern about the uncertainty surrounding schools and implementing health measures there.

Philip Anaya of Bishop said he agrees with Dr. Richardson's masking recommendation and wishes that it were a mandate. Regarding alternative treatment methods being touted by anti-mask and anti-vaccine advocates, if the companies behind those medications want to be included in the COVID arsenal, they can go through the FDA process like Moderna and Pfizer did. He said it would be irresponsible for government entities to act outside of the established process.

Lynette McIntosh of Bishop cited unconfirmed numbers of deaths and adverse reactions related to the vaccine. She told the story of her granddaughter falling ill and having to be taken to the ER, where her COVID test came back negative and hospital staff said she needed to be retested the next day as it would likely come back positive. McIntosh said instead of going back for the test, she gave her granddaughter homemade hydroxychloroquine and she was better within 36 hours. McIntosh also lamented the fact that healthcare workers are at risk of losing their jobs because they don't want to get vaccinated.

*Parks & Recreation
– Two Parks & Rec
Specialists*

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 two (2) Parks and Recreation Specialists exists in the General Fund, as certified by the Department Head 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 two (2) Parks Specialists at Range 50 (\$3,094 - \$3,764). Motion carried unanimously.

*Recycling & Waste
Management –
Gate Attendant*

Moved by Supervisor Kingsley 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 one (1) Gate Attendant exists in the Recycling Waste Management budget, as certified by the Department Head 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) Gate Attendant at Range 50 (\$3,094 - \$3,764). Motion carried unanimously.

*HHS – Social
Worker IV/
Psychotherapist*

Moved by Supervisor Pucci 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) Social Worker IV/Psychotherapist position exists in the non-General Fund Mental Health budget, as certified by the HHS Director and concurred with by the County Administrator, and the Auditor-Controller; B) whereas it is unlikely that the Social Worker IV/Psychotherapist position could be filled by internal candidates meeting the qualifications for either level of the position, an open recruitment would be appropriate to ensure qualified applicants apply for the specialized position; and C) approve the hiring of one (1) Social Worker IV at Range 73 (\$5,302 - \$6,449) or Psychotherapist at Range 81 (\$6,407 - \$7,792), contingent upon qualifications. Motion carried unanimously.

*Public Works-Town
Water Systems –
Associate Engineer,
Engineer
Assistant I-II*

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) Associate Engineer or one (1) Engineer Assistant I or II exists in Non-General Fund Water Systems 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) Associate Engineer at Range 78 (\$5,971 - \$7,255) or a Engineer Assistant I at Range 71 (\$5,058 - \$6,150) or an Engineer Assistant II at Range 75 (\$5,563 - \$6,761), depending on qualifications. Motion carried unanimously.

Auditor-Controller –

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to adopt Resolution 2021-45, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California,

<i>FY 21-22 Tax Rates/Reso # 2021-45</i>	Adopting Tax Rates for Fiscal Year 2021-2022, Pursuant to California Government Code Section 29100," and authorize the Chairperson to sign. Motion carried unanimously.
<i>Auditor-Controller – FY 21-22 Gann Limit/Reso # 2021-46</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to adopt Resolution No. 2021-46, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Establishing Fiscal Year 2021-2022 Appropriation Limit Under Article XIII of the California Constitution, and Establishing Period for Contesting Such Limits for the County and Board of Supervisors Governed Special Districts," and authorize the Chairperson to sign. Motion carried unanimously.
<i>County Administrator – Central Valley Toxicology Amendment 1</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. 1 to the contract between the County of Inyo and Central Valley Toxicology, Inc. of Clovis, CA, increasing the contract to an amount not to exceed \$28,000, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign. Motion carried unanimously.
<i>Environmental Health – IDEXX Labs Sole-Source Blanket P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare IDEXX Laboratories, Inc. of Westbrook, ME a sole-source provider of Colilert reagent and other laboratory supplies used for the testing of total coliform and E. coli bacteria in water; and B) authorize the issuance of a blanket purchase order in an amount not to exceed \$25,000, payable to IDEXX Laboratories Inc. of Westbrook, ME for laboratory supplies for the period of September 7, 2021 through June 30, 2022. Motion carried unanimously.
<i>HHS – IDEA Consulting Contract Amendment 1</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. 1 to the contract between the County of Inyo and IDEA Consulting of Davis, CA for the provision of independent contractor services, amending the Schedule of Fees, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>HHS – Denise Marley Contract Amendment 1</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve Amendment No. 1 to the contract between the County of Inyo and Denise Marley that amends Standard Contract 116 to remove section 3(b) and adds additional expenditure clarification verbiage for Fiscal Year 2021-2022 and Fiscal Year 2022-2023, and authorize the Chairperson to sign. Motion carried unanimously.
<i>HHS-Behavioral Health – Bylaws & Appointments</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) approve the Behavioral Health Advisory Board Bylaws; and B) appoint Jane Gillam and Lynn E. Martin each to an unexpired 3-year term on the Behavioral Health Advisory Board ending June 30, 2023. Motion carried unanimously.
<i>HHS-Fiscal – RTZ Associates P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize a purchase order in an amount not to exceed \$18,120, payable to RTZ Associates of Lafayette, CA for an online web portal for the GetCare program in the Eastern Sierra Area Agency on Aging, contingent upon the Board's adoption of the Fiscal Year 2021-2022 Budget. Motion carried unanimously.
<i>HHS-Social Services – CWDA Annual Fees</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize payment of County Welfare Directors Association Annual Fees in the amount of \$21,666, contingent upon the Board's adoption of the Fiscal Year 2021-2022 Budget. Motion carried unanimously.
<i>Public Works – Bishop, Lone Pine FAA Grants</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize the Public Works Director to sign the Federal Aviation Administration (FAA) grant funding from the Airport Rescue Grant Program for the Bishop Airport and Lone Pine Airport and the FAA Airport Improvement Program (AIP) grant for the Bishop Airport. Motion carried unanimously.
<i>Public Works – Bishop Automotive Center Blanket P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize issuance of a blanket purchase order in an amount not to exceed \$30,000, payable to Bishop Automotive Center of Bishop, CA for the purchase of equipment repair and service items, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget. Motion carried unanimously.

