

MINUTES



County of Inyo Board of Supervisors

February 2, 2021

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on February 2, 2021, 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 Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Jennifer Roeser, and Matt Kingsley. Also present: County Administrative Officer Clint Quilter, 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 said she had received none as of right then, and nobody requested to speak via Zoom.

Closed Session

Chairperson Griffiths recessed open session at 8:30 a.m. to convene in closed session with all Board members present to discuss the following item(s): **No. 2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957J** – Title: Public Works Director; **No. 3 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 – 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; and **No. 4. PUBLIC EMPLOYMENT – Pursuant to Government Code §54957** – Title: Veterans Service Officer.

Open Session

Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 10:02 a.m. with all Board members present.

Pledge of Allegiance

Supervisor Griffiths 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 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 Stephanie DeWolf, reiterating her request for the Board to provide additional funding to the Sheriff's Office so that it can investigate the murder of her mother, whose remains were discovered in Death Valley in 2008. She also noted a continued lack of communication with her and with the witnesses in her mother's case.

Chairperson Kingsley noted that he is sympathetic to Ms. DeWolfe's plight but he, the sheriff, the investigator, and the Barstow investigator assigned to the case have all reached out to her, and the sheriff does not believe it is a funding issue but rather a case of all leads having been exhausted.

Via Zoom, Ms. DeWolfe said she has not spoken to anyone else on the phone about this matter besides Supervisor Kingsley and asked for a definitive answer as to whether the lack of movement on her mom's case is funding-related, like the investigator says, or because efforts have been exhausted, like the sheriff says. She also said if the latter is true, she would like to see case files.

County Department Reports

Chairperson Griffiths opened the floor to department reports but there was nobody wishing to address the Board.

COVID-19 Staff Update

The Board heard staff's weekly update on the status of COVID-19 cases locally, as well as state and national trends. Staff also updated the Board on the distribution on vaccines and ongoing testing. HHS Director Marilyn Mann clarified that incorrect data at the state level erroneously shows Inyo County with the highest case rate in California, with fewer than 100 vaccinations in Inyo-Mono given. She said the numbers are woefully inaccurate and staff is working to get the correct figures updated.

HHS Deputy Director-Public Health Anna Scott briefed the Board on a new online platform being rolled out by the State called "MyTurn." She explained it will initially be used mostly for internal scheduling of vaccine clinics. Supervisors Roeser and Griffiths expressed a lack of faith in the system, considering the State's inability to post correct data and the fact that Inyo County's own system is working fine.

Discussion continued about Inyo County being in the Purple Tier according to the State's Road Map for Recovery.

Assistant CAO Leslie Chapman reported a busy week with grant-related deadlines falling on Friday.

David Blacker of the Death Valley Natural History Association said rural counties are not getting enough vaccine allotted by the State, and Inyo will be in trouble if it can't do mass vaccination clinics soon. He also encouraged everyone to keep up the good work and the Death Valley area will work on reviving the economic engine the region is.

Ken Cluff asked whether the four new cases being reported involved symptomatic cases and/or hospitalizations, and whether the movie theater and restaurants will be allowed to reopen by Valentine's Day. Ms. Mann reported that she is not sure of the status of the individuals, and can only report positive lab results. As far as re-opening, she said Inyo County must follow the State's guidelines for the different tiers in the Roadmap to Recovery. Ms. Scott said the county would have to see a dramatic decrease in cases to be allowed to reopen by February 14.

Joshua Nicholson responded to Public Health Officer Dr. James Richardson's response to his question last week regarding where he gets his information. Nicholson said upon researching those sources, he discovered information that reflected poorly on those individuals' character. Dr. Richardson was not in attendance.

District Attorney – Change in Strength

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to change the Authorized Strength in the District Attorney's Office by deleting one full-time District Attorney Investigator Assistant, Range 64 (\$4,124 - \$5,011) and add one full-time Criminal Investigator I-II, Range 71-74 SA-SF (\$5,349-\$7,937) authorize the hiring up to F step depending on qualifications. Motion carried unanimously.

Ag-ESWMA – 3 AmeriCorps Field Assistants

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize the Agricultural Commissioner and the Director of the Water Department to sign a Letters of Intent between the County of Inyo and Sierra Nevada Alliance for the provision of three (3) Field Assistants from the Sierra Nevada AmeriCorps Membership in an amount not to exceed \$21,375 for the period of April 5, 2021 through September 18, 2021, contingent on approval of the 2020-2021 Fiscal Year Midyear Budget. Motion carried unanimously.

HHS- Health/Prevention – COVID-19 Database

Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve the California Department of Technology Snowflake Database Data Use and Disclosure Agreement between County of Inyo Health and Human Services and the California Department of Public Health for

the purpose of the receipt and use of data relating to COVID-19 in Skilled Nursing Facilities and General Acute Care Hospitals, and authorize the HHS Director to sign. Motion carried unanimously.

*Probation – ICA
After-School Program*

Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve the contract between the County of Inyo and Inyo Council for the Arts of Bishop, CA for the provision of an after-school music and arts program to youth in an amount not to exceed \$12,600 for the period of February 8, 2021 through December 31, 2021, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*BOS – Letter
Supporting ESTA
Grant*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to approve and authorize the Chairperson to sign a letter of support for Eastern Sierra Transit Authority's FTA Section 5304 grant application for fleet electrification planning. Motion carried unanimously.

