

MINUTES



County of Inyo Board of Supervisors

August 25, 2020

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:01 a.m., on August 25, 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.

Pledge of Allegiance Chairperson Kingsley led the Pledge of Allegiance.

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 has been asked to read aloud a flyer submitted by Monica Duarte of the Service Employees International Union, in support of In-Home Support Services staff.

County Department Reports Clerk-Recorder Kammi Foote provided an update on the November 3, 2020 election.

HHS-Social Services – Change in Authorized Strength/Social Worker III or IV Moved by Supervisor Totheroh and seconded by Supervisor Griffiths for the Board to: A) change the Authorized Strength in HHS Aging and Social Services Division by deleting one (1) Social Worker Supervisor at Range 76 (\$5,369 - \$6,528) and adding either one (1) Social Worker III at Range 70 (\$4,660 - \$5,668) or one (1) Social Worker IV at Range 73 (\$4,998 - \$6,079); and B) find that, consistent with the adopted Authorized Position Review Policy:

1. the availability of funding for one (1) Social Worker III or Social Worker IV exists in the non-General Fund Social Services budget, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller;
2. where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an open recruitment is more appropriate to ensure qualified applicants apply;
3. 3. approve the hiring of one (1) Social Worker at either Range 70 (\$4,660 - \$5,668) or Range 73 (\$4,998 - \$6,079); and
4. 4. if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.

Motion carried unanimously.

HHS – CDBG-CV 1 Lead Applicant Status Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve a Memorandum of Understanding between the County of Inyo and City of Bishop that assigns the City of Bishop "Lead Applicant" status to apply for both the City and County Community Development Block Grant Coronavirus Response Round 1 (CDBG-CV1) grant and purchase storage facilities for emergency equipment stockpiles, and authorize the County Administrative Officer to sign. Motion carried unanimously.

HHS-Health & Prevention – Mutual Aid Agreement Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the agreement between Inyo County and the signatory counties of the California Governors' Office of Emergency Services (OES) Mutual Aid Regions I and VI to provide mutual assistance during a medical and health emergency, disaster, planned event, or catastrophic event, and authorize the Chairperson to sign. Motion carried unanimously.

Planning – Partner Engineering & Moved by Supervisor Pucci and seconded by Supervisor Totheroh to declare Partner Engineering and Science Inc./Andy Zdon of Santa Ana, CA a sole-source provider of

*Science/Andy Zdon
Sole-Source Contract*

hydrological consulting services; B) approve the contract between the County of Inyo and Partner Engineering and Science Inc./Andy Zdon of Santa Ana, CA for the provision of hydrological consulting services in an amount not to exceed \$56,000 for the period of September 1, 2020 through June 30, 2021, contingent upon the Board's approval of the Fiscal Year 2020-2021 Budget; and C) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Public Works –
Energy Systems P.O.*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize a purchase order in an amount not to exceed \$125,000, payable to Energy Systems of Stockton, CA for five generators and one transfer switch.

*Public Works –
Drainage Ditch
Easement/Reso #
2020-37*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve Resolution No. 2020-37, titled, "A Resolution of the Board of Supervisors of the County of Inyo Accepting an Irrevocable Offer of Dedication for Land for a Drainage Ditch on APN 012-240-06 and a Perpetual Easement to Land Related to the Drainage Ditch," and authorize the Chairperson to sign. Motion carried unanimously.

*Public Works –
Culvert
Easement/Reso #
2020-38*

Chairperson Kingsley recused himself from the item and briefly left the meeting, turning presiding duties over to Vice Chairperson Griffiths. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Resolution No. 2020-38, titled "A Resolution of the Board of Supervisors of the County of Inyo Accepting an Irrevocable Offer of Dedication for a Culvert Easement and Authorization the Execution and Recording the Irrevocable Officer of Dedication of APN 026-27-010 to the County," and authorize the Vice Chairperson to sign. Motion carried 4-0-1, with Chairperson Kingsley recused. Chairperson Kingsley returned to the meeting and resumed his chairing duties.

*COVID-19 Staff
Update*

Assistant County Administrator Leslie Chapman updated the Board on the newly launched REVIVE grant program, and HHS Director Marilyn Mann gave an update on guidelines being issued by the state. HHS Deputy Director-Public Health Anna Scott provided the latest numbers: 167 total cases as of yesterday; 61 in the past two weeks alone with 28 of those being community-based. She said cases are continuing to come out of the Bishop Care Center, but at a slower pace, and the County's overall case rate is showing a slight decrease. Public Health Officer Dr. James Richardson confirmed that COVID-19 activity countywide has been slowing down and there are no hospitalized cases currently. He said there have been 12 deaths from Care Center so far and one from the community at-large. Dr. Richardson also noted that two studies have shown children ages 9-15 have a higher transmission rate than children 9 and under, so he suggested perhaps bringing the youngest students back to school first when permitted.