<i>Sheriff – Sun Ridge Systems Sole-Source P.O.</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare Sun Ridge Systems, Inc. of El Dorado Hills, CA a sole-source provider of support services for the Jail Records Management and Computer Aided Dispatch System; and B) ratify and approve a purchase order and payment to Sun Ridge Systems, Inc. of El Dorado Hills, CA in the amount of \$25,936 for RIMS annual support services, contingent upon Board approval of the Fiscal Year 2021-2022 Budget. Motion carried unanimously.
<i>CAO/HHS-Public Health – Support of NIHD Variance</i>	HHS Director Marilyn Mann presented and read aloud to the Board a draft letter supporting the Northern Inyo Hospital District's request to the State for a variance to allow the district to keep unvaccinated workers employed with other safety measures in place. Supervisor Roeser asked that the county's State Legislative representatives be cc'd on the letter, and Chairperson Griffiths asked that a sentence be added to the effect that Inyo County still believes vaccinations are the key to turning the corner on the pandemic and will continue offering associated resources and education. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the letter to the California Department of Public Health (CDPH) requesting consideration of its decision to remove critical alternative safety measures from its mandate and consider permitting unvaccinated healthcare workers to continue to undergo regular testing as an accommodation, with the additions suggested by Supervisors Roeser and Griffiths. Motion carried unanimously.
<i>Recess/Reconvene</i>	The Chairperson recessed the meeting for a break at 11:33 a.m. and reconvened the meeting with all Board members present at 11:45 a.m.
<i>Water Department – OVGA Rep Direction</i>	Water Director Dr. Aaron Steinwand sought direction from Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for September 9, 2021. He noted that the administrative draft of the Groundwater Sustainability Plan was released to staff and OVGA representatives last week and also posted online for the public. Supervisor Totheroh, the Board's main OVGA rep, said he might be suggesting some payment methods that are better than what is suggested in the draft. Philip Anaya of Bishop thanked staff for making the draft document available and he said he is hopeful the Bishop Creek ditch system in West Bishop is included in the GSP as a surface water recharge project.
<i>County Counsel – Ordinance 1270 (Title 22 Update)</i>	Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Ordinance 1270, 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." Motion carried unanimously.
<i>CAO – FY 21-22 Budget Hearings</i>	Separate minutes. (See attached)
<i>Recess/Reconvene</i>	The Chairperson recessed the meeting for a break at 2:19 p.m. and reconvened the meeting with all Board members present at 2:30 p.m.
<i>Proclamation – Suicide Prevention and Recovery Month Proclamation</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve a proclamation declaring September as National Suicide Prevention and Recovery Month in Inyo County. Motion carried unanimously.
<i>HHS-Behavioral Health – DHCS Mental Health Services Contract</i>	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to ratify and approve the performance contract between the County of Inyo and the State of California, Department of Health Care Services (DHCS), for the provision of county mental health services for the period of July 1, 2021 through June 30, 2024, and authorize the HHS Director to sign two copies of each of the following: the Performance Contract (Exhibits A, B, D, E), the STD 213 form, and the Contractor Certification Clause CCC 04/2017. Motion carried unanimously.
<i>CAO-Personnel – Sue Dishion Assistant CAO Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve the contract between the County of Inyo and Sue Dishion for provision of professional services as Assistant County Administrator at a monthly salary of \$12,365, effective September 16, 2021, and authorize the County Administrator to sign. Motion carried unanimously.

Public Comment

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.

Board Member and Staff Reports

Supervisor Roeser said she attended the Friends of the Mt. Whitney Fish Hatchery annual fundraiser dinner and hosted two town halls – one in Big Pine and one in Independence – and is pleased with the support offered by County staff. She also congratulated the Tri-County Fair on a great event.

Supervisor Kingsley said he enjoyed visiting his grandchildren during the break and reported that several business owners mentioned fewer visitors over the Labor Day Weekend, likely as a result of the Forest Closure.

CAO Chapman reported being happy to survive her first budget hearing.

Chairperson Griffiths said he attended a veterans housing meeting, the Drug Court graduation, a meeting of the Senior Citizen Recreation Committee, meetings with the director of the California Department of Housing and Community, and a meeting of the Sustainable Recreation and Tourism Initiative partnership with Supervisor Roeser.

Adjournment

Chairperson Griffiths adjourned the meeting in memory of Chuck Kilpatrick at 2:49 p.m. to 8:30 a.m. Tuesday, September 14, 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