

Agenda



County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch; the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

November 14, 2017

8:30 a.m. 1. **PUBLIC COMMENT**

CLOSED SESSION

2. **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Child Support Services Director.

OPEN SESSION

9:00 a.m. **BOARD OF SUPERVISORS** – The Board of Supervisors will recess so that its members may participate in the planting of flower bulbs at the Historic County Courthouse. The public is invited to participate. The Board will reconvene afterwards, at 10 a.m., in the Board of Supervisors Room in the County Administrative Center, 224 N. Edwards St., Independence, for commencement of its regular meeting.

10:00 a.m. **PLEDGE OF ALLEGIANCE**

3. **REPORT ON CLOSED SESSION**

4. **PUBLIC COMMENT**

5. **COUNTY DEPARTMENT REPORTS** (Reports limited to two minutes)

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

6. **Advertising County Resources** – Request Board approve the following final payments from the 2017-2018 Advertising County Resources Budget: \$750 to the Lone Pine Chamber of Commerce for the 2017 Music in the Courtyard presentations; \$1,578.50 to the Death Valley Chamber of Commerce for the 2017 Death Valley Visitor Guide; and to the Bishop Chamber of Commerce and Visitors Bureau, \$4,261 for the 2017 California High School Rodeo Finals, \$1,250 for the 2017 Fishing Season Opening Day Press Reception, \$1,875 for the 2017 Blake Jones Trout Derby, and \$1,500 for the 2017 Vintage Film Festival.

7. **Library** – Request Board authorize that the Inyo County Free Library branches close on Saturday, November 25, 2017 because of the Thanksgiving holiday.

8. **Motor Pool** – Request Board: A) reduce the existing purchase order with Bishop Ford from \$272,246.46 to \$212,913.93 for the purchase of six (6) 2017 Ford Police Interceptor Utilities; and B) award a bid in the amount of \$59,752.26 to Innovative Emergency Equipment of Riverside, CA as the low bidder for equipping six (6) 2017 Ford Police Interceptor Utilities with lights, sirens, and other safety equipment; and C) authorize a purchase order to Innovative Emergency Equipment of Riverside, CA in the amount of \$59,752.26 for equipping of lights, sirens, and other safety equipment.
9. **Purchasing** – Request Board: A) award Bid No. 2017-06 HP Toner Cartridges for Fiscal Year 2017-2018 to The Tree House, Inc. with the option to renew a second or third year; and B) authorize purchase orders that exceed \$10,000 to be issued to The Tree House, Inc. for Fiscal Year 2017-2018 from the Purchasing Revolving Budget in an amount not to exceed \$40,000.
10. **Recycling & Waste Management** – Request Board: A) ratify and approve the contract between the County of Inyo and Myrna Tew for maintenance services at the Keeler Transfer Station in an amount not to exceed \$6,300 for the period of October 1, 2017 through June 30, 2020 and authorize the Chairperson to sign; B) rescind the short-term contract in place with Ms. Tew for those services; and C) formally cancel the contract with the former contractor, Bruce Spry.

SHERIFF

11. Request Board: A) declare Adamson's Industries of Los Alamitos, CA a sole-source vendor for law enforcement supplies; B) authorize a blanket purchase order to Adamson's Industries of Los Alamitos, CA in the amount of \$9,000 for miscellaneous supplies; and C) authorize a purchase order to Adamson's Industries of Los Alamitos, CA in the amount of \$21,900 for ballistic and load-bearing vests.

DEPARTMENTAL (To be considered at the Board's convenience)

12. **BOARD OF SUPERVISORS – Supervisor Pucci** – Request Board appoint Garrett McMurtrie, Joe Pecs, and Larry McIntosh to three (3) four-year terms on the Inyo Fish and Wildlife Commission ending October 6, 2021, and appoint John Frederickson as voting alternate to a four-term ending October 6, 2021. (*Notice of vacancy resulted in requests for re-appointment being received from Mr. McMurtrie, Mr. Pecs, Mr. McIntosh, and Mr. Frederickson.*)
13. **PUBLIC WORKS – Road Department** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Heavy Equipment Operator I/II position exists in the Road Budget, 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 be filled through an internal recruitment, but an external recruitment would be more appropriate to ensure the most qualified candidates apply; and C) approve the hiring of one (1) full-time Heavy Equipment Operator I at Range 58 (\$3,376 - \$4,108) or one full-time Heavy Equipment Operator II at Range 60 (\$3,541 - \$4,301).
14. **COUNTY ADMINISTRATOR – Personnel** – Request Board approve: A) a contract between the County of Inyo and Marilyn Mann for the provision of personal services as the Director of Health and Human Services at a monthly base salary of \$10,500 effective November 16, 2017 and authorize the Chairperson to sign; and, B) approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-06, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo" and authorize the Chairperson to sign.
15. **PRESENTATION – Clerk-Recorder/Treasurer-Tax Collector/Assessor/Assistant County Administrator** – Request Board receive a presentation regarding the proposed "Guide to Starting a Business."

TIMED ITEMS (Items will not be considered before scheduled time)

- 11 a.m. 16. **PLANNING** – Request Board: A) conduct a public hearing on the proposed ordinance titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California adding Chapter 18.67 titled Non-groundwater Neutral Agricultural Use Overlay District to the Inyo County Code” (Exhibit A), approving Zoning Code Amendment 2017-03/Inyo County and amending the zoning Map of the County of Inyo by adding an overlay district as set forth in Exhibit B; B) approve a resolution titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Finding the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act, and Making Certain Findings with Respect to and Approving Zoning Text Amendment 2017-03/Inyo County;” and C) waive the first reading of the above referenced Ordinance approving Zoning Code Amendment 2017-03/Inyo County and schedule the enactment for 11 a.m. Tuesday, November 21, 2017 in the Board of Supervisors Room, County Administrative Center in Independence.
17. **PLANNING** – Request Board: A) conduct a public hearing on the following actions for a 225.02-acre site and a 229-acre site that constitute the majority of the community of Shoshone (APN 046-120-25 and 046-120-040):
- General Plan Amendment No. 2017-01/Sorrells changing the multiple General Plan designations so that that the designations match actual and possible future development (Attachment A, General Plan designation maps); and,
 - A proposed ordinance titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2017-01/Sorrells and amending the Zoning Map of the County of Inyo by rezoning a 225-acre Parcel and a 229 acre parcel that constitute the majority of the community of Shoshone (APN 046-120-25 & 046-120-040) as shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map).” (*This Zone Reclassification will bring the zoning into compliance with actual and future development.*)
- B) Approve a resolution titled “A Resolution of the Board of Supervisors of the County Of Inyo, State of California, Certifying that the Provisions of the California Environmental Quality Act (CEQA) Have Been Met and Making Certain Findings with Respect to and Approving Zone Reclassification No. 2017-01/Sorrells and General Plan Amendment No. 2017-01/Sorrells;” and
- C) Waive the first reading of the above-referenced Ordinance approving Zone Reclassification No. 2017-01/Sorrells and schedule the enactment for 11 a.m., Tuesday, November 21, 2017 in the Board of Supervisors Room, County Administrative Center in Independence.
18. **COUNTY ADMINISTRATOR – Personnel** – Request Board: A) waive the first reading of an ordinance titled, “An Ordinance of the County of Inyo, State of California, Amending Section 2.80.055 of the Inyo County Code Pertaining Exemptions from the Competitive Service;” and B) set enactment for 11 a.m. Tuesday, November 21, 2017 in the Board of Supervisors Room, County Administrative Center in Independence.
- 11:15 a.m. 19. **PLANNING** – Request Board review comment letter addressing the Perdito Mine Exploratory Mine Project Environmental Assessment, provide comments, and potentially authorize the Chairperson to sign.
- 1:15 p.m. 20. **PUBLIC WORKS** – Request Board: A) declare Raftelis Financial Consultants, Inc. of Los Angeles, CA a sole-source provider of Rate Study Services; B) approve a contract with Raftelis Financial Consultants, Inc. of Los Angeles, CA for the provision of Rate Study Services for the Lone Pine, Independence, and Laws Town Waters Systems in an amount not to exceed \$30,985 for the period of November 14, 2017 to June 30, 2018; and C) authorize the Chairperson to sign, contingent on all appropriate signatures being obtained.

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

21. **PUBLIC COMMENT**

CORRESPONDENCE – ACTION

CORRESPONDENCE – INFORMATIONAL

22. **California Highway Patrol** – Report submitted pursuant to Health and Safety Code Section 25180.7 (Proposition 65), documenting information regarding the illegal discharge (or threatened illegal discharge) of hazardous waste on northbound U.S. 395 south of Cinder Road.
23. **Department of Alcoholic Beverage Control** – Application for On-Sale General Public liquor license filed by Jon William Zellhoefer for Diamond Lil's Speakeasy at 59 Old Spanish Trail, Building 1, Ste. E, Tecopa, CA 92389.

BOARD MEMBERS AND STAFF REPORTS



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

6

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Jon Klusmire, Museum Services Administrator

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Final County of Inyo Community Project Sponsorship Grant Payments to the Lone Pine Chamber of Commerce, the Bishop Chamber of Commerce and Visitors' Bureau, and the Death Valley Chamber of Commerce for successfully completing 2017 Community Project Sponsorship Projects.

DEPARTMENTAL RECOMMENDATION: Request your Board approve final payments from the 2017-18 Advertising County Resources Budget, 011400, to the Lone Pine Chamber of Commerce for \$750 for the 2017 Music in the Courtyard presentations (Object Code 5511); a final payment to the Death Valley Chamber of Commerce of \$1,578.50 for the 2017 Death Valley Visitor Guide (Object Code 5589); and final payments to the Bishop Chamber of Commerce and Visitors Bureau for \$4,261 for the 2017 California High School Rodeo Finals (Object Code 5586); \$1,250 for the 2017 Fishing Season Opening Day Press Reception (Object Code 5583); \$1,875 for the 2017 Blake Jones Trout Derby, (Object Code 5513); \$1,500 for the 2017 Vintage Film Festival (Object Code 5511).

SUMMARY DISCUSSION: The Lone Pine Chamber of Commerce was awarded a FY 2016-17 Annual Competitive County of Inyo Community Project Sponsorship Grant in the amount of \$3,000 to help sponsor the Music in the Courtyard event. After contracts were finalized, 75 percent the grant funds were disbursed to the Chamber. The event organizers have provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$750. The Chamber also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Death Valley Chamber of Commerce was awarded a FY 2016-17 Non-Competitive, Line Item County of Inyo Community Project Sponsorship Grant in the amount of \$6,314 to help sponsor the 2017 Death Valley Visitor Guide. After contracts were finalized, 75 percent of the grant funds were disbursed to the Death Valley Chamber of Commerce. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$1,578.50. The organizers also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Bishop Chamber of Commerce and Visitors Bureau was awarded a FY 2016-17, Non-Competitive, Line Item County of Inyo Community Project Sponsorship Grant in the amount of \$8,522 to help host the 2017 California High School Rodeo Finals. After contracts were finalized, 50 percent of the grant funds were disbursed to the Bishop Chamber of Commerce. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$4,261. The organizers also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Bishop Chamber of Commerce and Visitors Bureau was awarded a FY 2016-17, Non-Competitive, Line Item County of Inyo Community Project Sponsorship Grant in the amount of \$2,500 to help host the 2017 Fishing Season Opening Day Press Reception. After contracts were finalized, 50 percent of the grant funds were disbursed to the Bishop Chamber of Commerce. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$1,250. The organizers also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Bishop Chamber of Commerce was awarded a FY 2016-17 County of Inyo Community Project Sponsorship Fishing Derby Grant in the amount of \$7,500 to help sponsor the 2017 Blake Jones Trout Derby. After contracts were finalized, 75 percent the grant funds were disbursed to the Chamber. The spring runoff and resultant extremely high water level in Pleasant Valley Reservoir and the fast, high flows up to the top of the riverbanks in the Owens River caused the Chamber to cancel the Blake Jones Trout Derby. However, the Chamber then sponsored a successful Fall Colors Fishing Derby. After consultations, Inyo County CAO approved use of the CPSP grant funds for related expenses incurred prior to cancellation of the Blake Jones Trout Derby, and also expenses related to the Fall Trout Derby. The event organizers have provided staff with sufficient documentation of acceptable expenses for


reimbursement for a final payment of \$1,875. The Chamber also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

The Bishop Chamber of Commerce and Visitors Bureau was awarded a FY 2016-17, Annual Competitive County of Inyo Community Project Sponsorship Grant in the amount of \$3,000 to help host the 2017 Eastern Sierra Vintage Film Festival. After contracts were finalized, 50 percent of the grant funds were disbursed to the Bishop Chamber of Commerce. The Chamber has provided staff with sufficient documentation of acceptable expenses for reimbursement for a final payment of \$1,500. The organizers also provided evidence that Inyo County was prominently mentioned as a sponsor of the event in ads and other promotional material.

ALTERNATIVES: The Board could deny the requests.

OTHER AGENCY INVOLVEMENT: County Administrator's Office, Auditor/Controller.

FINANCING: The Community Project Sponsorship Program is part of the Advertising County Resources budget and is financed from the General Fund. Funds for these grants were initially included in the FY 2016-17 ACR budget, and since the contracts run for the 2017 calendar year, these final payments were encumbered and have been budgeted in the FY 2017-18 Advertising County Resources Budget (011400) in the various Object Codes noted in the Departmental Recommendation.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>11/02/17</u> Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 11-2-17
 (Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)



August 17, 2017

Inyo County Board of Supervisors
Drawer N
Independence CA 93545

Dear Board,

The Lone Pine Chamber is grateful for your participation as a sponsor of the 2017 Concert in the Courtyard Series.

On the first performance we had over 150 people which is more than we ever expected and for the second concert 45 people. These were probably 50/50 visitors and locals.

The second group was completely new to the area and already there is hope that they will be called on for the Concert in the Rocks

Sincerely,

A handwritten signature in cursive script that reads "Kathleen New".

