

MINUTES



County of Inyo Board of Supervisors

February 8, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:33 a.m., on February 8, 2022 in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present via webinar per California Assembly Bill 361: Chairperson Dan Totheroh, presiding, Jeff Griffiths, Rick Pucci, Matt Kingsley, and Jennifer Roeser. 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 related to Closed Session items.

The Assistant Clerk of the Board had not received additional written comment and Wes French asked to speak, but the topic was not related to Closed Session so he was asked to wait until the regular public comment period.

Closed Session

Chairperson Totheroh recessed open session at 8:35 a.m. to convene in closed session with all Board members present to discuss the following item(s): No. 2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Pursuant to Government Code Section 54956.8** - Property: APNs 002-056-0600 and 002-056-0602 (102 S. Edwards St., Independence, CA 93526; Agency Negotiators: Leslie Chapman, Meaghan McCamman, and John-Carl Vallejo; Negotiating Parties: LADWP; Under Negotiation: Price and terms of payment; and No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9 – Los Angeles Department of Water and Power v. County of Inyo et al**, Kern Superior Court Case No. BCV-18-101513-KCT (CEQA).

Open Session

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

Pledge of Allegiance

Supervisor Griffiths 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.

Public Comment

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

Public comment was heard from Wes French, who recited a prayer and called the pandemic a hoax; from Lynette McIntosh, who promoted Ivermectin for early treatment of COVID; and from Cari Arnal, who asked whether the County will allow an independent audit of its Dominion Voting machines.

County Department Reports

HHS Assistant Director Anna Scott reported that the Ryan White CARES Program will be transitioning to a regional model, with services provided by a contractor in Calaveras County. She also updated the Board on COVID-19, noting that the State's indoor masking mandate will sunset on February 15 and Inyo County will likely rescind the order at that time.

HHS – Term-Limited Equity & Diversity Coordinator

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to:

- A) Change the Authorized Strength in HHS by adding one Term-Limited Equity and Diversity Coordinator position;
- B) Approve the Equity and Diversity Coordinator job description;
- C) Find that, consistent with the adopted Authorized Position Review Policy:
 1. the availability of funding for one (1) Equity and Diversity Coordinator exists in a non-general fund budget as certified by the HHS Director and concurred with by

- the County Administrator and Auditor-Controller; and
 - 2. 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;
 - D) Approve the hiring of one (1) Equity and Diversity Coordinator at Range 72 (\$5,180-\$6,292); and
 - E) If an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.
- Motion carried unanimously.

HHS-Fiscal – Office Technician I-III

- Moved by Supervisor Griffiths 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) Office Technician exists in one or more non-General Fund budgets, as certified by the Health and Human Services 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;
 - C) Approve the hiring of one (1) Office Technician I at Range 55 (\$3,477 - \$4,228), Office Technician II at Range 59 (\$3,816 - \$4,636) or Office Technician III at Range 63 (\$4,184 - \$5,091), dependent upon qualifications; and
 - D) If an internal candidate is hired as a result of the open recruitment, authorize Health and Human Services to backfill resulting vacancy.
- Motion carried unanimously.

HHS-Health/Prevention – Prevention Specialist I-III (Revised Job Description)

- Moved by Supervisor Kingsley and seconded by Supervisor Roeser to:
- A) Approve the revised Prevention Specialist I-III job description;
 - B) Find that, consistent with the adopted Authorized Position Review Policy:
 - 1. the availability of funding for one (1) Prevention Specialist I-II exists in one or more non-General Fund budgets, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
 - 2. 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) Approve the hiring of one (1) Prevention Specialist I at Range 60 (\$3,908 - \$4,747), Prevention Specialist II, Range 63 (\$4,184 - \$5,091), or a Prevention Specialist III, Range 66 (\$4,489 - \$5,464); and
 - D) If an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.
- Motion carried unanimously.

HHS-Health/Prevention – Prevention Program Manager

- 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) Prevention Program Manager exists in one or more non-General Fund budgets, 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; C) approve the hiring of one (1) Prevention Program Manager at Range 80 (\$6,259 - \$7,613); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.
- Motion carried unanimously.

Public Works – Office Technician I-III

- Moved by Supervisor Roeser and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I/II/III exists in the General Fund and non-General Fund budgets, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates 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) Office Technician I/II or III at Range 55 to 63 (\$3,477 - \$5,091), depending on qualifications.
- Motion carried unanimously.

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- Moved by Supervisor Roeser and seconded by Supervisor Pucci for the Board to find that,

& Rec – Three Seasonal Park & Campground Maintenance Helpers consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists in the General Fund, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) due to the seasonal nature of the positions it is unlikely that the positions could be filled by internal candidates meeting the qualifications for the positions, so an open recruitment is appropriate to ensure qualified applicants apply, and C) approve the hiring of three (3) Seasonal Park and Campground Maintenance Helpers at Range PT50 (\$17.85 - \$27.71/hr). Motion carried unanimously.

County Counsel – Greg James Yucca Mtn. Contract Amendment 4 Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 4 to the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, to include an annual contract limit of \$25,000.00, and authorize the Chairperson. Motion carried unanimously.

County Counsel – Greg James Environmental Contract Amendment 3 Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 3 to the existing contract between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services to include an annual contract limit of \$25,000.00; and authorize the Chairperson to sign. Motion carried unanimously.

