

MINUTES



County of Inyo Board of Supervisors

September 1, 2020

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:30 a.m., on September 1, 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, and Rick Pucci. Absent: 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.

Allen Berrey requested to speak via the Zoom "hand-waving feature." He said for the U.S. to become the indivisible nation its Pledge of Allegiance implores it to be, it is imperative the proverbial "bad" apple peace officers be identified and held accountable for their transgressions. In a written statement he read aloud, he said he can speak with confidence on the issue after a 23-year career with County Counsel offices in Merced, Inyo, and Mono counties, and as a public defender and private-practice attorney. He went on to describe his career and one case in particular where he helped an individual successfully sue Mono County and two members of its Sheriff's department for violating his client's Second and Fourth Amendment rights. Chairperson Kingsley interjected to remind Mr. Berrey that public comments are usually limited to 2-3 minutes and ask that he get to his conclusion. Mr. Berrey implored the Board to consider reviewing a clause in the County's public defender contracts prohibiting them from advising or assisting their clients with any claims they might have against the County or any of its employees. He said the clause is unconstitutional and urged the Board to revise it so that it's mandatory for a public defender to advise or assist clients with such claims.

The Assistant Clerk of the Board then read aloud comment letters submitted online: from Joy Wilson, asking that the County focus on getting people's food, housing, and healthcare needs met and included in the County Budget; from Lynne Greer, advocating for an informational campaign in Inyo and Mono counties regarding proper outdoor etiquette, and also providing additional dumpsters and portable toilets; and from Mike Noda, formally notifying the Board that Life Remedies & Celebrations' chief labor negotiator has resigned from and is no longer affiliated with LRC.

Closed Session

Chairperson Kingsley recessed open session at 9:42 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 10:01 a.m. with all Board members present.

Pledge of Allegiance

Chairperson Kingsley led the Pledge of Allegiance.

Report on Closed

County Counsel Rudolph reported that no action was taken during closed session that is

<i>Session</i>	required to be reported.
<i>Public Comment</i>	<p>Chairperson Kingsley asked if there was any public comment pending for items not calendared on the agenda.</p> <p>The Assistant Clerk of the Board said no additional letters had been submitted, and nobody requested to speak to the Board via the “hand-waving” feature on Zoom.</p>
<i>County Department Reports</i>	Chief Probation Officer Jeff Thomson began providing an update on Senate Bill 823. Chairperson Kingsley noted that Thomson’s audio was garbled and suggested returning to County Department Reports later to give Thomson an opportunity to fix the problem.
<i>COVID-19 Staff Update</i>	HHS Director Marilyn Mann provided a broad overview of the State’s new tiered system for counties based on case numbers and case positivity rates. She said Inyo County has been placed in the purple level labeled “Widespread” and which includes the most restrictions for businesses. HHS Deputy Director – Public Health Anna Scott provided the latest numbers: 181 cumulative COVID-19 cases as of yesterday, with 36 of those cases cropping up in the past two weeks – six of which were from the Bishop Care Center. She said no new deaths have been reported and there appears to be a steady decline in cases each week. Public Health Officer Dr. James Richardson said there has been a dramatic change at Bishop Care Center since the outbreak at the beginning of August, with diminishing activity and 12 out of 16 patients in the COVID unit eligible for relocation. He added that of the four who are symptomatic, none are severely ill. Assistant County Administrator Leslie Chapman provided an update on the REVIVE grant program for small businesses that closes to applications on September 18, noting that applicants seem satisfied with the clarity of the instructions.
<i>County Department Reports (continued)</i>	Chief Probation Officer Thomson continued his update after solving his technical difficulties. He said SB 823 passed and is currently on the Governor’s desk, despite widespread opposition from advocacy groups, including the Chief Probation Officers of California, California State Association of Counties, and Rural County Representatives of California.
<i>Recycling & Waste Management – Equipment Operator I</i>	Moved by Supervisor Griffiths 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 the requested position exists in the Recycling and Waste Management budget, as certified by the Assistant County Administrator 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; C) authorize the hiring of one (1) full-time Equipment Operator I, Range 58 (\$3,583 to \$4,359); and D) if an internal candidate is hired as a result of the open recruitment, authorize Recycling & Waste Management to backfill the resulting vacancy. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>HHS-Social Services – Social Services Aide</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Social Services Aide exists in a non-General Fund budget, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where an existing State Merit System eligibility list exists for the position, the vacancy could possibly be filled through this existing list; C) where the recruitment for the position is not successful through the existing list, 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; and D) approve the hiring of one (1) Social Services Aide at Range 60 (\$3,758 - \$4,564). Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Sheriff – Public Dispatcher I</i>	Moved by Supervisor Griffiths 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) Public Dispatcher I position exists in the General Fund, as certified by the Sheriff 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) Public Dispatcher I at Range 55A-E (\$3,150 - \$3,830). Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Auditor-Controller – Gann Limit/Reso # 2020-39 Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Resolution No. 2020-39, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, "Establishing Fiscal Year 2020-2021 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 4-0, with Supervisor Tillemans absent.