Kathleen New
President/CEO
Lone Pine Chamber of Commerce

LOVE PINE CHAMBER OF COMMERCE

Courtyard Concert

Finish your evening out in Lone Pine
with a **FREE** concert! **Saturday 8-11pm**

July 15th
2017

Aug 12th
2017



**Sandy & the
High Country**

*Jackie K
& Skip*

Brought to you by the www.LonePineChamber.org 760.876.4444

Sponsored by Inyo County



**COUNTY OF INYO
COMMUNITY PROJECT SPONSORSHIP PROGRAM
REIMBURSEMENT REQUEST FORM**

Mail Reimbursement Request To:

County of Inyo
Community Project Sponsorship Program
P. O. Drawer N
Independence, CA 93526

Total Requested
Mid Project Request
(list relevant invoices)
Final Payment Request
(if yes, complete all sections
below)

2,500.00

Grant Recipient Name

Lone Pine Chamber of Commerce

Project Name

Music in the Courtyard

EXPENDITURES (LIST ONLY THOSE FOR WHICH INVOICES ARE ATTACHED)			
INVOICE DATE	VENDOR NAME	DESCRIPTION OF SERVICES RENDERED	INVOICE AMOUNT
5/14 - 6/14	Linda Duarte	Clerk 40 hrs @ 15.00	600.00
7/21/17	KIBS	Radio Ads	550.00
7/27/17	Sandy and High County	Band	500.00
8/12/17	Kathleen New	Admin. 25 hrs @ 25.00	625.00
2/12/17	Philadelphia Insurance	Insurance	459.50
8/12/17	Myron and Jackie K	band	500.00
6/20/17	Osuna Design	design banners poster and place ads	1,370.00

Invoice Total

4604.50

Total Reimbursement requested (if different)

2,250.00

CHECK LIST FOR FINAL REIMBURSEMENT

Sample of Promotional Materials Identifying
Inyo County as a Sponsor of the Activity

Date Project/
Event Completed

8/12/17

Final Report to the Board of Supervisors
Oral Report
Written Report

Report of Eligible
Staff Costs

Documentation of All Eligible Expenses

I certify that all expenditures associated with this reimbursement request are consistent with the grant agreement between the Grant Recipient named above and the County of Inyo

Pres./CEO

8/12/17

Signature of Representative

Title

Date



**COUNTY OF INYO
COMMUNITY PROJECT SPONSORSHIP PROGRAM
REIMBURSEMENT REQUEST FORM**

Mail Reimbursement Request To:

County of Inyo
Community Project Sponsorship Program
P. O. Drawer N
Independence, CA 93526

Total Requested \$ 6,314.00
Mid Project Request
(list relevant invoices)
Final Payment Request
(if yes, complete all sections
below)

Grant Recipient Name DEATH VALLEY CHAMBER OF COMMERCE

Project Name VISITOR GUIDE

EXPENDITURES (LIST ONLY THOSE FOR WHICH INVOICES ARE ATTACHED)

INVOICE DATE	VENDOR NAME	DESCRIPTION OF SERVICES RENDERED	INVOICE AMOUNT
6/14/2017	GOLDEN GATE MEDIA	SUPPLEMENTAL PRINT RUN	\$ 2,514.00
5/01/2017	GIO SEBASTIAN DESIGNS	DESIGN/MANAGEMENT/MAINTENANCE	\$ 2,500.00
6/16/2017	DEATH VALLEY CHAMBER OF COMMER	STAFF HOURS	\$ 1,300.00

Invoice Total \$ 6,314.00
Total Reimbursement requested (if different) _____

CHECK LIST FOR FINAL REIMBURSEMENT

- Sample of Promotional Materials Identifying Inyo County as a Sponsor of the Activity Date Project/Event Completed JUNE 16, 2017
- Final Report to the Board of Supervisors
Oral Report Report of Eligible Staff Costs
Written Report
- Documentation of All Eligible Expenses

I certify that all expenditures associated with this reimbursement request are consistent with the grant agreement between the Grant Recipient named above and the County of Inyo

Susan R. Dennett ADMINISTRATOR 7/29/2017
Signature of Representative Title Date

Supervisors Report

Visitor Guide

The 2017 Visitor Guide, 10th Anniversary Edition, with its striking cover and breathtaking centerfold of Eureka Dunes, may very well be remembered as the best issue to date. Apparently, the "Colorful Characters" theme has resonated with our public readership. An unexpected surge of demand (in concert with our perennial scarcity of hard copy) generated an unusually high volume of digital downloads, overloading our servers as well as taxing the considerable skills of our webmaster. Thankfully, he has created a fix.

The number of people requesting Guides from our Chamber office, obtaining a copy at county and state fairs, tourism conventions, travel trade shows, or from participating regional businesses has increased annually, far surpassing original projections of staff. A print run of more than 30,000 issues is now fully distributed within thirty days. Swelling waves of browsers can easily download digital versions of the Visitor Guide from our website directly to smartphones. The probability exists that the online version of the Guide may potentially garner in excess of one million views over the next year.

We believe this is due in large part to engaging stories like this issue's pieces on Albert Johnson, Death Valley Scotty, and Father John Crowley. Written by local author, David Woodruff, profiles emerge of three of the most dissimilar men ever to negotiate the shifting sands of Death Valley. Human attempts to tame the wild and unforgiving desert and the pioneering figures who contributed historic "firsts"(each in his own inimitable way) to the pageantry and chronology of settlement is capturing international attention.

Positive feedback received from our highlight piece on the remarkable Cassell family and exciting changes at Panamint Springs Resort proves once again that the consistent quality of this promotional piece continues to earn fans among a widespread audience. The visual impact of this magazine, based in large part on the high-resolution format used to emphasize the natural beauty both within and outside the boundaries of Death Valley National Park, is not to be underestimated. Successful partnership between the National Park and gateway businesses is evidenced by increased visitor numbers for all.

First-time advertiser participation within surrounding gateway communities has enabled Publisher David Orozco to insert additional feature text and photos. The number of advertisers recommending the Guide to others has doubled over the last ten years. Death Valley Visitor Guide proudly includes an array of repeat "hometown" advertisers throughout Inyo County as well as committed supporters in neighboring Kern River Valley, Mammoth Lakes, Ridgecrest, Amargosa Valley, Beatty, Pahrump, and Tonopah.

The Death Valley Chamber is grateful for the opportunity afforded us by the CPSP grants. Without annual financial support from Inyo County, our visitor outreach efforts would have been severely limited in scope, if not impossible. We thank each of the Supervisors for ongoing commitment to the availability of this vital community funding. We also wish to extend sincere thanks to Jon Klusmire and the CPSP Committee for the guidance, patience, and support of non-profit projects of merit throughout Inyo County.



OASIS within DEATH VALLEY

Just two hours from Las Vegas, Furnace Creek Resort has been a retreat for Death Valley visitors for decades. Stay at the AAA four-diamond Inn or the family-friendly Ranch and enjoy spring-fed swimming pools, restaurants, shopping, the world's lowest elevation golf course, restaurants, shopping, the world's horseback rides, bike rentals and jeep tours. A visit to Death Valley isn't complete without a stay at Furnace Creek Resort.

FURNACE CREEK RESORT

DEATH VALLEY NATIONAL PARK
Experience *Zanterra*

FURNACECREEKRESORT.COM | 800-236-7916
HIGHWAY 190, DEATH VALLEY, CA 92328

A VISITOR'S GUIDE TO DEATH VALLEY TENTH EDITION

Death Valley
Chamber of Commerce





BISHOP AREA CHAMBER OF COMMERCE & VISITORS BUREAU

Inyo County Administration
Attn: Jon Klusmire
P.O. Box 206
Independence, CA 93526

October 17, 2017

Dear Mr. Klusmire and Inyo County Board of Supervisors,

Please consider this letter as formal request for final reimbursement of CPSP Grant Funds related to the 2017 California High School Rodeo State Finals. The Bishop Area Chamber of Commerce & Visitors bureau is very proud to be part of such an amazing event, and we know you feel the same! For the past thirteen years, California High School Rodeo has chosen Inyo as the site for their prestigious State Finals Championship, and thanks to our community's hard work and dedication, we've secured a contract extension through 2019!

The Bishop Chamber plays a vital role in bringing CHSRA to the "Other Side of California." Inyo County CPSP Grant Funding allows us to do an excellent job in fulfilling the contractual arrangement with CHSRA. Our organization is responsible for providing lodging for judges, hosting the welcome dinner, providing t-shirts & welcome gifts for contestants, plus coordinating all volunteer ticket sellers, check-in personnel and notary public service for those going on to the National Finals Rodeo.

2017 CHSRA State Finals Rodeo Highlights:

- 286 Contestant Athletes, plus families, friends & fans spent the week in Inyo County.
- Welcome Dinner was a HUGE Success - we served over 900 people!
- Inyo County was recognized as a co-sponsor in several ways: local newspaper, local radio, at welcome barbecue, in rodeo program, and by logo placement on award trailers.
- Excellent support by volunteers for set-up, decorations, meal preparation, serving & clean-up, ticket sellers, check-in personnel and notary public service. 80+ volunteers provided 250 hours of volunteer service. Our volunteers are "priceless," but for the sake of demonstrating how Inyo County CPSP funds are leveraged, we estimate the value of the volunteer labor to be \$3,750 (at \$15/hr.).
- Generous discounts and donations provided by many co-sponsors helped to minimize event expenses. Most lodging for judges was donated by area hotels/motels; Erick Schat's Bakkerly provided bread and pastries for dinner, plus Queen's tea; all sodas, iced tea & lemonade were donated by local distributors; McDonald's provided salads; Vons contributed Ice Cream. BP Distributing sold us the meat at cost. We estimate the total value of donations to be more than \$18,000 for 2017 – further demonstrating that Inyo County CPSP funds were matched with tremendous support from the local business community.

Our community solidly supports the CHSRA State Finals Rodeo and the Bishop Chamber is certainly thankful for Inyo County's continued support of the project. Total project expenses paid by Bishop Chamber this year were \$13,290.39 (see attached invoices). The total Inyo County grant award was \$8,522 and we have already received \$4,261. We are requesting the balance of \$4,261 at this time. As always, thank you for your continuing support!

Sincerely,

A handwritten signature in cursive script that reads "Tawni Thomson".

Tawni Thomson
Executive Director
Bishop Area Chamber of Commerce & Visitors Bureau

2017 CHSRA Project Expenses

BBQ

J. Thomson	Mileage	\$	291.36
Smart & Final	Beans	\$	129.76
BP Distributing	Meat	\$	2,877.82
OTC Brands	Decorations	\$	187.57
Smart & Final	Food/Supplies	\$	772.22
Vons	Food/Supplies	\$	62.58
<u>High Country Lumber</u>	<u>Supplies</u>	\$	<u>16.15</u>
		\$	4,337.46

Gentry Media	Advertising	\$	155.00
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Judge Lodging

Holiday Inn Express	Lodging	\$	440.11
Vagabond Inn	Lodging	\$	2,154.28
Red Roof Inn	Lodging	\$	706.80
<u>Creekside Inn</u>	<u>Lodging</u>	\$	<u>195.49</u>
		\$	3,496.68

Contestant Gifts

Smith Novelty	Gifts	\$	137.75
ePromos	Gifts	\$	531.00
<u>Mountain Apparel</u>	<u>tShirts</u>	\$	<u>240.00</u>
		\$	908.75

Staff Expense

Executive Director	100	\$	3,150.00
Event Coordinator	45	\$	967.50
<u>VC Hosts</u>	<u>25</u>	<u>\$</u>	<u>275.00</u>
		\$	4,392.50

\$ 13,290.39



BISHOP AREA CHAMBER OF COMMERCE & VISITORS BUREAU

Inyo County Administration
Attn: Jon Klusmire
P.O. Box 206
Independence, CA 93526

October 18, 2017

Dear Mr. Klusmire and Inyo County Board of Supervisors,

Please consider this letter as our formal request for final reimbursement of CPSP Grant Funds related to the 2017 Trout Opener Media Reception. Time after time we hear that print and internet news stories, magazine features, television & radio broadcasts are vital to promotion of our area. Often, this press coverage is referred to as "free advertising" and the BACCVB recognizes that we absolutely must develop and nurture relationships with our media friends. There is no such thing as "Free Advertising!" We must invest time and some financial resources to attract key members of the press and to keep those stories coming. The Media Reception has proven to be a very effective method of attracting new reporters to our region as well as saying "thank you" to our many long-time supporters.

The 2017 Media Reception was held on Friday evening, April 28th at Bishop Country Club Golf Course. In addition to press, we also invited key community leaders and business owners. Remember, the Media Reception is not just a party for the press – it's a carefully orchestrated event designed to give members of our community the opportunity to interact with media and give them story ideas to share with their readers, viewers & listeners. Nearly 100 guests attended this year's event.

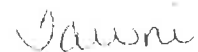
A few of our 2017 special guests:

- Martin Strelneck, Cy Bodden & Ernie Cowan - Western Outdoor News
- Gary Boland - Fishing Ventures Television
- Jim Brown - SDFish.com
- Dan D'amato, Jeff Ingram, Marlon Meade, and Dave Young - Berkley
- Jim Erdman, Mike Giusti, Andrew Hughan, Dan Tonseth, Carrie Wilson and Mike Escalier - CADFW
- David Finklestein - Fish Taco Chronicles
- Bart Hall - Fred Hall Shows
- Bryce Miller - San Diego Union Tribune
- Greg Niemann, Jim Reubsamen, Barbara Steinberg - Freelance Writers

It is important to note that our community solidly supports the media reception. While members of the press are admitted free of charge, local business members and community leaders purchase tickets to attend the event. Ticket sales off-set approximately 28% of the total project expense. This is only possible due to generous discounts provided by the caterer and other local suppliers. Significant discounts and donations for linens, decorations and other event supplies also keep expenses at a minimum, while still producing a high-quality event. BACCVB truly appreciates the support provided via the CPSP program and we're pleased to be a great partner for Inyo County. Thank you!

Total expense (not counting staff time) for the event was \$3996. The approved Inyo County grant award was \$2,500 and we have already received \$1,250. We are requesting the balance of \$1,250 at this time. As always, thank you for your continuing support!

Sincerely,


Tawni Thomson

BISHOP CHAMBER OF COMMERCE

690 North Main St
Bishop, CA 93514

Invoice

Date	Invoice #
10/18/2017	39

Bill To

Inyo County CPSP Program
Attn: Jon Klusmire
P.O. Drawer N
Independence, CA 93526

			Terms
Quantity	Description	Rate	Amount
1	CPSP Grant Reimbursement: 2017 Trout Opener Media Reception	1,250.00	1,250.00
	INYO COUNTY SALES TAX	7.75%	0.00
		Total	\$1,250.00



BISHOP AREA CHAMBER OF COMMERCE & VISITORS BUREAU

Inyo County Administration
Attn: Jon Klusmire
P.O. Box 206
Independence, CA 93526

October 20, 2017

Dear Mr. Klusmire and Inyo County Board of Supervisors,

Please consider this letter our formal request for final reimbursement of CPSP Grant Funds related to the 2017 Blake Jones grant. As you know, the Blake Jones Derby was scheduled for March 11, 2017; however it was cancelled due to unprecedented water flows and unsafe fishing conditions resulting from the enormous snowfall received in the winter of 2016/2017.

As we've previously discussed, Inyo County agreed to let the Bishop Chamber keep the grant in place and utilize the funds to run a Fall Tagged Fish contest, which is underway now through November 15, 2017.

The Bishop Chamber did incur significant expense prior to the cancellation of Blake Jones - \$4,883.60 for advertising, permits, insurance and other event related costs (documentation attached). We had already purchased t-shirts & other prizes that we're saving for next year.

The Fall Tagged Fish Contest is certainly no replacement for Blake Jones, but it's definitely helping to mitigate the situation by keeping anglers happy. Bishop Chamber purchased 1,200# of Rainbow Trout from Summer Lake Trout Farm, they were tagged and planted in South Lake, Sabrina, Intake II, Bishop Creek and the Owens River. 10 of the fish have special tags redeemable for \$100 each through November 15th. Cost for the new contest is \$9,344.30 (invoices attached).

