

# MINUTES



# County of Inyo Board of Supervisors

**August 11, 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 August 11, 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, Rick Pucci, and 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 none had been submitted, and 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 present to discuss the following item(s): No. 2 **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.

*Open Session* Chairperson Kingsley recessed closed session and reconvened the meeting in open session at 10:06 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 if there was any public comment pending for items not calendared on the agenda.

The Assistant Clerk of the Board read aloud a comment submitted by Christina Rockwell, MS, Community Advocate/Coordinator, expressing continued concern over the lack of providers in the IHSS Registry system. She also advocated for the Board approving a pay increase for IHSS providers.

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

*County Department Reports* The Chairperson opened the floor to Department Reports and there was no-one wishing to address the Board.

*COVID-19 Staff Update* Deputy HHS Director-Public Health Anna Scott updated the Board on current COVID numbers, noting there were 60 new cases over the past two weeks, 45 of which were the result of an outbreak at the Bishop Care Center. She said at least 14 of the 45 cases are staff or students working in the facility. Scott said the outbreak has pushed Inyo County above acceptable metrics, but if the State – which she said recognizes the isolated situation at the Care Center – segregates those cases, then the County is still within acceptable transmission rates. Scott

noted, however, that the State decided to hold off on adding or removing any counties from the watch list until a serious data delay can be remedied. She said she expected conversations to continue with the Department of Public Health this week.

Supervisor Totheroh said Inyo County's case rate without the Care Center numbers is still uncomfortably close to the threshold that would trigger State intervention, and asked where the cases are coming from. Scott said most are in the Bishop area but there are a couple of clusters in the Lone Pine area that are being investigated as well. She acknowledged that the county had 1 additional COVID case every day last week that was not related to the Care Center. She said the full impact of that outbreak won't be known for another week or so, but staff is expecting to be put on the monitoring list regardless of whether the Care Center cases are separated out by the State. Scott added that the State wants to see positivity rates below 8% and Inyo County was at 14% yesterday.

Dr. James Richardson said there are a number of concerns with the Care Center outbreak, one being the need to have everyone who works their self-quarantine at home, whether they have tested positive or not, and another being the transmission of the virus out of the facility to family members who then may spread it throughout the community – which would make contact tracing difficult. He said he suspected next week would be a turning point in the outbreak, with cases either stabilizing or increasing.

HHS Director Marilyn Mann addressed comments and sentiment being expressed online and in the community about conflicting mask guidance. She said what is being recommended now is different than what was recommended in March, but noted that more is learned about the new virus as time passes. Regarding whether masks are effective at protecting individuals, she said more information gained globally indicates that wearing a mask stops the wearer from transmitting the virus, so wearing one protects others and if everyone wears a mask then everyone is protecting everyone else. She acknowledged the controversy that has sprung up regarding masks and said the County's efforts to educate and gain voluntary compliance have for the most part been successful, with only a few businesses requiring the County to move into the more formal enforcement process. She said overall, she needed to commend the business community and residents for the safe steps they have been taking. Mann also noted that the County's mechanism for formal enforcement does include due process for the businesses in non-compliance.

Chairperson Kingsley noted that a lot of local businesses are busier than they've ever been, with the massive influx of visitors traveling U.S. 395 and staying in the area. He said businesses who want to take advantage of that customer base and stay in business should have every incentive to cooperate with the public health orders.

Assistant County Administrator Leslie Chapman reported there are four staff members currently answering the County complaint line and they have logged approximately 300 complaints about businesses. She said with the vast majority of those complaints, staff is able to successfully reach out to businesses to educate and offer suggestions for getting into compliance. She thanked the businesses – most of them in the County, she said – who are taking the pandemic and public health measures seriously. She added that next week she would be bringing forward an agenda item for the Board to discuss expenditure of the County's CARES Act funding.

The Chairperson asked whether there was any public comment. The Assistant Clerk of the Board read aloud two submitted comments: one from Emilee Mullen questioning why the County is “waiting for the State to fix (its) data reporting system and putting the County on the watch list, instead of taking the necessary steps to slow the spread of this outbreak now;” and one from Susanne Rizo asking the Public Health Officer to speak to the information and recommendations regarding school re-openings that were mentioned at yesterday's Bishop Unified School District meeting.

