

# MINUTES



# County of Inyo Board of Supervisors

**May 26, 2020**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:00 a.m., on May 26, 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 Tothoroh, Jeff Griffiths, Rick Pucci, and Mark Tillemans.

*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 nothing had been submitted in writing. Nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*Closed Session*

Chairperson Kingsley recessed open session at 9:00 a.m. to convene in closed session with all Board members to discuss the following item(s): No. 2 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Title: County Administrative Officer.

*Open Session*

Chairperson Kingsley recessed closed session and reconvened the meeting in open session at 10:00 a.m. with all Board members present.

*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 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 nothing had been submitted in writing. Nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*County Department Reports*

Information Services Director Scott Armstrong said I.S. has been working with Homeland Security regarding end-user cyber security training. He said the effort will include sending fake phishing emails randomly to employees, and assigning cyber security training to those who get duped by the emails.

*COVID-19 Staff Update*

HHS Director Marilyn Mann reported that after thoughtful consideration, Public Health Officer Dr. James Richardson rescinded his health order regarding short-term rentals as it pertains to campgrounds and other leisure facilities that do not have physical structures (RV parks). She said other short-term rental facilities with physical structures and other buildings remain closed until the Governor lifts his order.

Dr. Richardson reported that the status of COVID-19 in the county has not changed – it has been 39 days since the last positive confirmed case. He said it will be difficult to know what the past holiday weekend might yield for the county in 2-3 weeks, and he encouraged the continued adherence to the universal face mask order.

Deputy HHS Director-Public Health & Prevention Anna Scott said staff expected the Governor to address perhaps moving some of the personal services businesses into Stage 2 for those counties who have a variance like Inyo County. She said they also expected updated guidance for schools, summer camps, and youth sports in upcoming weeks.

Assistant County Counsel Leslie Chapman said the Stage 2 reopenings are moving along quickly and there are some very happy campground concessionaires and RV park owners out there.

Sheriff Hollowell said his department is continuing to monitor for camping and recreation in closed areas and gain compliance from visitors. He said his deputies were particularly busy over the Memorial Day Weekend.

The Chairperson asked whether there was any written or Zoom-based public comment.

Patti from Lake Sabrina Boat Landing sent a message in inquiring about regulations involving boat rentals. She said the Forest Service has said they can open as soon as fishing season does, but they have been given no guidelines.

Jayne Hall, via Zoom, said she was approached over the weekend by several people questioning where they can report businesses they don't feel are complying with safety orders. CAO Quilter said residents can send those comments to the various contacts listed in the COVID-19 section of the website and staff will distribute them.

Jen Roeser, via Zoom, thanked the Board and staff for breaking loose a logjam with the Forest Service regarding concessionaires accessing their facilities. She urged the County to reach out to the regional USFS office because there are campgrounds open on other forests. Noting how busy the Alabama Hills were this past weekend, she also encouraged the County to advocate with BLM to open its campgrounds. Roeser also said she can assure the Board that people in the recreation/tourism industry are smart and working diligently to keep their guests and employees safe.

*Information Services  
– Sole-Source CBC  
Agreement*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) declare the California Broadband Cooperative, Inc. (CBC) of Vallejo, CA a sole-source provider of symmetrical Internet Access Services; B) approve the Service Agreement between the County of Inyo and the CBC for the provision of symmetrical Internet Access Services in an amount not to exceed \$134,400 (\$19,200 annually for 7 years, paid monthly at \$1,600) for the period of June 1, 2020 through May 31, 2027, contingent upon the Board's approval of future budgets; and C) authorize the Information Services Director or Deputy Director to sign, contingent upon all appropriate signatures being obtained. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*County Counsel –  
Gregory L. James  
Contract  
Amendment 1*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment No. 1 between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services, extending the term of the contract for the period of July 1, 2019 through June 30, 2021, contingent upon the Board's approval of the Fiscal Year 2020-2021 Budget; and authorize the Chairperson to sign. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*County  
Counsel/Water  
Department -  
Gregory L. James  
Contract  
Amendment 1*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment No. 1 to the contract between the County of Inyo and Gregory L. James, Attorney at Law, increasing the contract to an amount not to exceed \$160,000 and extending the term end date from June 30, 2020 to June 30, 2021 contingent upon the Board's approval of the Fiscal Year 2020-2021 Budget, and authorize the Chairperson to sign. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*County  
Counsel/Planning -  
Gregory L. James  
Contract  
Amendment 2*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment No. 2 to the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, extending the term of the contract for the period of July 1, 2019 through June 30, 2021, contingent upon the Board's adoption of the Fiscal Year 2020-2021 Budget, and authorize the Chairperson to sign on behalf of the County. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*Public Works –  
Quinn Company P.O.*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to authorize an increase to Public Works' purchasing authority with Quinn Company of City of Industry, CA by \$10,000, to