The approved Inyo County grant award was \$7,500 and we have already received \$5,625. We are requesting the balance of \$1,875 at this time. As always, thank you for your continuing support!

Sincerely,

A handwritten signature in cursive script that reads "Tawni Thomson".

Tawni Thomson
Executive Director
Bishop Area Chamber of Commerce & Visitors Bureau

BISHOP CHAMBER OF COMMERCE

690 North Main St
Bishop, CA 93514

Invoice

Date	Invoice #
10/18/2017	40

Bill To

Inyo County CPSP Program
Attn: Jon Klusmire
P.O. Drawer N
Independence, CA 93526

			Terms
Quantity	Description	Rate	Amount
1	CPSP Grant Reimbursement: Blake Jones/Fall Tagged Fish Contest	1,875.00	1,875.00
	INYO COUNTY SALES TAX	7.75%	0.00
		Total	\$1,875.00

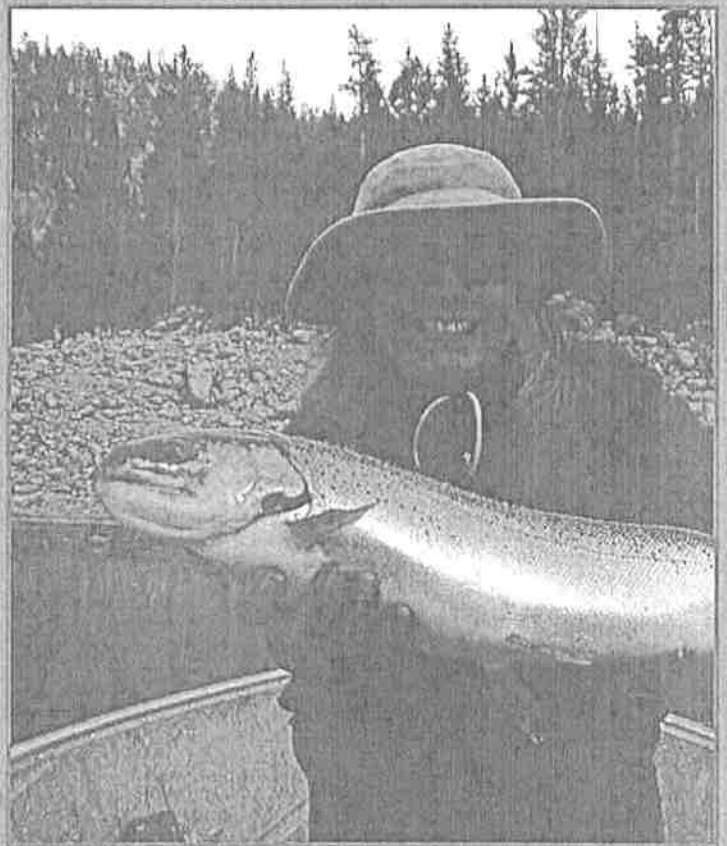
OCTOBER 1-NOVEMBER 15

CATCH A TAGGED TROUT



WIN CASH PRIZES

TAGGED FISH IN SABRINA,
SOUTH LAKE, INTAKE II,
BISHOP CREEK AND
PLEASANT VALLEY
RESERVOIR.



JUST BRING THE TAG TO THE
BISHOP CHAMBER OF COMMERCE
& VISITORS BUREAU

Bishop Visitor Center
690 North Main Street
Bishop, CA 93514
Phone: (760) 873-8405

BISHOPVISITOR.COM



OUTSIDE on the EASTSIDE

A colorful fall celebration of
arts, culture and recreation

EASTERN SIERRA • CALIFORNIA

Fall Tagged Trout Contest

Fish Stocking/Tagging	\$ 7,275.00	
CADFW Permit	\$ 61.03	
Floy Tag Company	\$ 32.27	
Western Outdoor News	\$ 676.00	
Fish Taco Chronicles	\$ 300.00	
<u>10 x \$100 Cash Prizes</u>	<u>\$ 1,000.00</u>	(one paid as of 10/20/17)
	\$ 9,344.30	

**2017 Blake Jones Expenses
Not Refunded-Not Usable for 2018**

Advertising

Fish Taco	\$ 600.00
Mountain Studio	\$ 350.00
Western Outdoor News	\$ 2,704.00
Community Printing	\$ 80.00
KMMT	\$ 152.00
Sierra Reader	\$ 200.00
<u>Canon Color Copies</u>	<u>\$ 239.33</u>
	\$ 4,325.33

Other

CADFW	\$ 122.06
Insurance	\$ 221.26
Postage	\$ 214.95

Total **\$ 4,883.60**



**COUNTY OF INYO
COMMUNITY PROJECT SPONSORSHIP PROGRAM
REIMBURSEMENT REQUEST FORM**

Mail Reimbursement Request To:
County of Inyo
Community Project Sponsorship Program
P. O. Drawer N
Independence, CA 93526

Total Requested \$ 1,500.00
Mid Project Request
(list relevant invoices)
Final Payment Request
(if yes, complete all sections
below)

Grant Recipient Name Bishop Chamber of Commerce

Project Name Vintage Film Festival

EXPENDITURES (LIST ONLY THOSE FOR WHICH INVOICES ARE ATTACHED)

INVOICE DATE	VENDOR NAME	DESCRIPTION OF SERVICES RENDERED	INVOICE AMOUNT
8/28/17	Pollini, J.	Mileage Reimbursement	\$ 70.20
8/28/17	Vadakan, Pamela	Per Diem & Mileage Reimbursement	\$ 604.66
9/1/17	Bishop Twin Theatre	Facility Use Fee	\$ 200.00
9/1/17	Red Roof Inn	Lodging for Pamela Vadakan	\$ 270.18
9/8/17	Sage Restaurant	Volunteer Appreciation Gift Certificates	\$ 100.00
10/19/17	Lone Pine Film History Museum	Facility Use Fee	\$ 200.00
7/24/17	Preservation Technologies	Movies on Thumb Drives	\$ 300.00
		Staff Expense	\$ 1,292.00

Invoice Total \$ 3,037.04
Total Reimbursement requested (if different) \$ 1,500.00

CHECK LIST FOR FINAL REIMBURSEMENT

Sample of Promotional Materials Identifying Inyo County as a Sponsor of the Activity Date Project/Event Completed 8/27/17

Final Report to the Board of Supervisors
Oral Report Report of Eligible Staff Costs
Written Report

Documentation of All Eligible Expenses

I certify that all expenditures associated with this reimbursement request are consistent with the grant agreement between the Grant Recipient named above and the County of Inyo

Jessie Shonxon Executive Director 10/20/17
Signature of Representative Title Date

OWENS VALLEY LOCAL

VINTAGE FILMS

MOVIE SCREENINGS

QUESTIONS? 760-873-8405

BISHOP CHAMBER PRESENTS

- THE FILM OF ALL AGES
- MULE DAYS WITH SLIM PICKENS
- CHAMPION SPARK PLUG MINE
- THIS IS BISHOP

FILMS DATE FROM 1919-1980

BISHOP

AUG
26

12-2
PM

AUG
27

1-3
PM

LONE PINE

BISHOP TWIN THEATRE

LONE PINE MUSEUM OF WESTERN
FILM HISTORY

AUGUST 28TH "CALIFORNIA REVEALED" WORKSHOP
@ BISHOP LIBRARY 10AM-2PM

OUTSIDE EASTSIDE

A colorful fall celebration of arts, culture and recreation



LEARN
to digitize

PRESS RELEASE

TO: ALL LOCAL MEDIA
FROM: TAWNI THOMSON, BISHOP AREA CHAMBER OF COMMERCE & VISITORS BUREAU
DATE: FRIDAY, AUGUST 18, 2017
SUBJECT: LOCAL VINTAGE FILMS TO BE SHOWN IN BISHOP AND LONE PINE

FOR IMMEDIATE RELEASE

Bishop and Lone Pine Showcase Local Vintage Films:

Bishop Chamber of Commerce has teamed up with Lone Pine Museum of Western Film History to host two vintage movie screenings August 26 & 27. The films will offer a trip back in time with subjects including Owens Valley history, culture, mining, events, and tourism. Film dates range from 1919 to the mid 1980's.

Through the "California Revealed" project, sponsored by California Preservation Program, the Bishop Chamber has submitted many old films for digitization that are now living in perpetuity on the internet. A handful of these movies will be shown on the big screens in Bishop and Lone Pine.

The films originated from old media such as 16 mm films, 8 mm films, VHS and Beta video tapes. Many old home movies and documentaries sit in storage gathering dust because movie projectors and VCRs are obsolete. This showing is designed to help others learn how California Revealed can assist with preserving old film & audio recordings. *"We know local agencies, churches, businesses and even families have priceless memories and important history stowed away in garages and attics that should be preserved and shared,"* notes Tawni Thomson of the Bishop Chamber.

Four movies will be screened each day including:

- "The Film of All Ages"
- "Mule Days with Slim Pickens"
- "Champion Spark Plug Mine"
- "This is Bishop"

On Saturday, August 26th the films will be shown at Bishop Twin Theatre, 12noon – 2pm.

On Sunday, August 27th, the event will be at the Museum of Western Film History in Lone Pine, 1pm – 3pm.

Local history experts Roberta Harlan and Dave Woodruff will be on hand at both events to introduce the films and answer questions.

On Monday, August 28th, Pamela Vadakan of "California Revealed" will hold a workshop to help those interested in submitting old video and audio files for digitization. The workshop will be at the Bishop Library, 10am-2pm.

The project is sponsored in part by Inyo County's CPSP grant program. All events are free; however any donations to help offset costs would be greatly appreciated.

For more information, contact Tawni Thomson or Joe Pollini at the Bishop Chamber of Commerce. 760-873-8405 or email info@bishopvisitor.com.



AGENDA REQUEST FORM
 BOARD OF SUPERVISORS
 COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 7

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Inyo County Free Library

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Holiday Library Closure

DEPARTMENTAL RECOMMENDATION:

Request your Board authorize that Inyo County Free Library branches close on Saturday, November 25, 2017 because of the Thanksgiving holiday.

SUMMARY DISCUSSION:

This request is made to allow library staff to spend Thanksgiving weekend with their families.

ALTERNATIVES:

If your Board does not authorize the requested closure, the Library's branches will be open for the regularly scheduled Saturday hours after Thanksgiving.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> N/A Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> N/A Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

Richard J. Benson

Date: 11/3/17



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER
8

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Motor Pool

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Equipping of Sheriff's Patrol Units

DEPARTMENTAL RECOMMENDATION:

Request your Board:

1. Reduce the purchase order with Bishop Ford from \$ 272,246.46 to \$212,913.93 for the purchase of six 2017 Ford Police Interceptor Utilities.
2. Award a bid to Innovative Emergency Equipment of Riverside, California as the low bidder for the equipping of six 2017 Ford Police Interceptor Utilities with lights, sirens and other safety equipment in the amount of \$59,752.26.

SUMMARY DISCUSSION:

Earlier this year Motor Pool sought bids for the purchase of six, 2017 Police Interceptor Utility Vehicles. Bishop Ford provided the County with a bid of \$272,246.46 for six fully equipped vehicles. On June 13, 2017 your Board authorized the purchase and the order was placed with the Ford dealer. In September Bishop Ford informed Motor Pool that they would not be able to honor the terms of their agreement due to the actions of a sub-contractor. Instead, they would deliver the six vehicles without the specialized police equipment, leaving the County with the need to get the vehicles equipped. During the bid process Bishop Ford had also submitted a bid for the vehicles without equipping and intends to honor that price and deliver the vehicles for \$212,913.93.

Upon the notification by Bishop Ford, Motor Pool sought bids for the service of equipping these units from several vendors. Innovative Emergency Equipment of Riverside, California provided the low bid of \$59,752.26. With the new equipping costs the total cost of the equipped vehicles is \$272,666.19 which is \$419.73 more than originally planned. While this cost is minimal, there is an additional expense since the cars will have to be transported to Riverside and back.

Motor Pool contacted several auto transport companies for quotes to take the cars from Bishop to Riverside. The lowest price was provided by a local firm who would provide the service for \$3,950. Rather than the County having to incur this expense, Bishop Ford has agreed to deliver the vehicles to the equipping contractor and bring them back to Bishop.

Given the circumstances, it is recommended that your Board authorize the purchase of the six vehicles from Bishop Ford at the new price and approve equipping the vehicles through Innovative Emergency Equipment.

ALTERNATIVES: Since the vehicles are not being provided as agreed, your Board could refuse delivery. In that case additional bids would be solicited. In all likelihood that would not result in a lower price. Your Board could also demand that Bishop Ford honor the original price. Enforcing that demand, however, may require litigation. Given that the circumstances were beyond the dealer's control and their cooperation in transporting the vehicles neither alternative is recommended.

OTHER AGENCY INVOLVEMENT: Inyo County Sheriff's Department

FINANCING:

The original purchase was included in the Fiscal Year 2017-2018 Motor Pool Budget 200100, Object Code 5655. Funds for the additional costs are available in that budget unit.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> N/A Approved: _____ Date _____
AUDITOR/ CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>10/27/2017</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> N/A Approved : _____ Date _____

DEPARTMENT HEAD SIGNATURE: Richard J. Baum Date: 10/31/17
 (Not to be signed until all approvals are received)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 9

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Administration - Purchasing
by Emma Bills, Purchasing Specialist

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Award of Bid No. 2017-06 HP Toner Cartridges for 2017-18 FY

DEPARTMENTAL RECOMMENDATION:

Request Board:

- A. Award Bid No. 2017-06 HP Toner Cartridges for FY 2017-2018 to The Tree House, Inc. with the option to renew a second or third year.
- B. Authorize purchase orders that exceed \$10,000 to be issued to The Tree House, Inc. for FY 2017-2018 from the Purchasing Revolving Budget in an amount not to exceed \$40,000.

SUMMARY DISCUSSION:

Bid packets were mailed to multiple agencies and the bid was advertised as required by law. A number of bids were received. Following is a recap of the top three qualified bids received.

<u>VENDOR</u>	<u>AMOUNT BID</u>
The Office Pal	\$23,935.81
The Tree House, Inc.	\$25,084.68
Beyond Technology	\$27,034.24

In an effort to determine the best value to the County; an evaluation was performed calculating annual usage per unit, per unit price quoted. Each unit price quoted by each of the three vendors was calculated by the total annual use of each cartridge.

In this evaluation it was determined that the greatest cost value to the Inyo County was offered by The Tree House, Inc.

ALTERNATIVES:



Your Board could choose not to award this bid, or authorize the approval of purchase orders, but this alternative is not recommended. The Purchasing Department through competitive process has obtained the best prices available.

OTHER AGENCY INVOLVEMENT:

The departments submitted a list of Toner Cartridges used by their department.

FINANCING:

Traditionally, County departments have included the cost for printing needs in the appropriations in their budgets.