With regard to the first question, Scott noted that the County has continued and will continue to work with the State Department of Health to make decisions in the best interest of Inyo County. She said additional closures have not been implemented yet because at this point, they have a pretty good idea of what's driving the COVID increase. Chairperson Kingsley said a sweeping closure would not be targeting the root cause of the new cases and would in effect be punishing the businesses that are in compliance and not contributing to the COVID spread.

Supervisor Griffiths added that it's important for the public to understand that the supervisors are receiving comments that the County is going too far or not far enough, but the bottom line is the County is relying on scientific and technical expertise to implement measures that are in the best interest of the public.

With regard to the second question, Scott (speaking on behalf of Dr. Richardson who left the meeting) said the County recognizes schools' concerns about the loss of learning and other impacts on children, but also the safety of students and staff. She said Dr. Richardson has been providing information to and advising school superintendents who are in turn advising their boards so they can make the best decisions for their districts.

*Clerk of the Board –  
Mt. Whitney  
Cemetery District  
Appointments*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to re-appoint Mr. Tom Noland and Mr. Chris Langley to the Mt. Whitney Cemetery District Board of Trustees, to respective four-year terms ending May 31, 2024. Motion carried unanimously.

*Emergency Services  
– FY 2020 EMPG-S  
Program App/  
Reso # 2020-34*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to review the proposed Fiscal Year 2020 Emergency Management Performance Grant Program COVID-19 Supplemental (EMPG-S) Program documents and, if deemed acceptable:

- A) Approve the submittal of the Fiscal Year 2020 EMPG-S Program Application and authorize the County Administrator or the Director of Emergency Services, as the designated Authorized Agent, to sign the grant application, as well as any and all accompanying documents, by approving "Governing Board Resolution No. 2020-34" designating the County Administrator or the Director of Emergency Services as the County's Authorized Agent to execute for, and on behalf of Inyo County, an application to be filed with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance provided by the Federal Department of Homeland Security and sub-awarded through the State of California; and
  - B) Authorize the Chairperson to sign the Resolution Addendum Letter.
- Motion carried unanimously.

*County Counsel –  
JFG, LLP Legal  
Services Agreement*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the agreement between the County of Inyo and Jarvis, Fay & Gibson, LLP of Oakland, CA for the provision of legal services in an amount not to exceed \$80,000 for the period of August 1, 2020 until litigation is completed, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Public Works –  
Birchim Lane N.O.C./  
Reso # 2020-35*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Resolution No. 2020-35 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 Birchim Lane Emergency Repair Project," and authorize the Chairperson to sign. Motion carried unanimously.

*BOS-Supervisor  
Griffiths – Letter in  
Support of IMACA  
Funding*

Supervisor Griffiths introduced a proposed letter of support for the reinstatement of funding to the Inyo-Mono Advocates for Community Action's Head Start Program. He explained that the national Office of Head Start decided not to renew the contract that IMACA administers to provide all-day learning to approximately 100 youth throughout the Eastern Sierra, after determining that there is not enough need in the region to warrant continuation of funding. Supervisor Griffiths noted that even with increased challenges to fill the program's available slots due to minimum wage increases that disqualify families based on the federal poverty level, the program is always full. He said the program is critical throughout the Eastern Sierra, but particularly in more remote communities such as Lone Pine and Lee Vining where child care options are especially limited. Chairperson Kingsley asked for clarification on the Office of Head Start's rationale. Supervisor Griffiths said the reasoning has not been communicated clearly to IMACA, with very little written justification provided, but it is presumed based on conversations with the federal office that it believes it's more efficient to supply the funding to urban programs serving more youth. Both Supervisor Griffiths and Chairperson Kingsley said they would personally follow up by engaging Congressman Cook, if the letter is approved. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a letter requesting the Office of Head Start reinstate critical grant funding to the Inyo-Mono Advocates for Community Action Head Start Preschool Program, and authorize the Chairperson to sign. Motion carried unanimously.