*Increase*

a total not-to-exceed amount of \$30,000 for the purchase of parts for equipment repairs. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*Public Works – 2019  
Maintained Mileage/  
Reso # 2020-22*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve Resolution No. 2020-22, certifying the Inyo County Maintained Mileage list for the year 2019; and B) authorize the Public Works Department to file the Resolution with the District 9 Office of the State of California Department of Transportation. Motion passed unanimously 4-0, with Chairperson Pucci out of the room at the time of the vote.

*County Administrator  
– Request to Open  
Fishing Season*

CAO Quilter presented an item to the Board to consider requesting that the California Department of Fish and Wildlife open fishing season in Inyo County prior to June 1, 2020. He said the biggest reason for the request would be to get Inyo County in sync with Mono and Alpine counties, who already opened their seasons. He said Public Health Officer Dr. James Richardson examined whether there would be any meaningful health risks by opening fishing season on May 27 instead of June 1. Dr. Richardson said he didn't see any significant change in the risk factor over those 4-5 days and believed it was the right thing to do since private RV parks and campgrounds are now reopening. Sheriff Hollowell said his department is fully prepared for an earlier opening, which would be good for the community and economy, and believed it could be accomplished by an email to the State Director of Fish and Wildlife.

The Chairperson opened the agenda item to public comment. The Assistant Clerk of the Board read an emailed comment from Timothy Mcloughlin asking for a date when Inyo County campgrounds will reopen. CAO Quilter said the County would look at reopening its facilities in 2-3 weeks to ensure staff is prepared. He added that the County wanted to give the private concessionaires the first shot at opening since it is their livelihoods.

Supervisor Totheroh said he was concerned Inyo County does not have the capacity to accommodate an influx of visitors, and would be encouraging people to defy the Governor's non-essential travel order. He said he was also concerned about the environmental damage caused by dispersed camping, and having a lot of people come to Inyo County from a known COVID hot spot (Southern California).

Supervisor Griffiths said there is currently no marketing being done encouraging people to come to Inyo County, and the County needs to find a way to address the local residents who want to go fishing as well as the people who are coming anyway without encouragement. He added that if the Public Health Officer and other experts on staff think opening earlier than June 1 is safe, then he thinks it's a good idea to let local people recreate. He also noted that the County can do nothing to stop visitors from defying the Governor's orders.

Supervisor Pucci said fishing season is already open in Mono and Alpine counties and he doesn't think it will be a problem to open in Inyo County.

Supervisor Tillemans said opening a few days early might help to thin out the large influx of anglers on June 1 and feels the County is continuing to find suitable middle ground on issues.

Chairperson Kingsley said the best Inyo County can do is take a methodical approach and open safely. He added that the opening makes from a regional standpoint to align with Mono County.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to request through letters that that the California Department of Fish and Wildlife open fishing season in Inyo County prior to June 1, 2020. Motion carried 4-1, with Supervisor Totheroh voting no.

*Planning – Owens  
Lake Historic District  
Presentation*

The Board received a presentation from the Great Basin Unified Air Pollution Control District and the Lone Pine Paiute Shoshone Tribe (representing the nomination committee) regarding the creation of a Historic District on Owens Lake. GBUAPCD Control Officer Phil Kiddoo and Deputy Air Pollution Control Officer Ann Logan described the effort in more detail, explaining the Tribal Historic Preservation Officers from the local Tribes are moving the request forward with the sponsorship of Great Basin. Kiddoo noted that the purpose of the Historic District would be to protect cultural resources while allowing the continuation of dust control mitigation projects. Lone Pine Paiute Shoshone Tribe THPO Kathy Bancroft provided historical and cultural context for the project, explaining that it will help ensure archaeology studies are done from a holistic approach rather than piecemeal and incorrectly. Chairperson Kingsley said he

supported the effort, with some reservations about creating additional restrictions for projects on the lake. The Board came to consensus to direct the Planning Department to draft a letter of support, with mention of the Chairperson's concerns.