<u>APPROVALS</u>	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>YES</u> Date <u>11/1/17</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>Yes</u> Date <u>11/3/2017</u>
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)



Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

10

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Recycling and Waste Management

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Approve the contract between County of Inyo and Myrna Tew

DEPARTMENTAL RECOMMENDATION:

Recommend that your Board 1) approve and ratify the contract between the County of Inyo and Myrna Tew for maintenance services at the Keeler Transfer Station in the amount not to exceed \$6,300.00 for the period of October 1, 2017 through June 30, 2020; 2) authorize the chairman to sign said agreement; 3) rescind the short-term contract in place with Ms. Tew for these services and; 4) formally cancel the contract with the former contractor, Bruce Spry.

SUMMARY DISCUSSION:

Recycling and Waste Management operates four transfer stations and utilizes individuals to provide maintenance services at the sites. This spring the department solicited bids to perform the service at the Keeler transfer station. The low bid came from Mr. Bruce Spry and on July 17, 2017 your Board approved a contract with Mr. Spry for this work. On September 15, 2017, Mr. Spry notified this office that he no longer wished to do the work and was canceling the contract.

Ms. Myrna Tew formerly held the contract and had submitted the next lowest bid to maintain the site. We contacted Ms. Tew and she graciously agreed to enter into a new contract to provide this service. So that there will be no gap in the service, Ms. Tew is currently working under a short-term agreement. The agreement before your Board today will allow us to contract with Ms. Tew through June 20, 2020. Through this contract the contractor will maintain the Keeler transfer station which includes removal of windblown litter, weed removal and trash clean-up for a total of three (3) years.

So as to avoid confusion, in addition to approving this contract we are requesting that your Board formally cancel the contract with Mr. Spry and rescind the short-term contract with Myrna Tew.

ALTERNATIVES:



Since this is considered a small volume transfer station, a permanent gate attendant is not required (at this time), however, site maintenance is required. Lacking the services of an outside contractor, alternatively, it would be necessary to assign a County employee to maintain the site at a significantly higher expense.

OTHER AGENCY INVOLVEMENT: County Counsel, Auditor,

FINANCING:

These services will be paid out of the Solid Waste Budget #045700, Object Code #5265, Special and Professional Services, and are included in the Fiscal Year 2017-2018 budget.

APPROVALS

COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>YES</u> Date <u>10/19/17</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>10/20/2017</u>
PERSONNEL DIRECTOR: <u>N/A</u>	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 10/19/17

AGREEMENT BETWEEN COUNTY OF INYO
AND MYRNA TEW
FOR THE PROVISION OF KEELER TRANSFER STATION MAINTENANCE **SERVICES**

INTRODUCTION

WHEREAS, the County of Inyo (hereinafter referred to as "County") may have the need for the Keeler Transfer St. Maintenance services of MYRNA TEW of KEELER, CALIFORNIA (hereinafter referred to as "Contractor"), and in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The Contractor shall furnish to the County, upon its request, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein. Requests by the County to the Contractor to perform under this Agreement will be made by RICHARD J. BENSON, whose title is: Assistant County Administrator. Requests to the Contractor for work or services to be performed under this Agreement will be based upon the County's need for such services. The County makes no guarantee or warranty, of any nature, that any minimum level or amount of services or work will be requested of the Contractor by the County under this Agreement. County by this Agreement incurs no obligation or requirement to request from Contractor the performance of any services or work at all, even if County should have some need for such services or work during the term of this Agreement.

Services and work provided by the Contractor at the County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and County laws, ordinances, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement.

2. TERM.

The term of this Agreement shall be from 10/1/2017 to 6/30/2020 unless sooner terminated as provided below.

3. CONSIDERATION.

A. Compensation. County shall pay to Contractor in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A which are performed by Contractor at the County's request.

B. Travel and per diem. Contractor will not be paid or reimbursed for travel expenses or per diem which Contractor incurs in providing services and work requested by County under this Agreement.

C. No additional consideration. Except as expressly provided in this Agreement, Contractor shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Contractor shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Contractor at no expense to the County. Contractor will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Contractor and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

B. Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Contractor also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration available at: <http://www.sam.gov>.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor, for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

7. COUNTY PROPERTY.

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, etc. provided to Contractor by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, which is the result of Contractor's negligence.

B. Products of Contractor's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Contractor's services or work under this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of the County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

8. WORKERS' COMPENSATION.

Contractor shall provide Statutory California Worker's Compensation coverage and Employer's Liability coverage for not less than \$1,000,000 per occurrence for all employees engaged in services or operations under this Agreement. The County of Inyo, its agents, officers and employees shall be named as additional insured or a waiver of subrogation shall be provided.

9. INSURANCE.

For the duration of this Agreement Contractor shall procure and maintain insurance of the scope and amount specified in Attachment C and with the provisions specified in that attachment.

10. STATUS OF CONTRACTOR.

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as independent contractors, and not as agents, officers, or employees of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. Except as expressly provided in Attachment A, Contractor has no authority or responsibility to exercise any rights or power vested in the County. No agent, officer, or employee of the Contractor is to be considered an employee of County. It is understood by both Contractor and County that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall determine the method, details, and means of performing the work and services to be provided by Contractor under this Agreement.

B. Contractor shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement.

C. Contractor, its agents, officers, and employees are, and at all times during the term of this Agreement shall, represent and conduct themselves as independent contractors, and not as employees of County.

11. DEFENSE AND INDEMNIFICATION.

Contractor shall defend, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the performance of this Agreement by Contractor, or Contractor's agents, officers, or employees. Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, or damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this paragraph extends to any claim, damage, loss, liability, expense, or other costs which is caused in whole or in part by any act or omission of the Contractor, its agents, employees, supplier, or any one directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to, or restricted by, any requirement in this Agreement for Contractor to procure and maintain a policy of insurance.

To the extent permitted by law, County shall defend, indemnify, and hold harmless Contractor, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from, the active negligence, or wrongful acts of County, its officers, or employees.

12. RECORDS AND AUDIT.

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, county, municipal, ordinances, regulations, and directions. Contractor shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Contractor may fulfill its obligation to maintain records as required by this paragraph by substitute photographs, microphotographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Contractor, which County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Contractor. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

13. NONDISCRIMINATION.

During the performance of this Agreement, Contractor, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age, or sex. Contractor and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said act.

14. CANCELLATION.

This Agreement may be canceled by County without cause, and at will, for any reason by giving to Contractor thirty (30) days written notice of such intent to cancel. Contractor may cancel this Agreement without cause, and at will, for any reason whatsoever by giving thirty (30) days written notice of such intent to cancel to County.

15. ASSIGNMENT.

This is an agreement for the services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any monies due or to become due under this Agreement without the prior written consent of County.

16. DEFAULT.

If the Contractor abandons the work, or fails to proceed with the work and services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, County may declare the Contractor in default and terminate this Agreement upon five (5) days written notice to Contractor. Upon such termination by default, County will pay to Contractor all amounts owing to Contractor for services and work satisfactorily performed to the date of termination.

17. WAIVER OF DEFAULT.

Waiver of any default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in paragraph twenty-three (23) below.

18. CONFIDENTIALITY.

Contractor further agrees to comply with the various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Contractor in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Contractor agrees to keep confidential all such information and records. Disclosure of such confidential, privileged, or protected information shall be made by Contractor only with the express written consent of the County. Any disclosure of confidential information by Contractor without the County's written consent is solely and exclusively the legal responsibility of Contractor in all respects.

Notwithstanding anything in the Agreement to the contrary, names of persons receiving public social services are confidential and are to be protected from unauthorized disclosure in accordance with Title 45, Code of Federal Regulations Section 205.50, the Health Insurance Portability and Accountability Act of 1996, and Sections 10850 and 14100.2 of the Welfare and Institutions Code, and regulations adopted pursuant thereto. For the purpose of this Agreement, all information, records, and data elements pertaining to beneficiaries shall be protected by the provider from unauthorized disclosure.

19. CONFLICTS.

Contractor agrees that it has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement.

20. POST AGREEMENT COVENANT.

Contractor agrees not to use any confidential, protected, or privileged information which is gained from the County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Contractor agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with the County, or who has been an adverse party in litigation with the County, and concerning such, Contractor by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

21. SEVERABILITY.

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

22. FUNDING LIMITATION.

The ability of County to enter this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to cancel, reduce, or modify this Agreement, or any of its terms within ten (10) days of its notifying Contractor of the cancellation, reduction, or modification of available funding. Any reduction or modification of this Agreement made pursuant to this provision must comply with the requirements of paragraph twenty-three (23) (Amendment).

23. AMENDMENT.

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

24. NOTICE.

Any notice, communication, amendments, additions, or deletions to this Agreement, including change of address of either party during the terms of this Agreement, which Contractor or County shall be required, or may desire, to make, shall be in writing and may be personally served, or sent by prepaid first class mail to, the respective parties as follows:

County of Inyo	
RECYCLING WASTE MANAGEMENT	Department
163 MAY ST	Street
BISHOP, CA 93514	City and State

Contractor:	
MYRNA TEW	Name
P O BOX 214	Street
KEELER, CA	City and State

25. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

////

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AGREEMENT BETWEEN COUNTY OF INYO

AND MYRNA TEW

FOR THE PROVISION OF KEELER TRANSFER STATION MAINTENANCE SERVICES

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS
THIS _____ DAY OF _____, _____.

COUNTY OF INYO

CONTRACTOR

By: _____

By: Myrna Taw
Signature

Dated: _____

MYRNA TEW
Print or Type Name

Dated: 09/25/2017

APPROVED AS TO FORM AND LEGALITY:

County Counsel
[Signature]

APPROVED AS TO ACCOUNTING FORM:

[Signature]
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

[Signature]
Personnel Services

APPROVED AS TO INSURANCE REQUIREMENTS:

[Signature]
County Risk Manager

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF INYO
AND MYRNA TEW
FOR THE PROVISION OF KEELER TRANSFER STATION MAINTENANCE SERVICES**

TERM:
10/1/2017 6/30/2020
FROM: _____ **TO:** _____

SCOPE OF WORK:

Contractor agrees to provide the tools necessary to clean up waste and litter debris inside and outside of the Keeler transfer station. Areas of maintenance will include, but not necessarily be limited to, the entry road and the area surrounding the transfer station in all directions at a minimum of 100 yards from the Keeler transfer station. All windblown paper and debris including all solid waste located in and around the area discussed above will be picked up and placed into the transfer station waste containers by the Contractor.

Maintenance will be provided as needed but no less often than twice a week. Waste and litter will be picked up and placed in the waste bins for removal by the waste hauler.

If the Contractor suspects that hazardous material has been disposed of at the site, he will contact Integrated Waste Management for instructions.

Contractor is entitled to claim all recycling and salvage materials.

ATTACHMENT B

AGREEMENT BETWEEN COUNTY OF INYO
AND MYRNA TEW
FOR THE PROVISION OF KEELER TRANSFER STATION MAINTENANCE SERVICES

TERM:
FROM: 10/1/2017 TO: 6/30/2020

SCHEDULE OF FEES:

\$175 PER MONTH

Contractor will send a calendar to Inyo County Recycling Waste Management for each month worked showing which days were worked, how many hours and the type of work performed.

ATTACHMENT C
AGREEMENT BETWEEN COUNTY OF INYO
AND MYRNA TEW

FOR THE PROVISION OF KEELER TRANSFER STATION MAINTENANCE SERVICES

TERM:

FROM: 10/1/2017

TO: 6/30/2020

SEE ATTACHED INSURANCE PROVISIONS

N/A



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 11

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Sheriff Bill Lutze

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Request to declare Adamson a sole source vendor and approve payments.

DEPARTMENTAL RECOMMENDATION:

- A. Declare Adamson as sole source vendor for law enforcement supplies and,
- B. Authorize a blanket purchase order in the amount of \$9000 for misc. supplies,
- C. Authorize a purchase order in the amount of \$21,900 for ballistic and load bearing vests,

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

The Sheriff's Department is requesting the purchase of 14 new ballistic vests, 31 load bearing vests, leather gear and flashlights for use by Law Enforcement Personnel. These items are standard issue equipment for Sheriff's Personnel and an essential part of our operation and training. Due to the unusually high employee turnover in the past year, the Department has been doing more in-house training for newly hired personnel and has been taxed while issuing them required equipment for their duties. It is imperative that we have continuity of our safety equipment and are able to provide it in a timely manner. Adamson's has provided us with competitive pricing on high quality safety equipment and is able to come to us to provide certified measurements for vests within 72 hours. Authorization to open a blanket purchase order will allow for us to order safety equipment as needed and expedite payments through the Purchasing and Auditor's offices. Issuance of these purchase orders will not negate the requirement of following the Purchasing Policy.

ALTERNATIVES:

Deny sole source justification and go out to bid for ballistic, load bearing vests and miscellaneous equipment from other vendors. This is not recommended as we have new hires in the field and at academy that we must provide safety equipment for. After reviewing the state contract held by another vendor, we have determined they would not be able to provide us with the specified equipment, nor be able to provide measuring services on site.


OTHER AGENCY INVOLVEMENT:

Purchasing
Auditor's office

FINANCING:

Funds are available in the Sheriff General budget (022700) and Jail General Budget (022900), Personal and Safety Equipment (5112) Law Enforcement Special (5313).

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>10/24/17</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 10-26-17



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 12

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Board of Supervisors – Supervisor Rick Pucci
FOR THE BOARD MEETING OF: November 14, 2017
SUBJECT: Appointments to the Inyo Fish and Wildlife Commission

DEPARTMENTAL RECOMMENDATION: Request Board appoint Garrett McMurtrie, Joe Pecsí, and Larry McIntosh to three (3) four-year terms on the Inyo Fish and Wildlife Commission ending October 6, 2021, and appoint John Frederickson as voting alternate to a four-term ending October 6, 2021. *(Notice of vacancy resulted in requests for re-appointment being received from Mr. McMurtrie, Mr. Pecsí, Mr. McIntosh, and Mr. Frederickson.)*

SUMMARY DISCUSSION: On August 18, 2009 the Board adopted Resolution No. 2009-32 forming the Inyo Fish and Wildlife Commission. The Resolution set the membership for this Commission at five members plus one alternate. Three of the five terms expired on October 6, 2017, as did the term for the alternate. Per County policy, a Notice of Vacancy was published October 17. The application period closed on October 31, with applications received only from Larry McMurtrie of Bishop, Joe Pecsí of Bishop, Larry McIntosh of Bishop, and John Frederickson of Bishop, all of whom requested re-appointment.

ALTERNATIVES: Our Board could choose to continue the recruitment for members. This alternative is not recommended in that we have sufficient applicants to fill the vacancies, and the applicants have experience on the Commission and knowledge about Fish and Wildlife issues.

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: There is no fiscal impact associated with this request.