*Treasurer-Tax  
Collector – Partial  
Tax Payments/Reso  
# 2020-36*

Treasurer-Tax Collector Alisha McMurtrie presented a proposed resolution that would allow her office to accept partial payments, especially on the current year tax rolls. She said partial payments can now be accommodated by the County's new Property Tax Management System and the timeliness of the change will be extremely beneficial to taxpayers during the COVID-19 pandemic. She added that late-payment penalties would only be applied to taxpayers' remaining balance, lessening the financial impact. She said taxpayers have been asking about current-year partial payments for at least two decades, and if approved, the resolution will put Inyo County in league with fewer than five counties around the state. McMurtrie said the move would be in the best interest of both taxpayers and the County. Moved by Supervisor Tothoroh and seconded by Supervisor Pucci to approve Resolution No. 2020-36, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Treasurer-Tax Collector to Accept Partial Payment of Taxes Pursuant to Sections 2636, 2708, 2927.6 and 4143 of the Revenue and Taxation Code," and authorize the Chairperson to sign. Motion carried unanimously.

*Sheriff – Sun Ridge  
Systems Sole-Source  
P.O.*

Moved by Supervisor Tillemans and seconded by Supervisor Tothoroh to 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 \$22,337 for RIMS annual support services from July 1, 2020 through June 30, 2021, contingent upon Board approval of the Fiscal Year 2020-2021 Budget. Motion carried unanimously.

*Planning –  
Discontinuation of  
Quad State  
Membership*

Planning Director Cathreen Richards sought direction from the Board as to whether the County should continue its membership in Quad State, and pay the annual dues of \$2,000 as well as a potential \$12,000 for Inyo's share of the cost of litigation involving listing petitions for the Joshua Tree and the Sonoran population of Desert Tortoise. She said that Inyo County has not had active representation on the Quad State board since 2018. Chairperson Kingsley said the membership dues are minimal and he supported continuing membership in order to have representation on the Joshua Tree listing issue. Supervisors Griffiths, Tothoroh, and Tillemans said they did not see the value in continuing the membership, as representation on issues affecting Inyo County has been sparse. Chairperson Kingsley said the County does receive representation and the membership cost could prove worth it if the organization opposed the Joshua Tree listing. Supervisor Griffiths said the listing is a separate conversation they have not discussed yet as a board and the question is whether the County gets a benefit from its Quad State membership and in his observation over the past 8 years, it hasn't. Moved by Chairperson Kingsley to continue membership in Quad State, authorize payment of annual membership dues, and then follow-up with a conversation about litigation costs. Motion failed for lack of a second. Moved by Supervisor Tothoroh and seconded by Supervisor Griffiths to discontinue the County's membership in Quad State. Motion carried 4-1, with Chairperson Kingsley opposed.

*CAO – Letter of  
Gratitude for Grand  
Jury Service*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve a letter to the Honorable Brian Lamb, Presiding Judge, Inyo County Superior Court, expressing gratitude for the 2019-2020 Grand Jury's service, and authorize the County Administrator to sign. Motion carried unanimously.

*Clerk of the Board –  
Approval of Minutes*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of August 4, 2020. Motion carried unanimously.

*Public Comment*

The Chairperson solicited public comment for the final public comment period.

The Assistant Clerk of the Board said none had been submitted, and nobody requested to speak to the Board via the "hand-waving" feature on Zoom.

*Board Member and  
Staff Reports*

Supervisor Tothoroh said he attended a Behavioral Health Advisory Board meeting yesterday and is impressed with how staff is doing a good job in continuing to provide service to clients during the pandemic, and reported that he has an Eastern Sierra Council of Governments meeting on Friday.

Supervisor Griffiths said he will also be attending the ESCOG meeting on Friday and noted it has been a busy time for him will various board and committee meetings, including CSAC

Executive Board meetings.

Supervisor Pucci reported being busy as well.

County Counsel Rudolph reported his office has been working really hard the past two weeks to assist Public Health on enforcement issues.

CAO Quilter advised the Board that the Budget team is working to get the FY 20-21 Budget published by next Thursday.

Chairperson Kingsley said he has had a couple RCRC meetings over Zoom and a fairly busy schedule coming up, adding that in some ways he is more engaged in the local community than ever before because lack of travel allows him more time to interact with his constituents.

*Adjournment*

Chairperson Kingsley adjourned the meeting at 11:34 a.m. to 8:30 a.m. Tuesday, August 18, 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*