

MINUTES



County of Inyo Board of Supervisors

December 7, 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 December 7, 2021, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Assembly Bill 361: Chairperson Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Jennifer Roeser, and Matt Kingsley. Also present: County Administrator Leslie Chapman, Assistant Clerk of the Board Darcy Ellis, and County Counsel John-Carl Vallejo.

- Public Comment* The Chairperson asked for public comment on items not calendared on the agenda.
- The Assistant Clerk of the Board had not received any written comment and nobody requested to speak to the Board via the “hand-raising” feature on 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 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Names of cases: *LADWP v. Inyo County* (Kern County Sup. Ct. Case Nos. BCV-18-101260-TSC, BCV-18-101261-TSC, and BCV-18-101262-TSC); and No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) Government Code §54956.9: one potential case.
- Open Session* Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 10 a.m. with all Board members present.
- Pledge of Allegiance* Supervisor Roeser led the Pledge of Allegiance.
- Report on Closed Session* County Counsel Vallejo reported that no action was taken during closed session that is required to be reported.
- Proclamation – Pearl Harbor Remembrance Day* Veterans Services Officer Gordon Greene read aloud a proclamation in recognition of Pearl Harbor Remembrance Day. Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve a proclamation declaring December 7, 2021 National Pearl Harbor Recognition Day in Inyo County. Motion carried unanimously.
- Public Comment* The Chairperson asked for public comment on items not calendared on the agenda.
- Wes French recited a prayer.
- Cari Arnal spoke about freedoms and the sacred obligation to our veterans.
- County Department Reports* Clerk-Recorder Danielle Sexton reported that the State has implemented new fees for birth and death certificates, and for certain environmental documents. She also noted that her office is gearing up for the June 7 primary, and she has changed her office hours to 8:30 a.m.- 4 p.m. (still closed at lunch).
- Ag Commission Nate Reade said he is participating in a program that provides first responders with ag providers’ contact information in the event of emergencies.
- HHS Director Marilyn Mann reported on changes to Adult Protective Services guidelines, also noting that the Public Health & Prevention team is hosting a holiday toy drive at the

Consolidated Office Building through December 22.

COVID-19 Staff Update

HHS Deputy Director-Public Health & Prevention Anna Scott, and Public Health Officer Dr. James Richardson provided the Board with an update on COVID-19, including local case numbers, vaccinations, current hospitalizations, and upcoming availability of booster shots. Ms. Scott also shared a slide show with data showing local trends, including 38 active cases. Dr. Richardson spoke about the Omicron variant and its high transmissibility rate, as well as alternative treatments Ivermectin – which he said is undergoing study – and hydroxychloroquine – which has been dismissed as not being helpful. Public comment was heard from Lynne Greer, Wes French, Kristin Ostly, and Cari Arnal, who reiterated their opposition to vaccines and desire for alternative treatments to be recognized.

Planning – GPA 2021-02/Ordinance 1276

The Chairperson opened a public hearing at 11:22 a.m. and, after a presentation from staff and with nobody expressing a desire to comment, closed the public hearing at 11:29 a.m. Moved by Supervisor Totheroh and seconded by Supervisor Roeser to: A) approve General Plan Amendment (GPA) 2021-02/711 Materials Inc.; B) approve Ordinance 1276 - Zone Reclassification (ZR) 2021-02/711 Materials Inc., amend the Zoning Map of the County of Inyo and enact said ordinance; and C) certify that the Provisions of the California Environmental Quality Act (CEQA) have been met. Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting at 11:29 a.m. and reconvened the meeting at 11:41 a.m. with all Board members present.

County Counsel – Redistricting Hearing

Chairperson Griffiths opened and Deputy County Counsel Grace Chuchla introduced the seventh and penultimate public hearing on the 2020 Census redistricting process in Inyo County. Ms. Chuchla reviewed for the Board the map options developed by staff and/or submitted by members of the public. She also offered a breakdown of the public comment received thus far, with the prevailing comments in favor of no change – which is not possible – and a majority of the rest supporting Option 4, submitted by Mr. Josh Nicholson. Ms. Chuchla noted that while Mr. Nicholson's efforts are appreciated and to be commended, Counsel does not recommend Option 4 as its deviations are fairly high, although still under the 10% threshold. She noted that staff is leaning towards Option 1a or 1b, and Option 8a or 8b.