<u>APPROVALS</u>	
COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER: N/A	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
 (Not to be signed until all approvals are received)
 (The Original plus 14 copies of this document are required)

Date: 11-03-17

Garrett McMurtrie
222 W Yaney St.
Bishop ca 93514

RECEIVED
2017 OCT 20 AM 11: 00

INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

October 12, 2017

Inyo County Board of Supervisors
P. O. Drawer N
Independence, CA 93526

Gentlemen:

Please accept my request for reappointment to the Inyo Fish and Wildlife Commission. As a current member of the Commission I have enjoyed working with the other members of the Commission to make recommendations to the Board of Supervisors on the use of Fish and Game Fine funds that have been beneficial to the preservation of the wildlife in Inyo County.

I would like to continue to serve and respectfully request appointment to complete another four-year term ending October 6, 2021. Your consideration of my request is gratefully appreciated.

Sincerely,



Garrett McMurtrie

Joe Pecsí
210 S. 2nd St.
Bishop, CA 93514
760-784-0699

RECEIVED
2017 OCT 20 AM 11:00
INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

October 12, 2017

Inyo County Board of Supervisors
P. O. Drawer N
Independence, CA 93526

Gentlemen:

Please accept my request for reappointment to the Inyo Fish and Wildlife Commission. As a current member of the Commission and an elected City Council member, I understand the importance of the protection of our County's wildlife resources. As a tourist based economy both the City and the County depend heavily on the revenue that is generated from our tourists enjoying all aspects of our wildlife. I have had enjoyed working with the other members of the Commission to make recommendations that are beneficial to the preservation of the wildlife resources in Inyo County.

I would like to continue to serve and respectfully request appointment to complete another four-year term ending October 6, 2021. Your consideration of my request is gratefully appreciated.

Sincerely,

J. L. Pecsí

Joe Pecsí

Larry McIntosh
137 Rawson Creek Road
Bishop, CA 93514

LM
RECEIVED RECEIVED
2017 OCT 20 AM 9:17 2017 OCT 20 AM 11:00
INYO COUNTY ADMINISTRATOR INYO COUNTY ADMINISTRATOR
CLERK OF THE BOARD CLERK OF THE BOARD

October 12, 2017

Inyo County Board of Supervisors
P. O. Drawer N
Independence, CA 93526

Gentlemen:

Please accept my request for reappointment to the Inyo Fish and Wildlife Commission. As a current member of the Commission I have had the pleasure of making recommendations to the Board of Supervisors on the use of Fish and Game Fine funds that have and will preserve and protect the wildlife resources of the County for the benefit of our residents and visitors alike.

I would like to continue to serve and respectfully request appointment to complete another four-year term ending October 6, 2021. Your consideration of my request is gratefully appreciated.

Sincerely,



Larry McIntosh

John Frederickson
1453 Bear Creek Road
Bishop CA 93514

RECEIVED
2017 OCT 20 AM 11:00

INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

October 12, 2017

Inyo County Board of Supervisors
P. O. Drawer N
Independence, CA 93526

Gentlemen:

Please accept my request for reappointment to the Inyo Fish and Wildlife Commission. I currently serve as the voting alternate on the Commission. As the voting alternate I have had many opportunities to work with the Commission on making recommendations that will preserve, protect and enhance the wildlife resources in Inyo County. As a business owner in the Eastern Sierra, I recognize the importance of protecting and preserving those resources that are vital to our tourist based economy. I believe it is important to continue our efforts in this regard.

I would like to continue to serve and respectfully request appointment to complete another four-year term ending October 6, 2021. Your consideration of my request is gratefully appreciated.

Sincerely,


John Frederickson



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373
e-mail: dellis@inyocounty.us

MEMBERS OF THE BOARD
DAN TOTTEROH
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board
DARCY ELLIS
Assistant Clerk of the Board

NOTICE OF VACANCIES INYO FISH & WILDLIFE COMMISSION

NOTICE IS HEREBY GIVEN that the Inyo County Board of Supervisors is accepting applications to fill four vacancies on the Inyo Fish & Wildlife Commission: three (3) commissioner seats with four-year terms ending October 6, 2021 and one (1) alternate position with a four-year term ending October 6, 2021.

If you are interested in serving on the Inyo Fish & Wildlife Commission, please submit your request for appointment to the Clerk of the Board of the Board of Supervisors at P.O. Drawer N, Independence, CA 93526, or dellis@inyocounty.us. In order for your request for appointment to be considered, it must be received on or before 5:00 p.m. Tuesday, October 31, 2017.

For more information, call (760) 878-0373.

Attention Legal Notices:

PLEASE PUBLISH IN THE Tuesday, October 17, 2017, issue of the Inyo Register.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF INYO

I am a citizen of the United States
and a resident of the County aforesaid.
I am over the age of eighteen years,
And not a party to or interested in the
above-entitled matter. I am the principal
clerk of the printer of the
The Inyo Register

County of Inyo

The Inyo Register has been adjudged a
newspaper of general circulation by the
Superior Court of the County of Inyo,
State of California, under date of
Oct. 5, 1953, Case Number 5414;
that the notice, of which the annexed
is a printed copy (set in type not
smaller than non-pareil), has been
published in each regular and entire
issue of said newspaper and not in
any supplement thereof, on the
following date, to with:

OCTOBER 17

in the year 2017

I certify (or declare) under penalty of perjury
that the foregoing is true and correct.

Dated at Bishop, California, on this
25TH DAY OF OCTOBER 2017

This space is for County Clerk's Filing Stamp

RECEIVED

2017 OCT 30 AM 11:34

INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

Proof of Publication of Public Notice

NOTICE OF VACANCIES INYO FISH & WILDLIFE COMMISSION

NOTICE IS HEREBY GIVEN that
the Inyo County Board of Supervi-
sors is accepting applications to fill
four vacancies on the Inyo Fish &
Wildlife Commission: three (3)
commissioner seats with four-year
terms ending October 6, 2021 and
one (1) alternate position with a
four-year term ending October 6,
2021.

If you are interested in serving on
the Inyo Fish & Wildlife Commis-
sion, please submit your request
for appointment to the Clerk of the
Board of the Board of Supervisors
at P.O. Drawer N, Independence,
CA 93526, or
dells@inyocounty.us. In order for
your request for appointment to be
considered, it must be received on
or before 5:00 p.m. Tuesday,
October 31, 2017.

For more information, call (760)
878-0373.
(IR (10/17/17, #13054)


Signature



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

For Clerk's Use
Only:

AGENDA NUMBER

13

FROM: Road Department

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Hiring of Road Equipment Operator for Carpenter Crew

DEPARTMENTAL RECOMMENDATIONS:

Request Board find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the Heavy Equipment Operator I/II position exists in the Road Budget, as certified by the Public Works Director and concurred with by the County Administrator and the Auditor/Controller; (b) where internal candidates meet the qualifications of the position, the vacancy could be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure the most qualified applicants apply; (c) approve the hiring of one full time Heavy Equipment Operator I/II at Range 58 (\$3,376-\$4,108) or II at Range 60 (\$3,541- \$4,301)

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Due to a recent transfer creating a vacancy, the Road Department is requesting approval to recruit and hire an Equipment Operator I/II for the Carpenter Crew. The Carpenter Crew utilizes the Equipment Operator classification in their operations as it allows them to provide a wide range of services in their countywide maintenance and repair responsibilities including; culverts, road striping and markings, signs, concrete and guardrail repairs. The Crew also assists the Road Crews with traffic control, hauling, equipment operation and snow plowing as requested. It is essential to fill this position in order to maintain the consistent level of services to the residents of Inyo County that the Road Department strives to maintain. The vacant position is included in the authorized strength and has been included in the FY 2017/18 budget.

ALTERNATIVES:

The Board could elect not to authorize the filling of this vacant position. This is not recommended as the filling of this position will allow the Road Department to continue to provide construction maintenance services to the County with this two person crew.

OTHER AGENCY INVOLVEMENT:

Personnel Department
Auditor Controller

FINANCING:

The requested position is included in the Authorized Strength for the Road Department and has been included in the Salaries and Benefits identified in the Road budget.

APPROVALS

COUNTY COUNSEL: AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)
Approved: _____ Date _____

AUDITOR/CONTROLLER ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)
Approved:  ✓ Date 11/2/17

PERSONNEL DIRECTOR PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)
Approved: ✓ Date 11/2/17

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)  Date: 11/3/17



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER
14

Consent X Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator - Personnel

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Health and Human Services Director Employment Contract

DEPARTMENTAL RECOMMENDATION:

Request Board approve:

- A) Contract between the County of Inyo and Marilyn Mann for the provision of personal services as the Director of Health and Human Services at a monthly base salary of \$10,500.00 effective November 16, 2017 and authorize the Chairperson to sign; and,
- B) Approve Resolution 2017-_____, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-06, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo" and authorize the Chairperson to sign.

SUMMARY DISCUSSION:

At the conclusion of interviews and negotiations, your Board directed Staff to prepare this contract and bring it to your Board for final consideration and action. This is standard contract 202, which outlines all the terms and condition of employment.

ALTERNATIVES:

Your Board could choose to not approve this contract and re-negotiate the terms and conditions.

OTHER AGENCY INVOLVEMENT:

County Counsel
Personnel

FINANCING:

This position is part of the County's Authorized Staffing for Fiscal year 2017-2018 and budgeted in various Health and Human Services budgets for this Fiscal Year.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>11/9/17</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>11/9/17</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: <u>✓</u> Date <u>11-09-2017</u>

DEPARTMENT HEAD SIGNATURE: _____ Date: 11-09-2017
(Not to be signed until all approvals are received)

**AGREEMENT BETWEEN COUNTY OF INYO
AND MARILYN MANN
FOR THE PROVISION OF PERSONAL SERVICES
AS A COUNTY DEPARTMENT HEAD**

INTRODUCTION

WHEREAS Marilyn Mann_ (hereinafter referred to as "Department Head") has been duly appointed as Health and Human Services Director for Inyo County; and

WHEREAS, The County of Inyo (hereinafter referred to as "County") and Department Head desire to set forth the manner and means by which Department Head will be compensated for performance of duties;

NOW THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, County and Department Head hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The Department Head shall furnish to the County, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

Services and work provided by the Department Head under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and County laws, ordinances, resolutions, and directions.

2. TERM.

The term of this Agreement shall be from November 16, 2017 until terminated as provided below.

3. CONSIDERATION.

A. Compensation. County shall pay Department Head in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A which are performed by Department Head.

B. Travel and Per Diem. County shall reimburse Department Head for the travel expenses and per diem which Department Head incurs in providing services and work under this Agreement. Travel and per diem expenses will be reimbursed in accordance with the rates set forth in the Schedule of Travel and Per Diem Payment (Attachment C). County reserves the right to deny reimbursement to Department Head for travel or per diem expenses which are either in excess of the amounts that may be paid under the rates set forth in Attachment C, or which are incurred by the Department Head without the proper approval of the County.

C. No Additional Consideration. Except as expressly provided in this Agreement, Department Head shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement.

D. Manner of Payment. Department Head will be paid in the same manner and on the same schedule of frequency as other County Department Heads and employees.

E. Federal and State Taxes. From all payments made to Department Head by County under the terms and provisions of this Agreement, County shall withhold all appropriate federal and state income taxes (resident and non-resident).

4. WORK SCHEDULE.

Department Head's obligation is to perform the services and work identified in Attachment A which are needed within the County. It is understood by Department Head that the performance of these services and work will require a varied schedule. Department Head, in arranging his schedule, will coordinate and make arrangements to fulfill the requirements of the services and work which is necessary.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS.

Any licenses, certificates, or permits required by the federal, state, county, or municipal governments for Department Head to provide the services and work described in Attachment A must be procured by Department Head and be valid at the time Department Head enters into this Agreement. Further, during the term of this Agreement, Department Head must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, and professional licenses or certificates. Department Head will provide County, at County's request, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Department Head and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.

County shall provide Department Head with such supplies, reference materials, telephone service, and staff as is deemed necessary by the County for Department Head to provide the services identified in Attachment A to this Agreement.

7. COUNTY PROPERTY.

A. Supplies, Equipment, etc. All supplies, equipment, tools, protective or safety devices, badges, identification cards, keys, uniforms, vehicles, reference materials, furniture, appliances, etc. provided to Department Head by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Department Head will use reasonable care to protect, safeguard and maintain such items while they are in Department Head's possession.

B. Products of Department Head's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result or product of, Department Head's services or work under this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of the County. At the termination of the Agreement, Department Head will convey possession and title to all such properties to County.

8. WORKERS' COMPENSATION.

County shall provide workers' compensation coverage to Department Head for all acts performed in the course and scope of providing the services described in Attachment A to this Agreement. In the event a claim is made by Department Head for injuries received in the course and scope of providing such services, County's liability shall be limited to workers' compensation benefits payable under the California Labor Code.

9. STATUS OF DEPARTMENT HEAD.

All acts of Department Head relating to the performance of this Agreement shall be performed by Department Head as the Health and Human Services Director of the County. Department Head has no authority to bind, incur any obligation on behalf of, or exercise any right or power vested in, the County, except as expressly provided by law or set forth in Attachment A.

10. DEFENSE AND INDEMNIFICATION.

In the event the Department Head is sued for acts performed within the course and scope of providing services and work described in Attachment A of this Agreement, County shall defend, indemnify, and hold the Department Head harmless from any and all liability arising from such acts as required by law.

11. TERMINATION AND DISCIPLINE.

Department Head's services under this Agreement may be terminated by County without cause, and at will, for any reason by giving to Department Head ninety (90) days written notice of such intent to terminate.

Department Head may terminate this Agreement without cause, and at will, for any reason whatsoever by giving thirty (30) days written notice of such intent to terminate to County.

12. ASSIGNMENT.

This is an agreement for the personal services of Department Head. County has relied upon the skills, knowledge, experience, and training of Department Head as an inducement to enter into this Agreement. Department Head shall not assign or subcontract this Agreement, or any part of it, without the express written consent of the County.

13. NONDISCRIMINATION.

Department Head agrees to comply with various provisions of the federal, state, and county statutes, laws, and ordinances applicable to the County, and providing that no person in the United States shall, on the grounds of race, color, religion, ancestry, sex, age, physical handicap, or national origin, be subjected to discrimination.

14. CONFIDENTIALITY.

Department Head agrees to comply with various provisions of the federal, state, and county laws and ordinances providing that information and records kept, maintained, or accessible by the County, shall be privileged, restricted, or confidential. Disclosure of such confidential, privileged, or protected information shall be made by Department Head only as allowed by law.

15. CONFLICTS.

Department Head agrees that she has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement. Department Head agrees to complete and file appropriate conflict of interest statements.