A member of the public identified as "Annetta and Jack" asked via Zoom how many of the 12 deaths were among residents of the Care Center, and was told all of them.

*County Counsel –
Proposed Urgency
Enforcement
Ordinance*

County Counsel Rudolph introduced for Board consideration a proposed urgency ordinance to create for the County both criminal and civil administration tools to discourage and penalize violations related to local and state COVID-19 public health orders. Rudolph said the emergency status has been based on the County's dramatic increases in coronavirus cases and that despite there appearing to be a downtick in positive diagnoses, it does not mean the emergency basis no longer applies. He reviewed the ordinance in detail, explaining to the Board that the ordinance could establish financial penalties as an incentive for residents and businesses to comply with the orders. He described a lengthy, multi-step process beginning with a notice of non-compliance that orders remedy of the violation in 24 hours. He said if the violation is fixed, that's the end of it. However, there are additional steps laid out by the ordinance in the event of continued non-compliance, including fines of either \$500 or \$2,000 a day, and suing the violator. The criminal element of the ordinance would allow certain designated employees in Public Health to issue a "criminal citation" on the spot, which is basically a ticket, or notice to appear. Rudolph said pursuing criminal avenues is not something to be done lightly, and anyone exercising the authority to write citations (per statute) would have to have training. He noted that the proposal is not unusual and that a lot of counties have developed similar methods for code enforcement. Rudolph also noted that the Board does not necessarily have to approve both the administrative and criminal penalties, adding that the ordinance does not apply in the City of Bishop although the City has the ability to consent to any or all of the ordinance's provisions.

Chairperson Kingsley noted the continued technical difficulties occurring with the Zoom webinar, which the Information Services Director said were being caused by factors outside of the County's control that were affecting connectivity. Chairperson Kingsley expressed concern about the ability of both the Board and members of the public to participate if the issues continued. After further discussion, the Board decided to take a 30-minute break and re-evaluate the situation then.

Recess/Reconvene

The Chairperson recessed the meeting at 11:30 a.m. for a break and reconvened the meeting at 12 p.m. with all Board members present.

*County Counsel –
Proposed Urgency
Enforcement
Ordinance
(continued)*

Upon return from the break and with technical difficulties appearing to continue, Supervisor Griffiths advocated for tabling the item and bringing it back next week. Rudolph noted any postponement would conflict with the claim of an emergency situation.

The Chairperson asked for public comment.

The Board heard from Anna Crews Camphouse, an RN and pastor for all Methodist churches in the valley, Fran Hunt, and Drew Wickman in support of the ordinance, as well as Scott Knecht opposing the ordinance. The Assistant Clerk of the Board also read aloud comment letters submitted by Doug Brown, Joy Newcomb, Leon Beadle, Mary Ellen Halpin, and a group calling itself "the Unheard Voices of the Owens Valley" in opposition, and by Edith Warkentine in support of the ordinance. Those in opposition cited government overreach, a violation of Constitutional rights, prematurity given declining cases, and draconian financial punishment of already hurting business as reasons not to approve the ordinance. As a reason to approve the ordinance, supporters cited the need to compel people engaging in dangerous behavior to comply with the health orders for the sake of the entire community.

County Counsel said that while there are differing opinions on whether the ordinance is good policy, the County does have the authority to enforce public health orders via the measures described in the ordinance. He also said that the ordinance is not meant to target businesses and is not solely about masking. He said one of the problems right now is people holding large gatherings and the ordinance gives the County tools to enforce the rules after efforts to achieve voluntary compliance fail. He said whether certain individuals should have tools at their disposal to deal with flagrant violations on the spot is a policy consideration for the Board, as is whether violation of the face mask order should be treated as a crime. D.A. Tom Hardy said the ordinance will give the County additional enforcement tools but will not reduce its ability to enforce existing penalties in state and county code – which it can already do, for example, if someone was violating a quarantine order. HHS Assistant Director Meaghan McCamman added that the genesis of the ordinance was really enforcement of social gathering guidelines. She said from an epidemiological standpoint there is evidence that gatherings are a cause of transmission. Hardy clarified that under state law, local peace officers currently have the authority to enforce public health orders but are not required to. He said as currently written the ordinance does not require enforcement either, and even if a citation is written, it is his office's decision as to whether to file charges. He said he liked the civil enforcement because it's a faster process and the County's ability to pursue criminal charges would be preserved in existing statute.