Discussion ensued, with Superintendent of Schools Barry Simpson explaining that the Board of Education has had preliminary discussions about redistricting, but does generally feel the current districts work well. Bishop Tribal Council Chair Tilford Denver spoke about the map submitted by the Tribe and Independence resident Mary Roper discussed the maps she created.

The Chair opened the floor to public comment. Josh Nicholson commended the County for including the public and engaging in discussion about the redistricting with the public. He added that he likes the map created by Supervisor Roeser, in that it keeps things simple and all supervisors in their districts. The Assistant Clerk of the Board read aloud dozens of comments submitted to the redistricting website.

After additional discussion, the Board agreed to eliminate Maps 1a&b, Map 2 and Map 8c from contention.

Recess/Reconvene

The Chairperson recessed the meeting at 1:01 p.m. and reconvened the meeting at 1:23 p.m. with all Board members present.

BOE Recess/Reconvene

The Chairperson recessed the Board of Supervisors meeting at 1:23 p.m. and convened a meeting of the Board of Equalization (separate minutes to be approved at the next BOE meeting). The Chair recessed the Board of Equalization meeting at 1:41 p.m. and reconvened the Board of Supervisors meeting with all Board members present.

Ag Commissioner-Cannabis – Commercial Cannabis Licenses

Ag Commissioner Nate Reade presented for the Board's consideration the latest round of license applications for various commercial cannabis operations throughout the County: non-storefront retail classification licenses in cannabis Zone 1, and cultivation in excess of 5,000 square feet in cannabis Zone 5C. He said one of the four applications originally scheduled to be considered today has been pulled. Reade reviewed the licenses being requested, noting all met the 80% minimum scoring threshold. Chairperson Griffiths opened the public hearing,

and with nobody wanting to speak, closed the public hearing. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to conditionally approve the following applications that exceeded the 80% minimum scoring threshold as set forth in Inyo County Code section 5.40.090(H) and authorize issuance of licenses contingent on the applicant paying the fees established as well as payment of all other required fees and taxes:

- Hamptons West
- Sundance Capital
- Manchester Global.

Motion carried unanimously.

*Ag Commissioner-
Cannabis – License
Presentation*

Ag Commissioner Nate Reade gave a presentation on the current status of commercial cannabis business licenses in Inyo County.

*HHS-Behavioral
Health – Addictions
Counselor I-III*

Moved by Supervisor Totheroh and seconded by Supervisor Roeser for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Addictions Counselor I-III exists in the non-General Fund Substance Use Disorder budget, as certified by the HHS Director 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) Addictions Counselor I at Range 59 (\$3,816 - \$4,636), Addictions Counselor II at Range 62 (\$4,093 - \$4,977), or Addictions Counselor III at Range 66 (\$4,489 - \$5,464), dependent upon qualifications. Motion carried unanimously.

*HHS-
Health/Prevention –
WIC Authorized
Strength Change*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to:

- A) Change the Authorized Strength in the HHS Women, Infants, and Children (WIC) Program by:
 1. Deleting one full-time HHS Specialist I-IV at Range 50-60 (\$3,094 - \$4,747); and
 2. Adding one full-time Prevention Specialist I-II at Range 60-63 (\$3,908 - \$5,091); and
- B) Find that, consistent with the adopted Authorized Position Review Policy
 1. The availability of funding for one vacant Prevention Specialist I-III position exists, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
 2. Where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment; though an open recruitment would be more appropriate to ensure qualified applicants apply; and
- C) Approve the hiring of one bilingual required Prevention Specialist I at Range 60 (\$3,908 - \$4,747) or a Prevention Specialist II Range 63 (\$4,184 - \$5,091) in the WIC Program, and if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill the resulting vacancy.

Motion carried unanimously.