16. POST AGREEMENT COVENANT.

Department Head agrees not to use any confidential, protected, or privileged information which is gained from the County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Department Head agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with the County, or who has been an adverse party in litigation with the County, and concerning such, Department Head by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

17. AMENDMENT.

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form, and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

18. NOTICE.

Any notice, amendments, or additions to this Agreement, including change of address of either party during the term of this Agreement, which Department Head or County shall be required, or may desire, to make shall be in writing and shall be sent by prepaid first class mail to the respective parties as follows:

County of Inyo

County Administrator	Department
P.O. Drawer N	Mailing Address
Independence, CA 93526	City and State

Department Head:

Marilyn Mann	Name
P.O. Box 103	Street
Big Pine, CA 93513	City and State

19. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

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**AGREEMENT BETWEEN COUNTY OF INYO
AND MARILYN MANN
FOR THE PROVISION OF PERSONAL SERVICES
AS A COUNTY DEPARTMENT HEAD**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
16 DAY OF November, 2017

COUNTY OF INYO

DEPARTMENT HEAD

By: _____

By: Marilyn Mann

Print or Type Name

Dated: _____

Marilyn Mann
Signature

Dated: 11/9/17

APPROVED AS TO FORM AND
LEGALITY:

[Signature]
County Counsel

APPROVED AS TO ACCOUNTING
FORM:

[Signature]
County Auditor

APPROVED AS TO PERSONNEL
REQUIREMENTS:

[Signature]
Personnel Services

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF INYO
AND MARILYN MANN
FOR THE PROVISION OF PERSONAL SERVICES
AS A COUNTY DEPARTMENT HEAD**

TERM:

FROM: November 16, 2017 **TO:** Termination

SCOPE OF WORK:

Department Head shall perform the duties and responsibilities as identified in the job description for Health and Human Services Director attached hereto.



THE COUNTY OF INYO

INVITES APPLICATIONS FOR

**DIRECTOR OF HEALTH AND
HUMAN SERVICES**



FINAL APPLICATION FILING DATE:

Open Until Filled



THE POSITION

This is the top level management position in the Department of Health and Human Services, appointed by the Board of Supervisors. This position determines policy, manages personnel and budgets, develops programs and formulates operational objectives and is responsible to manage and direct a variety of major county programs with significant impact on community services. Responsibilities of this position demand comprehensive knowledge and expertise in the delivery of integrated health and human services, a high level of initiative, independent judgment, discretion, as well as strong management skills to develop, administer and direct the staff and departmental programs in cooperation with other County departments and agencies.

NATURE OF WORK

The essential functions of this position include, but are not limited to, the following: formulate policies and procedures concerning activities of the department; establish and maintain goals, objectives, and plans for carrying out the functions of the department; advise appointive boards and commissions on long range planning where health and human services are concerned; implement improvements, determine and recommend plans for establishing new service programs or major changes in methods or levels of service delivery; make decisions regarding personnel issues such as selections, promotions, performance evaluations, disciplinary actions, and dismissals; implement appropriate programs where the impact of delivery for health and

human services are concerned; supervise the preparation of the annual departmental budget; assure appropriate expenditure of public funds through efficient operating services; establish and maintain liaison with representatives of state, federal, and local agencies and commissions; direct the coordination of the department's programs, plans, and operations between the divisional managers and coordinate programs and administrative functions with other departments; ensure the dissemination of information about departmental operations to promote general knowledge of health and human services to the community; direct the preparation or evaluation of legislation affecting the operations of the department; make public presentations before the Board, professional organizations, or public groups to provide information on departmental programs and goals; prepare regular and special reports and correspondence.

THE IDEAL CANDIDATE

Important qualifications will include the ability to develop and maintain a close working relationship with the Board of Supervisors and other department heads; strong communication skills; and an ability to relate well to the public, management, and employees at all levels. In addition, the successful candidate must:

- ◇ Be professional and highly ethical;
- ◇ Be a leader and team player;
- ◇ Be result oriented and proactive;
- ◇ Be fiscally responsible;
- ◇ Have effective presentation skills;

- ◇ Be approachable;
- ◇ Be willing to take reasonable risks;
- ◇ Implement Board decisions promptly as if they were his/her own;
- ◇ Keep the Board fully and regularly informed;
- ◇ Be able to work effectively with the media;
- ◇ Be a “quick study” capable of becoming highly productive immediately;
- ◇ Be a team player and good listener;
- ◇ Provide excellent customer service.

EMPLOYMENT STANDARDS

Education: Must possess a Bachelor’s degree from an accredited college or university with major coursework in health administration, business administration, public administration, social work, or a closely related field. A Master’s degree in health, mental health, business, public administration, social work, or a closely related field is preferred.

Experience: Must possess five years of progressively responsible management and supervisory experience in a public or non-profit agency, including program planning and evaluation, budget management, personnel management, and policy development in at least two of the following program areas: health, mental health, public assistance, social services, and/or substance abuse services.

SALARY AND BENEFITS

SALARY:

\$110,000-\$132,000/year

(Above salary is paid over 26 pay periods annually.)

BENEFITS:

- ◇ CalPERS Retirement System:
Classic Employees (certain current or recently employed CalPERS members and members of other retirement systems with CalPERS reciprocity, who enrolled in such systems prior to January 1, 2013) 2% at 55 – Inyo County pays the employee contribution rate toward retirement.

PEPRA Employees (new CalPERS members hired after January 1, 2013) 2% at 62. Employees will be required to pay employee contribution toward retirement.

- ◇ Inyo County pays a portion (currently 80%) of employee and dependent monthly premium on CalPERS medical plans.
- ◇ 100% of employee and dependent monthly premium paid for dental and vision.
- ◇ \$20,000 term life insurance policy on employee.
- ◇ Retiree health care benefits.
- ◇ Vacation—10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year.
- ◇ Sick leave—15 days per year.
- ◇ Flex (personal days)—5 days per fiscal year.
- ◇ Paid holidays—11 per year.



SPECIAL REQUIREMENTS:

Must possess a valid Class C operator’s license issued by the State Department of Motor Vehicles; must successfully complete an extensive pre-employment background investigation and physical examination. Ability to travel independently.

APPLICATION

Applicants may write or call for an application at Inyo County Personnel Department, P.O. Box 249, Independence, CA 93526, (760) 878-0377. Application information is also available at the Inyo County website, www.inyocounty.us.

This recruitment will remain open until position has been filled. Applicants must apply on the Inyo County application form. A cover letter and/or resume will be accepted in addition to the application form, but will not serve as a substitute for a completed application. Incomplete applications will not be processed. **It is not acceptable to complete the application with statements such as "See/Refer to Resume".**

SELECTION

Candidates must clearly demonstrate through their application materials that they meet all employment standards outlined. All properly completed applications will be reviewed and the most appropriately qualified individuals will be invited to continue in the selection process.

Examination for the position may consist of a written, performance, or oral exam(s) to evaluate the applicant's skill, training, experience, and qualifications for the position. The final hiring selection will be made by the Board of Supervisors.

Conflict of interest: Persons hired as a result of this recruitment must file a Conflict of Interest Statement within thirty (30) days of employment.

ABOUT INYO COUNTY

Inyo County is the ultimate destination for those who appreciate the outdoors. The County contains one of the most spectacular mountain ranges (Sierra Nevada) and one of the most spectacular desert areas (Death Valley) in the United States. It contains one National Park and borders two others. What it lacks in large population centers, it more than makes up for in recreational opportunities.

Inyo County is the second largest county in California, with a size of 6,490,200 acres, over 10,000 square miles. Included in this large area is a population base of approximately 17,945. Inyo County is a

rural county that is proud of its excellent schools and family environment.

The City of Bishop is the only incorporated city in the County and the Bishop area has a population of approximately 12,000. There are several smaller unincorporated towns throughout Inyo County. Inyo County has been called the "outdoor adventure capital of the world".

RECREATIONAL OPPORTUNITIES

- ◇ Downhill and Back Country Skiing at Mammoth/June Mountain resorts
- ◇ Cross Country Skiing
- ◇ Day-Hiking/Backpacking/Camping—Sierra Nevada & Great Basin
- ◇ Fishing and Hunting—Wild Trout Fishing, Deer, Fowl, etc.
- ◇ Four-Wheel Drive Exploration—Great Basin and Death Valley
- ◇ Horseback Riding—Clubs and Wilderness Trails
- ◇ Running, Biking, and Swimming
- ◇ Mountaineering, Rock Climbing
- ◇ Boating & Water Skiing

EDUCATIONAL/CULTURAL OPPORTUNITIES

- ◇ Cerro Coso Community College
- ◇ Geology of the Great Basin—Classes & Field Trips
- ◇ White Mountain Research Station, University of California
- ◇ Owens Valley Radio Observatory, Cal Tech
- ◇ Aboriginal Cultural History
- ◇ Inyo Council for the Arts
- ◇ Music Clubs, Cowboy Poetry Readings
- ◇ Eastern Calif. Museum, Independence
- ◇ Laws Railroad Museum

LOCAL EVENTS

- ◇ Mule Days
- ◇ Tri-County Fair
- ◇ 49er Encampment in Death Valley
- ◇ 4th of July in Independence
- ◇ Millpond Music Festival
- ◇ Lone Pine Film Festival

WEATHER-WATER-AIR

- ◇ Four Seasons Enjoyment
- ◇ Excellent Air Quality
- ◇ Abundant Streams, Lakes, & Hot Springs

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF INYO
AND MARILYN MANN
FOR THE PROVISION OF PERSONAL SERVICES
AS A COUNTY DEPARTMENT HEAD**

TERM:

FROM: November 16, 2017

TO: Termination

SCHEDULE OF FEES:

1. Department Head shall be paid ten thousand five hundred dollars (\$10,500.00) per month, for the identified salary range, and shall be paid every two weeks on County paydays (26 pay periods per year).
2. Except as otherwise provided in this contract, Department Head shall be compensated and receive benefits according to Inyo County Resolution Number 2010-56 or a successor resolution applicable to Management Employees.
3. County will provide and maintain a motor vehicle for Department Head's use. Such vehicle will be assigned to Department Head for her exclusive use as required by her twenty-four hour emergency and professional response requirements within the County. The vehicle may be used for business purposes according to Inyo County policy and may be used to commute between Department Head's residence and County offices and may be stored at Department Head's residence.
4. Department Head is entitled to forty paid administrative hours off every fiscal year. The administrative leave hours shall not accumulate and will be lost if not utilized during the fiscal year. The administrative leave shall have no cash value.

ATTACHMENT C

**AGREEMENT BETWEEN COUNTY OF INYO
AND MARILYN MANN
FOR THE PROVISION OF PERSONAL SERVICES
AS A COUNTY DEPARTMENT HEAD**

TERM:

FROM: November 16, 2017

TO: Termination

SCHEDULE OF TRAVEL AND PER DIEM PAYMENT:

1. Subject to Paragraph 2 below, County will reimburse Officer for travel and per diem expenses in the same amount and to the same extent as County reimburses its permanent status merit system employees.
2. Officer will not be reimbursed for intra-county travel by private automobile to destinations less than seventy-five (75) miles from Independence or Bishop, California.

\\\\ NOTHING FOLLOWS\\\\

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO,
STATE OF CALIFORNIA, AMENDING RESOLUTION 2006-06 CHANGING SALARY AND/OR
TERMS AND CONDITIONS OF EMPLOYMENT FOR APPOINTED OFFICIALS EMPLOYED IN
THE SEVERAL OFFICES OR INSTITUTIONS OF THE COUNTY OF INYO**

WHEREAS, the Board of Supervisors, pursuant to Government Code Section 25300, shall prescribe the compensation of all County Officers and shall provide for the number, compensation, tenure, appointment and conditions of employment of all County employees; and

WHEREAS, Appointed Officers are employees of the County of Inyo; and

WHEREAS, the Board of Supervisors desires to change the compensation, tenure, appointment and/or conditions of employment for Appointed County Officials;

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby amends Article 7A of Resolution 2006-06 to read as follows:

ARTICLE 7. SALARIES

A. Salaries

Appointed Officials shall be paid a monthly salary as set forth in the schedule below:

Appointed Officers	November 16, 2017 thru July 11, 2018
Ag Comm/Weights and Measures	\$ 8,877.00
County Administrator	\$ 14,290.00
County Counsel	\$ 15,132.00
Child Support Director	\$ 9,848.00
Environmental Health Director	\$ 9,505.00
Water Director	\$ 10,524.00
Health and Human Services Director	\$ 10,500.00
Planning Director	\$ 8,585.00
Chief Probation Officer	\$ 10,181.00
Public Works Director	\$11,728.00

Appointed Officers	July 12, 2018 and on
Ag Comm/Weights and Measures	\$ 9,055.00
County Administrator	\$ 14,576.00
County Counsel	\$ 15,435.00
Child Support Director	\$ 10,045.00
Environmental Health Director	\$9,695.00
Water Director	\$ 10,734.00
Health and Human Services Director	\$ 10,710.00
Planning Director	\$8,757.00
Chief Probation Officer	\$ 10,385.00
Public Works Director	\$ 11,963.00

PASSED AND ADOPTED this 14th of November 2017 following vote of the Inyo County Board of Supervisors:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairperson Inyo County Board of Supervisors

Attest: Kevin Carunchio
Clerk of the Board

BY: _____
Darcy Ellis, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

15

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time Closed Session Informational

FROM: Kammi Foote, County Clerk
Alisha McMurtrie, Treasurer-Tax Collector
Dave Stottlemire, Assessor
Rick Benson, Assistant County Administrator

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Presentation regarding New Business Guide

DEPARTMENTAL RECOMMENDATION:

Request your Board receive a presentation regarding the proposed Guide to Starting a Business

SUMMARY DISCUSSION:

When individuals decide to start a business they often seek information from the County regarding requirements. Depending on the type of business, they may end up interacting with several County departments. Often they will make their initial inquiry with the Treasurer or the County Clerk, however, there are many possible starting points.

In order to assist potential entrepreneurs the attached guide has been developed to help them understand the requirements in Inyo County. In addition to listing contacts at the County and other government agencies the guide also provides some tips on what is necessary for success.

The committee that developed the guide consists of the County Clerk, Assessor, Treasurer/Tax Collector and Assistant CAO. The layout was developed using information currently made available in other counties. It is envisioned that this will be primarily accessed online while also being available at several County offices. The guide will allow an individual who wants to start a business and reaches out to the County to get the same information regardless of their starting point. It is expected that the guide will be regularly updated to include new contacts and/or updated requirements.

As this presents an overview of information from the County it is requested that your Board review the document and provide the committee with suggestions for additional subject matter.

ALTERNATIVES:

If your Board does not want to proceed with the development and distribution of a guide for new businesses the project could be terminated.

FINANCING:

Anticipated costs are expected to be minimal especially since the guide will often be distributed electronically. It is expected that production costs can initially be absorbed within existing departmental budgets. Having this guide available should result in overall savings for the County as it will reduce staff time in assisting the public.

A PPROVALS

COUNTY COUNSEL: N/A	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER: N/A	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) Approved: _____ Date _____
PERSONNEL DIRECTOR: N/A	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)



Date: 10/18/17



GUIDE TO STARTING A BUSINESS

Presented by:

Inyo County

DRAFT

**PO Drawer N
Independence, CA 93526
(760) 878-0292
www.inyocounty.us**

Disclaimer

This guidebook is offered as information only and does not constitute any actual or implied assurance of business success. Any and all decisions made after reading the information contain herein is solely and completely the responsibility of the reader.