Road Department – RDO Equipment P.O. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize a purchase order in an amount not to exceed \$192,655.06, payable to RDO Equipment Company of Riverside, CA for one (1) new John Deere 6105E Tractor with two (2) Alamo Industrial mower attachments. Motion carried unanimously.

CAO – Recission of Authorized Position Control Policy CAO Chapman brought forward the recommendation for the Board to cancel the Authorized Position Review Policy based on the need to expedite recruitments in the face of personnel shortages. She noted that removing the policy will allow departments to skip the Board and work with Personnel on filling vacancies; however, any requests for positions not in the budget, or to change the authorized strength of a department, must still receive Board approval. The Board came to the consensus that while the policy served the County well in the past, streamlining the process now is important to successful hiring. Moved by Supervisor Pucci and seconded by Supervisor Roeser to authorize deletion of the Authorized Position Review process from the Extraordinary Budget Control Policies, originally approved by the Board in Fiscal Year 2008-2009 and reaffirmed and made permanent in Fiscal Year 2015-2016. Motion carried unanimously.

Presentation – DVNP Status, Projects The Board received a presentation from temporary Death Valley National Park Superintendent James Woolsey and Management Analyst Abby Wines, including an update on the Park and the Stovepipe Wells Environmental Assessment.

Water Department – OVGA Rep Direction Water Department Director Dr. Aaron Steinwand sought direction for the County's Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for February 10, 2021. He reviewed the meeting agenda and reported that the Groundwater Sustainability Plan was submitted to the State for final approval on January 26. After some discussion, Supervisor Tothoroh, the Board's OVGA representative, said he would support redrawing the OVGA boundary to stop at the Mono County line and consider a possible agreement with Mono County.

Clerk of the Board – Approval of Minutes Moved by Supervisor Roeser and seconded by Supervisor Kingsley to approve the amendment to the minutes of the Board of Supervisors' March 10, 2020 meeting. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the meeting at 12:24 p.m. and reconvened the meeting at 12:40 p.m. with all Board members present.

Board Member and Staff Reports Supervisor Kingsley said he is in Virginia and will be attending both the NACo Legislative Conference in D.C. and RCRC meetings.

Supervisor Pucci said he has had several meetings with the Bishop Tribal Council and Bishop Police Chief, and fielded calls from candidates running for office.

Supervisor Griffiths said he traveled to Sacramento for a CSAC meeting, and also attended Eastern Sierra Council of Governments/Eastern Sierra Transit Authority and Eastern Sierra Sustainable Recreation Partnership meetings.

Chairperson Totheroh said he attended meetings of ESCOG/ESTA and the Northern Inyo Airport Advisory Commission.

The Assistant Clerk of the Board updated the Board on various committee recruitments.

Public Comment

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

“Fred” Carlton asked when the Board will be meeting in person again, adding a profane phrase to indicate that the Board is afraid of doing so. Board members explained that they are eager to return but cannot legitimately entertain the idea until the indoor masking order is rescinded.

Recess/Reconvene

The Chairperson recessed the meeting at 12:50 p.m. and reconvened the meeting at 1 p.m. with all Board members present.

*Planning – Appeal
2021-01 (Shade
Grown Farms)
Denied*

Planning Director Cathreen Richards provided background on Appeal No. 2021-01 (Shade Grown Farms), filed in response to the Planning Commission voting to revoke the cannabis cultivator’s Conditional Use Permit. The Chairperson opened the public hearing at 1:09 p.m. Richards then presented the Planning Department’s case as to why the appeal should be denied. Lowell Shade, owner of Shade Grown Farms, presented his case for the Board upholding the appeal. He said he is in compliance with every other agency/department except for Building & Safety and, after receiving conflicting information from building inspectors, now understands how the process works and needs 120 days to remedy the situation and resubmit proper building plans. He said if his Conditional Use Permit is revoked, he will also lose his state license and have to start all over from scratch. Building Inspector Tyson Sparrow noted that unsafe construction had taken place without the benefit of permits, and numerous attempts to work with the appellant to bring him into compliance have failed.

Public comment was heard from Steve McNeal, who said he is also building cannabis facilities and has run into delays with Southern California Edison. Nathan Lund of RDB Cultivation said he rents the property adjacent to Shade Grown Farms, having sunk all his money, time, and labor into his operation. He said he’ll lose his business if Mr. Shade’s permit is revoked, and also asked that they be given more time to fix the problems noted by inspectors.

Board members asked questions of staff and the appellant, acknowledging the hardships being faced by Mr. Shade and Mr. Lund but also noting that the only issue before the Board right now is revocation of the Conditional Use Permit. Sparrow noted that Building & Safety has already granted the appellant and his tenant numerous extensions, and 120 additional days would not likely be enough time to come into compliance. Richards said that it has almost been three years that Planning and Building & Safety have been trying to work with the appellant – including numerous calls, emails, and letters informing him what he needed to do to get in compliance – and she is not confident an extension at this point would make a difference. It was also noted that County Code is clear that if legal (permitted) construction has not begun within a year of the Conditional Use Permit’s issuance, it will be revoked.

Moved by Supervisor Griffiths and seconded by Supervisor Roeser to deny Appeal No. 2021-01 (Shade Grown Farms). Motion carried unanimously.

Adjournment

Chairperson Totheroh adjourned the meeting at 2:11 p.m., to 8:30 a.m. Tuesday, February 22, 2022 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