Auditor-Controller – Tax Rates/Reso # 2020-40 Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Resolution No. 2020-40, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Adopting Tax Rates for Fiscal Year 2020-2021 Pursuant to Government Code Section 29100," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Items Pulled The following items were pulled from the agenda at the request of the Department:

13. **Public Works** - Request Board approve the plans and specifications for the Independence Water Main Installation project and authorize the Public Works Director to advertise for the project.
14. **Public Works** - Request Board authorize the purchase of one (1) Striker 4x4 1500-gallon Aircraft Rescue and Fire Fighting vehicle and accessory equipment from Oshkosh Airport Products, LLC of Neenah, WI in an amount not to exceed \$828,045.82.

CPUC – Update on Ivanpah-Control Project John Forsythe of the California Public Utilities Commission and Susan Lee with the Aspen Group provided an update on Southern California Edison's Ivanpah-Control Project.

Water Department – OVGA Rep Direction Water Director Dr. Aaron Steinwand sought direction from the Board to the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority meeting scheduled for September 10, 2020. He reviewed the meeting's agenda items and also discussed the OVGA board needing to select a logo (the choices for which he showed the Board). Supervisor Pucci asked when the work on the Groundwater Sustainability Plan is supposed to start and was told consultants are in the midst of that now. Supervisor Totheroh said if there was overwhelming public support for one of the logos in particular, he would endorse it.

HHS – Dr. Goshgarian Contract Moved by Supervisor Pucci and seconded by Supervisor Griffiths to ratify and approve a new contract with Dr. Anne Goshgarian to serve as the Inyo County Health and Human Services Substance Use Disorder Medical Director through December 31, 2020, in an amount not to exceed \$16,325, contingent upon the Board's approval of the Fiscal Year 2020-2021 Budget, and authorize the HHS Director to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Works – Ordinance 1259 (Chapter 14 Updates) Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve an 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." Motion carried unanimously 4-0, with Supervisor Tillemans absent.

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

HHS Director Marilyn said the Governor signed a bill on Friday banning flavored tobacco products statewide effective January 1, 2021, including vaping materials, menthol cigarettes and various other products, with some exceptions for cigars and hookah tobacco. She noted the bill renders Inyo County's attempts at a flavored-tobacco related regulatory ordinance moot, and said she would find out how the legislation impacts retailers on Native American reservations.

Board Member and Staff Reports Supervisor Totheroh said he would be attending a Great Basin Unified Air Pollution Control District board meeting this week.

Supervisor Griffiths said he attended a First 5 meeting last week where micro-grants were distributed for COVID-related child care issues, and added that he has a CSAC board meeting this week.

CAO Quilter reminded the Board that budget hearings begin September 8.

Chairperson Kingsley said he worked over the weekend as RCRC lobbied on a number of bills, and has a Great Basin board meeting and a couple other Zoom meetings to attend this week.

Adjournment

Chairperson Kingsley adjourned the meeting at 12:03 p.m. to 8:30 a.m. Tuesday, September 8, 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