The County of Inyo strongly recommends that any prospective business owner obtain legal advice, to assist in complying with the applicable California laws. We compiled this guide in order to help you understand the basic requirements of operating a business in Inyo County. It is distributed with the understanding that the County of Inyo is not rendering legal advice and therefore this guide is not to be a substitute for legal counsel for the individual or business entity using it. In case of conflict, the law, regulation or rule will apply.

Portions of Inyo County have been established and formally recognized as tribal lands. As such, these areas are autonomous and the tribal councils have the ability to enact regulations differing from those described here. In all instances it is imperative that before embarking in a business endeavor on tribal land the proprietor make contact with the appropriate tribal governing board to assure compliance with their requirements. A listing of the Tribal Councils' contact numbers is on Page 19.

I. Getting Started: Licenses, Permits, and Regulations

Overview

This guidebook is directed specifically at persons operating or planning to operate a business within unincorporated Inyo County, California. For information about operating a business within the Bishop City limits, please contact the City of Bishop at 760-873-5863 or visit their website www.cityofbishop.com. Most of the information is general in nature and applicable to all types of businesses in California.

Most cities and counties have planning and business licensing departments. If you are in an unincorporated area of Inyo County, the county controls most of your business requirements. Typically, the county also is in charge of health and food permits, hazardous waste regulations and pollution control issues.

Check the requirements of the Zoning district you are proposing your business in. Your business proposal may not be compliant with the County's Zoning Code or might require zoning entitlements. Allowed uses are listed in the County's Zoning Code Title 18, or you can consult with the Inyo County Planning Department.

Check for Zoning Development Standards and Building and Safety requirements that apply, whether you are remodeling an existing location or starting up a new business prior to doing any work or investing substantial funds.

Business Licenses and Permits

All regular business licenses and permits are controlled at the county or city levels. Remember, if your business is located within the city limits of Bishop, contact the business permit and licensing section of the City of Bishop. If you are locating your business in an unincorporated area of Inyo County, there are currently no business license requirements. However, many professional occupations, such as accountants, cosmeticians, optometrists, realtors, contractors, and businesses such as automotive sales and repair, beer, wine, and liquor sales, pest control, real estate appraisers, to name a few, require additional state licensing. Contact the State of California Department of Consumer Affairs or the Contractor's State Licensing Board to find out what licensing board governs your profession. For California businesses, most of this information are now available at the state's web-site www.ca.gov or the Contractors State Licensing Board www.cslb.ca.gov site. A great location to help guide you through the permitting and licensing process is <http://www.calgold.ca.gov>.

The following types of businesses need to apply for special permits/licenses to operate a business in the unincorporated area of Inyo County:

Itinerant Peddlers

An "itinerant peddler" is any person, firm, or corporation without a fixed place of business in Inyo County who, either directly or through salespersons, engages in a temporary business of selling and delivering goods, wares, or merchandise in the county and who, in furtherance of such purpose hires or uses any area, building, structure, motor vehicle, cart, tent, or room, or any street, alley, or other place within the county, for the exhibition and/or sale of such goods, wares, and merchandise and who, in the case of a person, has no primary residence in the county or which, in the case of a firm or corporation, has its principal place of business outside of the county. (Ord. 998 § 4, 1998: Ord. 93 § 1, 1962.)

Persons interested in applying for a Peddler's License, should contact the Inyo County Treasurer/Tax Collector's office at (760) 878-0312 or by email at inyottc@inyocounty.us.

Junk Dealers, Foundries and similar business

- A. "Foundry" means any place, within the county, where metal of any type or description is cast;
- B. "Itinerant junk dealer" means any person who goes about from house to house or place to place, gathering, receiving, collecting, buying or otherwise acquiring, selling or otherwise dealing in secondhand articles, goods, wares or merchandise of any type or description;
- C. "Junk dealer" means any person other than a licensed secondhand mining supply dealer, as defined in subsection E of this section, or a licensed pawnbroker, having a fixed place of business in the county, who carries on, conducts, maintains or engages in the business of buying or otherwise acquiring, or selling, or otherwise disposing of, or otherwise dealing in secondhand articles, goods, wares or merchandise of any type or description;
- D. "Person" means and includes both the singular and plural, and means any person, copartnership, association, firm, club, society or corporation;
- E. "Secondhand mining supply dealer" means any person, having a fixed place of business in the county, other than a licensed junk dealer, itinerant junk dealer, foundry or pawnbroker, who carries on, conducts, maintains or engages in the business of buying, acquiring, reconditioning, renting, selling, disposing of, or otherwise dealing in new and usable secondhand mining supplies, equipment and machinery. (Ord. 24 § 1, 1942.)

Persons interested in applying for a Junk Dealer, Foundry or similar license, should contact the Inyo County Treasurer/Tax Collector's office at (760) 878-0312 or by email at inyottc@inyocounty.us.

Outdoor Festivals & Events on County Property

"Outdoor festival" means any music festival, dance festival, rock festival or similar musical activity at which music is provided by paid or amateur performers, by live or prerecorded means, which activity is reasonably anticipated to be attended by more than three hundred people, which is held at any place other than at a permanent building or permanent installation, which building or installation has been constructed for the purpose of conducting similar activities for the number of people anticipated to attend. (Ord. 371 § 1, 1979.)

Depending on the event location, please contact one of the departments listed below to obtain the necessary approval.

Inyo County Parks & Recreation Facilities:

Persons interested in holding an event in the following county parks should contact the Inyo County Parks and Recreation Department for approval at 760-873-5577:

- The Gazebo area at Millpond, Bishop
- Izaak Walton Park, Bishop
- Mendenhall Park, Big Pine
- Dehy Park (and kitchen), Independence
- Spainhower Park, Lone Pine

Inyo County Public Works Facilities:

Persons interested in holding an event in the following location should contact the Inyo County Public Works Department for approval at 760-873-0201:

- American Legion Building, Independence

Inyo County Health and Human Services:

Persons interested in holding an event held in the following locations, should contact the Inyo County Health and Human Services Department for approval at the following phone numbers:

- Tecopa Community Center, Tecopa call 760- 852-4264
- Big Pine Town Hall, Big Pine call 760-873-6364
- Statham Hall, Lone Pine call 760-876- 5518
- Bishop Senior Center, Bishop call 760-872-2402 (Facility Rental Fees may be charged at this facility and are independent of the County Policy)

Nonprofit Charitable Bingo Games

It is unlawful for any organization or person to conduct a bingo game, as defined by and under the provisions of the California Penal Code, Section 326.5, without first being licensed to do so. Any license issued under the provisions of the Inyo County Code Section 5.32, shall permit bingo games only for the benefit of organizations exempted from the payment of the bank and corporation tax by Section 23701d of the California Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under Section 170(c)(2) of the United States Internal Revenue Code of 1954. (Ord. 321 § 1 (part), 1977.)

Persons interested in applying for a Nonprofit Charitable Bingo Game license, should contact the Inyo County Treasurer/Tax Collector's office at (760) 878-0312 or by email at inyottc@inyocounty.us.

Weighing and Measuring Devices

Any person using a weighing or measuring device for commercial purposes, must first obtain certification to use the instrument from the Inyo County Sealer. Certification must be renewed each calendar year. Persons interested in applying for a certificate to use a weighing and measuring device, should contact the Inyo County Director of Weights & Measures office at (760) 873-7860. (Ord. 1121 §4, 2006; Ord. 629 § 1 (part), 1985.)

Additionally, the Inyo County Sealer is charged with enforcement of the Fair Packaging and Labeling Act. If your business makes a product that has packaging or labeling that has not yet been reviewed by a weights & measures official, you can contact the Inyo County Director of Weights and Measures office for a voluntary compliance review.

Pest Control Businesses

Any person wishing to advertise, solicit, or operate as a pest control business must first register with the County Agricultural Commissioner's office. Registration must be renewed each calendar year. (FAC Div. 6, Chap. 4, Article 2, § 11732.)

Pest Control Advisors

Any person wishing to provide pest control advisor services must first register with the County Agricultural Commissioner's office. Registration must be renewed each calendar year. (FAC Div. 6, Chap. 6, Article 3, § 12031.)

Farm Labor Contractors

Any person wishing to provide farm labor contracting services must first register with the County Agricultural Commissioner's office. Registration must be renewed each calendar year. (CLC Div. 6, Part 6, Chap. 3, § 1695(a)(8).)

Pest Control Aircraft Pilot

Any person wishing to act as a pest control aircraft pilot must register with the County Agricultural Commissioner's office. Registration must be renewed each calendar year. (FAC Div. 6, Chap. 5, Article 1.5, § 11920-11924.)

Fictitious Business Name Statements

If you operate a business under any name other than your own or other than your corporate name, you must file a fictitious name statement. This is also referred to as a DBA (Doing Business As). This statement must be filed with the Inyo County Clerk's office. There is a small application fee of \$20 for one DBA and one owner, and an additional \$2 for each additional DBA and owner. The payment is due when the statement is filed. Within 30 days of filing for the fictitious business name, you must run a "Fictitious Business Name Statement" in a local newspaper with a general circulation in your market area. The statement must run "weekly" for four consecutive weeks. At the end of the 4 weeks, the newspaper will issue a "Proof of Publication" certificate that will be returned by the newspaper to the County Clerk. The newspaper cost varies, but is typically under \$100. You can find out more about filing a fictitious business name statement on the County Clerk's website: <http://clerkrecorder.inyocounty.us/> or call 760-878-0223 or email clerk-recorder@inyocounty.us .

Seller's Permits

All businesses involved in the sale or rental of tangible personal property must register with the California State Board of Equalization for a seller's permit, resale license or "wholesalers" license. A security deposit may be required and can be accomplished by; 1) Non-interest bearing cash deposit, 2) Bond, or 3) Bank or savings and loan certificate of deposit. This permit will provide you with a registered resale number that you are required to use when conducting business. Permits must be posted where they are clearly visible. To obtain more information on the seller's permit, resale license or wholesale license, contact the California State Board of Equalization or visit their web-site www.boe.ca.gov where you can register for a permit/license on line. To date there is no cost for these permits.

Other Permits

The City and County are responsible for public safety, and some permits may be required for your new business. Before you begin to remodel a building or even rearrange attached signs, etc., be sure to contact the Building Department and find out what permits are needed and the cost and proper procedures for the work. Check with appropriate government agencies to learn about other permit requirements.

Health and Food Permit

If you sell or handle food, you must obtain a permit from Environmental Health Services (aka your local Health Department). Environmental Health regulations are extensive and precise. Make sure you talk to all agencies regarding your requirements. Ask a health inspector to do a "walk through" of the facility with you and advise you of potential code violations. California Health and Safety laws prohibit you from selling ANY food prepared in your home, unless you qualify under the Cottage Food regulations. Cottage Food licenses have restrictions that limit the types of food prepared and the amount and locations where it is sold. Check local regulations before proceeding with a Cottage Food business. You can find out more on the Inyo County Environmental Health website:

<http://inyocounty.us/EnvironmentalHealth/index.html>.

Property taxes

The County Assessor, an elected official, is governed by the California Constitution, the laws passed by the Legislature, and the rules adopted by the Board of Equalization. An individual county government does not control the County Assessor's tasks.

The county assessor must annually assess all taxable property in the county, except for state-assessed property, to the person, business, or legal entity owning, claiming, possessing, or controlling the property on January 1. The duties of the county assessor are to; 1) Discover all assessable property, 2) To inventory and list all taxable property, 3) To value the property, and 4) To enroll the property on the local assessment roll. The assessor's primary responsibility is to annually determine the proper taxable value for each property so the owner is assured of paying the correct amount of property tax for the support of local government.

Unless the California Constitution or federal law specifies otherwise, all property is taxable. Property is defined as all matters and things—real, personal, business and non-business, or any combination thereof.

Please do not hesitate to contact the Assessor's office with any questions you might have regarding property value at 760-878-0302.

Construction Zoning

Your business must meet local zoning requirements and any construction must conform to local building codes. Building permits are required for new construction as well as structural building improvements. If you are seeking a location for your business, thoroughly investigate zoning ordinances to be sure the location that you choose is zoned for your business activity. Don't just rely on the landlord or a Realtor to determine if the location is properly zoned for your business. Contact the City or County Planning Department to confirm that the zoning will be appropriate for your business activity. You can find out more on the Inyo County Planning website: <http://inyoplanning.org/>

Zoning and Home Business Requirements

Before signing a lease or beginning the process of starting a business, you should verify that the location of the proposed business complies with all zoning regulations. The Planning Department monitors Zoning Code compliance. Request a copy of the standards (building setbacks, heights, parking, signage, etc.), and permitted uses for the proposed location's zoning designation. You may have to apply for a Use Permit including, potentially, a "conditional use" permit to allow for uses specifically identified in the Zoning Code as conditional uses, or a Variance for exceptions to development standards. Both require a hearing and approval from a noticed Planning Commission meeting. If applicable, ask the Planning Department what information they need to evaluate your proposal, whether you should fill out a Zoning Entitlement Application, the approximate costs, an estimate of time and the likelihood your proposal will be approved. Ask if you are required to attend the Board of Supervisor's or Planning Commission meetings. You can find out more on the Inyo County Planning Department website: <http://inyoplanning.org/>.

Sign Ordinance

Most Cities and Counties have two concerns with signs: general appearance and public safety. Most government entities require sign permits and building permits whenever you install, move or remove signs. In most cases, you must pay a sign permit and a building permit fee. Business signs will have to be approved by the Building or Planning Departments if they do not comply with the local sign ordinances. Number and size of each sign often depend on your store frontage and the particular location of your business.

County

The following are Inyo County's current codes regarding placement of signs:

9.16.010 . No person shall paint, post, attach or affix any handbill, dodger, notice, sign or advertisement upon or to any bridge, fence, building or other property belonging to the county, or any tree situated in any public highway of the county; and no person shall deface, mar or disfigure any bridge, fence, building or other structure belonging to the county; or any tree situated in any public highway of the county; by painting, cutting, scratching or breaking the same or attaching or affixing anything thereto.

9.16.020. No person shall erect, construct, place or maintain any signboard, billboard, sign or advertisement, in, over or on any public highway of the county.

City of Bishop

Citizens need to check with the City Clerk of Bishop to ensure their signs are compliant with any city ordinances.

Federal Identification Number

All businesses with employees are required to obtain a Federal Identification Number from the IRS. A sole proprietorship without employees may use a social security number as an Identification Number until employees are hired. Partnerships must also obtain an identification number. If the partnership has no employees, it should be indicated on the form that the number is for identification purposes only, to meet quarterly and yearly payroll reporting requirements. If you receive a Federal Employee Identification Number, the IRS will send you quarterly and year-end tax forms. These must be filled out and returned, even if you have no employees. In accordance with IRS regulations you are liable for federal withholding taxes, F.U.T.A (Federal Unemployment Tax Act.), and F.I.C.A (Federal Insurance Contribution Act). The

IRS will provide kits for small businesses, information on how to estimate tax payments and complete tax forms, in addition to the Federal Identification Number form (#55-4). *IRS Hotline 1.800.829.1040*

State Employer Tax Identification Number

If you have employees, or plan to have employees, contact the Employment Development Department and file an application for a State Employer Tax ID number. This number will identify your business in all future tax dealings. Contact your local office of the Employment Development Department for more information.