*Road Department –  
Right-of-Way/  
Tree Policy  
Workshop*

Road Superintendent Chris Cash and Deputy County Counsel Grace Chuchla presented a workshop regarding the adoption of a proposed Inyo County Right-of-Way/Tree Policy and a proposed cost-sharing policy to assist homeowners with streetside apron maintenance. Supervisor Griffiths said he thought the proposed ordinance would go a long way toward clarifying and delineating rights and responsibilities, and suggested the addition of a requirement that trees be maintained to national standards.

The Chairperson opened the floor to public comment. Jayne Hall thanked staff for the proposed ordinance because the current policy is confusing. She advocated for a tree committee/more community involvement in the development of a policy, and also suggested a tree risk rating. The Assistant Clerk of the Board read aloud a letter from Independence resident Nancy Masters urging the Board to consider convening a tree committee to develop the ordinance. Nina Weisman of Independence noted that trees in Independence are a huge concern and have become an emotional issue, and suggested residents would be more comfortable with a community-based ordinance. Annette Wood of Independence said she sent a letter to the Public Works Director on March 5, inquiring about a particular tree, and has yet to receive a response.

Supervisor Pucci said the idea of a tree committee is important, but the ordinance currently being discussed outlines rights and responsibilities with regard to trees countywide and does not delve into more detailed issues such as what can or cannot be planted where. The rest of the Board agreed that there will be opportunities for communities to provide further input and help develop programs in the future, but it's important to adopt the broader policy now so that tree-related issues can be clarified countywide.

*Public Works –  
Annex HVAC  
Contract*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to:

- A) Amend the Fiscal Year 2019-2020 County Budget as follows: increase appropriation in Deferred Maintenance Budget #011501, Structures and Improvements Object Code #5640 by \$79,000 and reduce Deferred Maintenance Budget #011501 Fund Balance by \$79,000 (4/5ths vote required);
- B) Request Board award the contract for the Annex HVAC Retrofit Project to Bishop Heating and Air Conditioning, Inc. of Bishop, California as the successful bidder;
- C) Approve the construction contract between the County of Inyo and Bishop Heating and Air Conditioning, Inc. of Bishop, California in the amount of \$655,690, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; and
- D) Authorize the Public Works Director to execute all other project contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable laws.

Motion carried unanimously.

*Public Works-Town  
Water Systems –  
Title 4  
Amendments/Reso  
#'s 2020-23, 2020-  
24, 2020-25*

Deputy Public Works Director Chris Cash and Deputy County Counsel Grace Chuchla presented to the Board a proposed ordinance to update Title 4 of the County Code as it relates to Town Water Systems, and three related resolutions. No public comment was received. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to:

- A) waive further reading of Proposed Ordinance 1256 titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding, Repealing, and Amending Certain Sections of Title 4 of the Inyo County Code Related to the County Water Systems," and schedule enactment for June 2, 2020 at 10:30 am, in the Board of Supervisors Chambers, County Administrative Center, Independence;
- B) approve Resolution No. 2020-23, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Adopting the Inyo County Policy on Disconnection of Residential Water Service for Nonpayment," and authorize the Chairperson to sign;
- C) approve Resolution No. 2020-24, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Setting the Deposit Amount for Water System Customers," and authorize the Chairperson to sign; and

D) conduct a noticed public hearing in accordance with Government Code section 66016 and approve Resolution No. 2020-25, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Updating the Fee Schedule for Water Service Restoration Charges," and authorize the Chairperson to sign.  
Motion carried unanimously.

*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 nothing had been submitted in writing. Nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*Board Member and Staff Reports*

Supervisor Totheroh said he will be attending a board meeting of the Eastern Sierra Area Agency on Aging on Thursday.

Supervisor Griffiths reported a busy week with Zoom meetings – with the California Cannabis Authority and Caltrans – and conference calls with the state Office of Emergency Services and CSAC. He said he has NACo policy committee meetings tomorrow, a CSAC Board of Directors meeting Thursday, and his youngest son's graduation on Friday.

Chairperson Kingsley said he attended RCRC Zoom meetings during the week.

*Adjournment*

Chairperson Kingsley adjourned the meeting at 1:30 p.m. to 8:30 a.m. Tuesday, June 2, 2020 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER  
Clerk of the Board*

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*