*Public Works –
Custodian I*

Moved by Supervisor Totheroh and seconded by Supervisor Roeser for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Custodian I exists in the General Fund, as certified by the Public Works Director 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) Custodian I at Range 50 (\$3,094 - \$3,764). Motion carried unanimously.

*Road Department –
Road Maintenance
Supervisor*

Moved by Supervisor Kingsley and seconded by Supervisor Roeser for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Road Maintenance Supervisor exists in the Road Fund, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) the vacancy can be filled by internal candidates meeting the qualifications for the positions; C) approve the internal recruitment and hiring of one (1) Road Maintenance Supervisor at Range 71 (\$5,058 - \$6,150); and D) authorize Public Works - Road Department to backfill the resulting vacancy. Motion carried unanimously.

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| <i>Risk - Baker&Hostetler Contract</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to ratify and approve the agreement/contract between the County of Inyo and Baker&Hostetler LLP of New York, NY, for the provision of legal services in an amount not to exceed \$50,000 for the period of December 1, 2021 through June 30, 2022, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously. |
| <i>HHS-ESAAA – CDA Amendment 2</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) ratify and approve Amendment No. 2 to Standard Agreement for Contract Number AP-2122-16, between the County of Inyo and the California Department of Aging, increasing the overall allocation by \$26,185 for a total contract amount of \$1,401,871; B) and authorize the HHS Director to sign the Standard Agreement Amendment. Motion carried unanimously. |
| <i>HHS- Health/Prevention – Tobacco Control Program Agreement</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to ratify and approve the Allocation Agreement between the County of Inyo and California Department of Public Health for the provision of the local Tobacco Control Program, in an amount not to exceed \$150,000 for the period of July 1, 2021 through December 31, 2021, and authorize the HHS Director to sign Allocation Agreement No. CTCP-17-14 and Prospective Payment Invoices. Motion carried unanimously. |
| <i>HHS- Health/Prevention – Lamar Sole-Source Contract</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare The Lamar Companies (a.k.a Lamar) of Lancaster, CA a sole-source provider of billboard advertising; B) approve the contract between the County of Inyo and Lamar of Lancaster, CA for the provision of two vinyl panel billboards for the Tobacco/Nicotine Prevention and Cessation Program and Substance Use Disorder (SUD) Prevention Program in an amount not to exceed \$21,181.00 for the period of December 23, 2021 through June 8, 2022; and C) authorize the County Administrator to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously. |
| <i>Probation – Electronic Monitoring Program Policy</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) appoint the Chief Probation Officer and the Sheriff as Co-County Correctional Administrators; B) review, make comments, changes, additions, modifications, and/or omissions to the rules, regulations and administrative policy for the Probation Department's electronic monitoring program and thereafter; and C) approve the Probation Department's electronic monitoring program. Motion carried unanimously. |
| <i>Public Works – CalRecycle Grants/Reso # 2021-52A</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) rescind Resolution No. 2020-01; and B) approve Resolution No. 2021-52A, titled, "A Resolutions of the Board of Supervisors, County of Inyo, State of California, Authorizing Submittal of Application for Payment Programs and Related Authorizations" in relation to CalRecycle grants, and authorize the Chairperson to sign. Motion carried unanimously. |
| <i>Sheriff – American Security Group Sole-Source Payment</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare American Security Group of Vista, CA a sole-source provider of maintenance of security surveillance system equipment; B) ratify and approve payment to American Security Group of Vista, CA in the amount of \$12,344.00 for annual maintenance for the period of July 1, 2021 through June 30, 2022; and C) authorize the Sheriff or his designee to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously. |
| <i>Sheriff – MRA/Raycom Purchase Increase</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approval to increase spending authority with MRA/Raycom from \$264,838.00 to \$314,890.03 and authorize the purchase of 69 Kenwood mobile two-way radios in the amount of \$50,052.03 from MRA/Raycom. Motion carried unanimously. |
| <i>Sheriff – Lexipol Purchase Increase</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to authorize an increase of the Sheriff's purchasing authority with Lexipol of Aliso Viejo, CA by \$4,000, to a total not-to-exceed amount of \$27,000, for the purchase of law enforcement policy maintenance, updates, and daily training bulletins. Motion carried unanimously. |
| <i>Sheriff – Hollowell Duty Weapon Surplus</i> | Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) determine that Sheriff Jeffery R. Hollowell's duty weapon is no longer required for public use pursuant to Inyo County Code Section 6.28.040.B; and B) pursuant to Penal Code Section 26615, authorize Undersheriff Pritchard to sell a Glock Model 23 and badge to Retiring Sheriff Jeffery R. |

Hollowell for fair market value. Motion carried unanimously.