*Recycling & Waste
Management –
Preferred Septic
Franchise Agreement*

Assistant CAO Leslie Chapman presented to the Board a request from Preferred Septic and Disposal, Inc. to assign the Franchise Agreement Between the County of Inyo and Preferred Septic and Disposal, Inc. for Collection of Solid Waste from Residential and Commercial Customers (one of two in the county) to Madera Disposal Systems, Inc. dba Bishop Waste Disposal. She said the Board could: A) approve the request and direct staff to prepare the Resolution required by Section 17.01 of the agreement; B) find that the request is not reasonable because assigning the Agreement to the only remaining franchisee is contrary to the intent of the agreement: "to provide Customers and the County with improved Collection Services while maintaining the benefits of competition" (Section 10.01); or C) direct staff to work with the existing waste haulers to develop an amendment or replacement for the existing franchise agreement that would allow Preferred Septic and Disposal, Inc. to sell its stock while maintaining the opportunity for a second franchisee to enter the Inyo County solid waste collection market. She said option C was staff's recommendation.

The Board engaged in lengthy discussion over the pros and cons of assigning both franchise agreements to one hauler. The Board heard from Preferred Septic owner Dale Comontofski and his attorney, Kelly Astor, who said the amount of costly regulations being foisted upon waste haulers has pretty much made it impossible for smaller operations to provide services. They said competition in the industry, as far as it concerns small vs. large operations, is becoming a moot point. The Board also heard from Kevin Brown of D&S Waste, a small operation that Mr. Brown described as being more than capable of providing services in competition with Bishop Waste. Representatives for Bishop Waste also spoke, noting the company's willingness to take over the second franchise agreement and also provide recycling services that don't currently exist through Preferred Septic.

Board discussion continued, with members – pointing out how they have heard for years from Mr. Comontofski how important it is to preserve competition – came to the consensus to support option C, as described above. Specifically, the Board directed staff to work with the waste haulers on making sure current prices will be locked in when there is an absence of competition; fix language in the agreement so that the County has more discretion in whether to approve an extension of the franchise agreements when they expire; and find a way to give the County more flexibility with adding a second franchisee.

*Public Works –
Budget
Amendment/Airport
Runway Rehab
N.O.C. & Resos #
2021-14, 2021-15*

Moved by Supervisor Totheroh and seconded by Supervisor Roeser to:

- A) Amend the Fiscal Year 2020-2021 Bishop Air Rehab Runway 12-30 Budget (631100) as follows:
 - 1. Increase estimated revenue in Federal Grants Revenue Code 4555 by \$492,066;
 - 2. Increase appropriations in Construction in Progress Object Code 5700 by \$492,066;
 - 3. Decrease appropriations in Professional Services Object Code 5265 by \$40,265; and
 - 4. Increase appropriations in External Charges Object Code 5124 by \$40,265 (*4/5ths vote required*);
- B) Approve the proposed Resolution No. 2021-14, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Ratifying Change Orders to the Contract with Granite Construction Inc. for the Runway 12-30 Rehabilitation Project at the Bishop Airport," and authorize the Chairperson to sign; and

C) Approve the proposed Resolution No. 2021-15, 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 Bishop Airport - Runway 12-30 Rehabilitation Project," and authorize the Chairperson to sign.

Motion carried unanimously 4-0, with Supervisor Pucci out of the room at the time of the vote.

*CAO-Risk – Rivera
Hewitt Paul LLC
Contract*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to ratify and approve the agreement between the County of Inyo and Rivera Hewitt Paul LLC of Sacramento, CA for the provision of legal services in an amount not to exceed \$100,000 for the period of January 22, 2021 until the subject litigation is completed, contingent upon the Board’s approval of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Clerk of the Board –
Approval of Minutes*

The Assistant Clerk of the Board noted that she found various typos in the draft minutes and has corrected them. Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of January 5, 2021, January 12, 2021, and January 19, 2021, as corrected. Motion carried unanimously.

Public Comment

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

The Assistant Clerk of the Board read aloud a letter from Jonathan Hawes of El Monte, requesting Inyo County help call out Andre Quintero and Team El Monte for their alleged embezzlement of \$10 million from the El Monte Promise Foundation scholarship fund.

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

*Board Member and
Staff Reports*

Supervisor Kingsley reported attending a meeting of the Southern Inyo Airport Advisory Committee, and meeting with several constituents.

Supervisor Pucci reported attending the Northern Inyo Airport Advisory Committee meeting.

CAO Quilter spoke to the great work that the Road Department has done with snow removal over the past week, and the calls he received from residents who were very happy with their performance.

Chairperson Griffiths said he attended meetings of the IMACA board, CSAC Executive Board, and the Eastern Sierra Sustainable Recreation Partnership, and noted he has several meetings on the horizon.

Adjournment

Chairperson Griffiths adjourned the meeting at 1:41 p.m. to 8:30 a.m. Tuesday, January 19, 2021 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