Supervisor Pucci said he has concerns about the criminal portion of the ordinance, as he believes most people are doing a pretty good job complying with the orders and the County can already do criminal enforcement. He said he has heard from constituents who are now afraid that they won't wear a mask they'll be arrested. Supervisor Griffiths said he understood the fears but the goal of the ordinance is to address egregious behavior that is a danger to public health, and if parties are given notice and still don't comply, the County can do something about it. He agreed that the vast majority of the community is in compliance, and there are just a handful engaging in dangerous behavior. He said he was also in favor of the civil penalties and noted that since law enforcement already has the ability to take immediate action on criminal offenses, he would hope they would be a responsible partner in the enforcement effort. Supervisor Tillemans said he was concerned about adopting a tool kit that leads to the expectation that the County will be taking action over every little action. He said the County is at an alarming stage but nowhere near original projections, and positive case numbers seem to be leveling off. He said he didn't see the urgency and was not a fan of either the civil or criminal enforcement tools but definitely did not support the latter. Supervisor Totheroh said COVID-19 case numbers have tripled in the last month, with 11 deaths. He

noted that as much as 30% of the new cases are not related to the outbreak at the Bishop Care Center, with that 30% by itself qualifying the County for the state watch list. He said it takes very few people to cause a significant problem of spread through the community, and he was strongly in favor of the ordinance. Chairperson Kingsley said he also had concerns about moving to criminal enforcement. He said one of his biggest concerns is people violating quarantine orders, and knowing now that the County already can enforce those orders through criminal avenues, he is less interested in the criminal penalty portion of the ordinance. He also said his expectation would be that the ordinance is enforced only in egregious situations.

After additional discussion, the Board decided to temporarily table the item so that County Counsel could revise it to only include civil penalties, and bring it back later in the meeting for approval.

*Public Works –
Presentation on
Flood Maps*

Eric Simmons with the Federal Emergency Management Agency provided a brief presentation to the Board on the proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Unincorporated Areas of Inyo County, CA. He said modifications have been in the works the past 4-5 years and are scheduled to be adopted December 3.

*Public Works –
Proposed Ordinance
(Chapter 14 Updates)*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to read title and waive further reading of the proposed ordinance, titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending certain sections of Chapter 14.28 of the Inyo County Code related to Flood Damage Prevention," and schedule enactment for 10:30 a.m. on Tuesday, September 1, 2020, in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously.

*Ag Commissioner –
2019 Crop and
Livestock Report*

Ag Commissioner Nate Reade presented to the Board the 2019 Crop and Livestock Report for Inyo and Mono counties.

*HHS-Social Services
– Life Remedies
Contract
Amendment 2*

HHS Director Marilyn Mann presented a request to increase the not-to-exceed amount on the County's contract with Life Remedies and Celebrations to help them beef up the IHSS worker registry and provide more recruitment opportunities. Christina Rockwell, an IHSS worker, said she appreciated the reasoning behind the request and noted that IHSS workers are actively pursuing raises and benefits. She said she appreciated the recognition of her concerns one of her major concerns about the readiness level of the registry, but reiterated there is the continuing issue of low wages. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to ratify and approve Amendment No. 2 to the current contract between the County of Inyo and Life Remedies and Celebrations of Corning, CA, increasing the contract to an amount not to exceed \$371,400.00, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS-Social Service –
ICOE Stage I Child
Care Contract*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to ratify and approve the contract between the County of Inyo and the Inyo County Office of Education for the provision of Stage I Child Care Services, in an amount not to exceed \$177,141.00 for the period of July 1, 2020, through June 30, 2021, and authorize the Chairperson to sign. Motion carried unanimously.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the minutes of the regular Board of Supervisors meeting of August 18, 2020. Motion carried unanimously.

*County Counsel –
Proposed Urgency
Enforcement
Ordinance
(continued)*

Per the Board's direction, County Counsel Rudolph returned with a revised version of the urgency ordinance with all reference to criminal penalties and provisions removed. Supervisor Griffiths thanked Rudolph for the quick turnaround. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to introduce, read title, waive further reading, and enact a proposed urgency ordinance titled "An Urgency Ordinance of the Board of Supervisors, County of Inyo, State of California, Adopting Civil Administrative Enforcement Mechanisms to Discourage and Penalize Violations of Orders Pertaining to the COVID-19 Pandemic" (4/5th vote required). Motion carried unanimously.

Public Comment

The Chairperson solicited public comment for the final public comment period. No additional comments had been emailed and nobody requested to speak to the Board via the "hand-

waving” feature on Zoom.

*Board Member and
Staff Reports*

Supervisor Griffiths reported being busy with lots of virtual meetings and phone calls. He added that there is a new Facebook group of people volunteering to pick up trash on public lands and he wondered if there was a way for the County to see that landfill fees don't become an impediment to the group's mission.

Chairperson Kingsley reported he would be having minor surgery later in the week.

Adjournment

Chairperson Kingsley adjourned the meeting at 2:23 p.m. to 8:30 a.m. Tuesday, September 1, 2020 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