*Treasurer-Tax
Collector – Treasury
Oversight
Committee
Appointment/Reso #
2021-52B*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) approve Resolution No. 2021-52B to accept Treasury Oversight Committee member's resignation; B) consider Treasurer's nomination for appointment to the Treasury Oversight Committee; and C) appoint Mr. Robert Sharp to the Treasury Oversight Committee. Motion carried unanimously.

*CAO – Letter
Supporting HELP
Act*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve a letter to Senator Dianne Feinstein expressing support for S. 1877, Hazard Eligibility and Local Projects Act. Motion carried unanimously.

*Water Department –
OVGA Rep Direction*

Water Director Dr. Aaron Steinwand sought direction from the Board for the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for December 9, 2021. Dr. Steinwand reviewed the agenda, with the major item being the OVGA Board considering adoption of the Groundwater Sustainability Plan. Public comment was received from Sally Manning, Environmental Director for the Big Pine Paiute Tribe, who was disappointed in the final plan and comments that were brushed aside. She also said that there is a conflict of interest with the County providing the staff and legal services to the OVGA, and that the OVGA needs to hire its own staff and start implementing the plan in a meaningful way.

*Public Works –
Budget Amendment,
Onion Valley
Guardrail Project*

Moved by Supervisor Pucci and seconded by Supervisor Roeser to:

- A) Amend the Fiscal Year 2021-2022 State Funded Road Budget 034601 as follows: increase estimated revenue in State Other - 4499 by \$137,957.00 and increase appropriation in Onion Valley Guardrail Project - 5715 by \$137,957.00 (*4/5ths vote required*);
- B) Declare Eastern Sierra Engineering of Bishop, CA a sole-source provider of Environmental and Engineering Consultant Services;
- C) Approve the contract between the County of Inyo and Eastern Sierra Engineering of Bishop, CA for the provision of Environmental and Engineering Consultant Services in an amount not to exceed \$137,956.17 for the period of December 7, 2021 through July 31, 2023, contingent upon the Board's approval of future budgets; and
- D) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained.

Motion carried unanimously.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of November 9, November 16, and November 30, 2021. Motion carried unanimously.

*Correspondence-
Action – DFW Fine
Fund Donation*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve a \$1,000 expenditure from the Fiscal Year 2021-2022 Fine Fund Budget to the Wildcare Eastern Sierra for the rehabilitation of injured and orphaned wildlife. Motion carried unanimously.

Public Comment

The Chairperson asked for public comment on items not calendared on the agenda.

The Assistant Clerk of the Board had not received additional written comment and nobody requested to speak to the Board via the "hand-raising" feature on Zoom.

*Board Member and
Staff Reports*

Supervisor Roeser reported attending a variety of meetings, including the CSAC conference and a NACo Public Lands meeting.

Supervisor Totheroh said he will attend an Eastern Sierra Transit Authority/Eastern Sierra Council of Governments meeting on Friday and the OVGA meeting on Thursday.

Supervisor Pucci reported fielding a lot of calls about redistricting.

Supervisor Kingsley said he attended a Park Partners dinner last Friday in Death Valley, and will be in Merced on Wednesday and Thursday for an RCRC meeting.

CAO Chapman reported that the County has an item on Friday's ESCOG agenda.

Chairperson Griffiths said he attended HealthNet consultations and an Eastern Sierra Sustainable Recreation Partnership meeting last night.

Adjournment

Chairperson Griffiths adjourned the meeting at 3:24 p.m., to 8:30 a.m. Tuesday, December 14, 2021 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: LESLIE L. CHAPMAN
Clerk of the Board*

*by: _____
Darcy Ellis, Assistant*