Self Employment Tax

The Self Employment Federal Tax is designed to provide you with social security coverage, if you are self-employed. This tax is substituted for social security tax and is approximately twice the amount that is normally withheld from an employee's paycheck. For more information contact a tax preparer or visit the IRS website for details.

Regulations

There are numerous local, state and federal regulations governing business activities. Many businesses have regulatory requirements other businesses do not have. It is important that you know the local city, county, and state regulatory requirements for your specific type of business.

Health and Safety Requirements

You must operate your business in compliance with OSHA (Occupational Safety & Health Act) job safety regulations. All businesses with employees must develop and maintain an IIPP safety manual (Injury and Illness Prevention Policies). Contact Cal-OSHA Consulting Services for information on compliance with OSHA safety requirements for employers.

Wage, Hour and Child Labor Laws

If you hire employees, you will have to meet the requirements of Federal Fair Labor Standards Act and the CA Fair Employment and Housing Act, otherwise known as the "Labor Codes". Contact the California Department of Industrial Relations for information about compliance to laws prohibiting discrimination in employment based on sex, age, color, national origin, religion or physical and mental disabilities. When you have even one employee you must display in a prominent place all mandated employment postings/notices required under both Federal and State law. A single poster can be purchased from your local chamber of commerce or from numerous web-sites selling Human Resource materials. You must purchase and post one for each year and ensure that it complies with California and Federal regulations.

Insurance

There are numerous types of insurance coverage your business may need depending on the nature of your business. A few types of insurance are:

Liability
Extended Coverage

Basic Fire insurance
Vandalism & Malicious Mischief Coverage

Theft Coverage
Product Liability
Worker's Compensation

Automotive Insurance
Business Interruption Insurance
Professional Liability or "Errors and Omissions"

Contact a local insurance broker who is knowledgeable about business insurance to determine your specific needs.

Worker's Compensation Insurance

Workers' Compensation (WC) provides benefits to employees who are injured or become ill during the course of or due to their employment. In California, **every employer** is required to carry WC insurance to cover the statewide cost of occupational injuries and illnesses. This insurance requirement is mandatory, even if you have only one part-time employee. Companies based out-of-state with employees hired in California must also have California approved workers' compensation insurance.

Workers' compensation insurance can be obtained through any number of national underwriters doing business in California or through State Compensation Insurance Fund. "State Fund" is a self-supporting, non-profit enterprise that provides workers' compensation insurance to many small to mid-sized California employers. Contact a local insurance broker specializing in Worker's Comp policies to determine the most appropriate options for your business.

List of Agencies

Depending on your specific business, you may need approval from:

- City/County Building or Permit Department for building, electrical and plumbing modifications
- Treasurer/Tax Collector, for special permits
- County Clerk for Fictitious Business Names statements
- Assessor, for property taxes
- Agricultural Commissioner/Sealer, for registration as a pest control business, advisor, or pilot, farm labor contactor services registration, or weights & measures device registration
- Environmental Health, for food permits
- Planning, for other permits and zoning
- Local Sanitary Sewer District, especially if your food operation will discard large amounts of grease and other materials
- Police/Sheriff Department
- County Fire Marshall
- Health Department
- Regional Air Quality Board
- State Regulatory Department(s) (when appropriate)

For potential regulatory agencies for your specific type of business visit www.calgold.ca.gov .

Checklist for New Business

Using a checklist helps to assure that each facet of your business start-up is complete. The order of completion for each checklist item varies by business. Follow the order that is required by law or works best for you.

- _____ Determine the business activity most suitable for your skills and location.
- _____ Develop a Business Plan. (*See Section 2*)
- _____ Check local zoning laws and land use ordinances that might apply to your business.
- _____ Choose the legal structure that is best for your business. (*See Section 3*)
- _____ Determine whether your business requires a state or federal permit or license to operate.
- _____ Contact your local insurance broker to discuss and obtain the type(s) of commercial insurance you will need.
- _____ Locate the services of an accountant, banker, insurance broker and lawyer (as appropriate).
- _____ Apply for a Federal Identification Number. (Free at IRS.gov)
- _____ Employers: make sure that you have Worker's Comp coverage and complete all employer requirements before employees perform any work.
- _____ Obtain a local business license (if in the City of Bishop).
- _____ File and publish a fictitious business name statement with the County Clerk and local newspaper.
- _____ Open a business checking account separate from your personal account.
- _____ Open a sales and use tax account (CA BOE) and apply for a reseller's permit if you plan to sell or rent tangible personal property.
- _____ Apply for a State Employer Tax I.D. Number (if you plan to have employees). (*See section 4*)
- _____ Treasurer/Tax Collector and Assessor, regarding property taxes

II. Writing Your Business Plan

“If you fail to plan, you are planning to fail!” - Benjamin Franklin

The first step you should take once you decided to go forward with your business idea is to develop a comprehensive plan specifically designed to guide your business success. (AKA a business plan). Your plan should outline who you are, who your customers are or will be, your product/service line, marketing strategy, resources needed to start and operate the business, and financial outcome projections. It is important to note that a traditional “brick and mortar” business will require a very different plan than a “virtual” or online business concept.

Your business plan does not have to be complicated but it will be a necessary tool when communicating your concepts to financial institutions, if you are requesting to borrow money. It supplies the lender with a brief business history, insight into your business practices and goals, as well as a look at your strategy for the future financial success of your business. Perhaps most importantly, it should explain the business skills and management experience of the owners. Banks today are very reluctant to lend to persons without business management experience. In most instances, they will not lend to someone who cannot clearly communicate that they have a plan for making their business successful.

Preparing Your Business Plan

Developing your business plan is the most important thing you can do before going into business. For a startup, the business plan is an essential tool that functions as both a “blue print” for building a successful business and a “road map” for charting the most appropriate course to future financial success. As you work your way through all the areas of the plan, you will likely need to reassess and revise your business concept. As your concept grows, a written plan will help you keep track of the many details you can no longer keep in your head.

A Blueprint or Road Map for Your Business

A thoroughly researched and well thought-out business plan will clarify your goals, focus your energy and resources, give direction to your work and gauge your progress. Implementing a properly developed business plan will help you build a successful business and help you become PROFITABLE!

A Tool for Raising Capital

A good business plan is essential if you plan to seek financing. To obtain a loan or attract investors, you will need to present a cohesive “picture” of your business, the management team, why the business will succeed and how you intend to repay the bank or other investors.

The Format

There is no magic formula for a business plan. It’s important to understand the concept of and purpose for a business plan; writing an outline first may help you avoid overlooking important points. Free advice is available from your local Small Business Development Center office to assist you writing your plan. Go to CASBDC.org to find the local center serving businesses in your area.

Elements of a Sound Business Plan

Below is a checklist of areas you should consider as you begin the planning process. *Not all of the points will apply to you, especially if you are a very small startup, but it's important to consider each one of the following sections:*

A. The Business (overview)

Describe the business, including history, legal structure, major products or services, management team, and key personnel. Include a brief review of the following areas:

1. Products and/or Services

- Company goals (for sales, new product development, growth, etc.)
- Describe all products and services the company offers
- Explain what makes these products/services better than the competition
- Cost and profit of each product/service; describe the break-even point
- Patents, trademarks or proprietary features

2. Industry

- Describe the size, maturity and competitive nature of your industry
- Barriers to entry and growth
- Effect of economic swings upon the industry
- Describe the overall financial position and performance of the industry
- Role of government regulations in the industry

3. Location

- Consider location of your business in terms of customer access, distribution of goods and zoning

4. Management and Organization

- Current and anticipated organizational structure for your business (sole proprietorship, partnership or corporation)
- Personal history of the principals (e.g., age, education, industry experience, business affiliations) and their role in daily operations
- Percent interest or stock that each principal holds
- Succession plan in case of the loss of key personnel
- Professional resources (e.g., attorney, accountant) available to the business
- Outline and schedule of all business activities needed to start up and operate
- Description of hours and days of operation
- Equipment and supplies that are needed
- Suppliers of equipment and materials necessary for operation
- Inventory storage and maintenance

5. Personnel

- Describe current staffing and expected turnover
- Describe the need for permanent employees and independent contractors
- Personnel needs one to three years into the future (including the skills that will be needed)
- Personnel policies including performance evaluations, hiring and firing practices

B. The Market

- Target market: description of who will buy your product/service
- Target market trends, growth, obstacles and directions
- Competitors share of existing market and where will your business's share fit into that picture

1. Market Strategy

- Type of product/service you plan to offer
- Specific product/service emphasis (promotion) you will use to attract your target market
- Difference between your product and that of your competitors (competitive advantage)
- Type and number of sales staff and sales support staff needed
- Distribution channels to be used
- Pricing scheme in light of competition for your product (price differentiation)
- A/R or credit policy for customers
- Advertising plan including budget

C. The Financials

- Total funds needed by your business for the next three years
- Financing being sought from a lending institution or investors. If seeking debt financing, describe the loan amount and the repayment terms you are asking for. If seeking equity financing, describe the percentage of the company that will be given up, the proposed return on investment and the anticipated method of buying out the investor, (e.g., buy back, public offering, sale)
- Describe specifically how borrowed funds will be used (budget)
- Collateral that you can offer to secure the loan
- Methods of financial reporting and recordkeeping you will use (accounting system)

Financial Statements and Projections

In financial terms, these documents reflect the business' historical (if applicable), future performance, profitability and cash flow. The process of putting into financial terms the strategies detailed in the business plan will provide valuable insight as to whether you will be able to reach your goals and objectives. It will also be a key indicator on the amount of outside financing needed to support execution of the strategy.

Grasping the terms and concepts used for financial projections and accounting systems can be very confusing. It is advisable to consult one of the many books written specifically about small business accounting systems, cash flow projections and bookkeeping or seek assistance from your local SBDC or SCORE chapter.

- Profit and Loss statements (also known as an Income Statement) reflect the company's expenses and earnings. This is usually done on a monthly or quarterly basis and projected over three years. Include two years of historical income statements if an existing business.
- The company's cash position (a cash flow projection will reflect your company's credit and collection policies, trade credit, other financing activities, and purchase or disposal of fixed assets)
- The company's financial position (a balance sheet shows the assets and liabilities of the company on a given date; include projected quarterly balance sheet for the next three years)
- Include any significant assumptions used in preparing the financial statement projections.

Important Points

All points of a business plan deserve your consideration, but some will warrant more careful attention than others. In most cases **validating** the potential for future profitability of your business will be key.

Market - Nothing is more important than knowing your market. The most innovative product or idea in the world won't make money if its inventor/owner can't find customers for it. The biggest part of your planning efforts should go into a market study: To whom are you going to sell, who is your competition, how will your business be unique/superior?

Cash - It's important to realize that only cash is cash. There are two key points to remember: First, it's only "cash" when it's in the bank; and second, you can only spend a dollar once! Profits, accounts receivable, retained earnings and other entries on financial statements may look like cash, but they won't pay the bills. Good cash flow does not always indicate strong profits. A business that has insufficient cash to pay its expenses, could be showing profits and be in bankruptcy. Many businesses, especially those growing quickly, make the mistake of not controlling their cash position. According to the US SBA the #1 reason that a young business fails is it simply runs out of cash and cannot get more. At that point, "failure" is not a choice, it becomes inevitable. Too often people spend earnings before they're received, and when the money comes in they fail to realize it's already been spent. This is why using credit cards to cash flow your business can be so disastrous, if they're not used prudently and properly.

Financial Documents - Regularly, well-prepared balance sheets and profit and loss statements are important management tools for any business owner. A good working knowledge of your financial statements will make it easier to work with your banker and accountant. Take the time to get a grasp of these important documents.

Break-even Point - The break-even point is the level of revenue that covers the fixed and variable costs of providing your product or service. You must know the actual costs of doing business. Your fixed costs (rent, utilities, insurance, etc.) remain constant regardless of your sales. Your variable costs (cost of goods, sales commissions) fluctuate with sales. It's important that you be able to accurately identify your costs, know the sales level needed to break even, and be able to meet or exceed that figure.

III. Legal Structure for Your Business

You must consider a type of legal structure for your business. There are many subtleties involved in deciding the legal structure that best meets the present and future needs of your business and owners. By default your business will automatically be a sole proprietorship if it is owned and operated by an individual, (in CA. a husband and wife can be a Sole Proprietorship), or a partnership, if two or more individuals own the business. Some examples of common legal structures are listed below, but this is not an exhaustive list. The advice of a CPA and an attorney could be helpful in your decision.

The following is taken from Black's Law Dictionary, Eighth Ed, and is not intended to provide exact legal definitions under California law or to supplant the need to consult an attorney.

Co-Partners: A copartner is a member of a partnership. A partnership is a voluntary association of two or more persons who jointly own and carry on a business for profit.

Corporation: A legal entity (usually a business) having authority under law to act as a single person, distinct from the shareholders, who own and have rights to issue stock and exist indefinitely.

Domestic Partnership: A non-marital relationship between two persons of the same or opposite sex who live together as a couple for a significant period of time.

General Partnership: A partnership in which all partners participate fully in running the business and share equally in profits and losses (though the partners' monetary contribution may vary).

Individual: Of or relating to a single person or thing, as opposed to a group. An *individual proprietorship or sole proprietorship* is a business in which one person owns all the assets, owes all the liabilities, and operates in his or her personal capacity.

Married Couple: Two people who are lawfully wed

Joint Venture: A business undertaking by two or more persons engaged in a single defined project.

Limited Liability Company (LLC): A company - statutorily authorized in certain states – that is characterized by limited liability, management by members or managers, and limitations on ownership transfer.

Limited Liability Partnership (LLP): A partnership in which a partner is not liable for a negligent act committed by another partner or by an employee not under the partner's supervision. (In California, LLPs may only be formed by licensed persons for the practices of public accountancy, law or architecture).

Limited Partnership: A partnership composed of one or more persons who control the business and are personally liable for the partnership's debts (called general partners), and one or more persons who contribute capital and share profits but who cannot manage the business and are liable only for that amount of their contribution (called limited partners). (In California, a limited partnership must be filed with the Secretary of State and is defined as partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners).

Trust: A legal entity created by the grantor for the benefit of a designated beneficiary. A "business trust" is a form of business organization, similar to a corporation, in which investors receive transferable

certificates of beneficial interest (instead of stock shares).

Unincorporated Association: An Association is a gathering of people for a common purpose. An unincorporated organization that is not a legal entity separate from the persons who compose it.

IV. Outside Services and Important Contacts

Here are a number of outside professionals with whom a new business person should establish a relationship.

Small Business Development Centers (SBDC)– SBDC offers free guidance, research and counseling. SBDC's also offer a variety of business management workshops throughout the year at their location and in conjunction with colleges, chambers of commerce and local cities. For the location of your local SBDC chapter visit the U.S. SBA web-site www.sba.gov and scroll over "Local Resources" on the home page.

Accountant - An accountant should be consulted to set up a good bookkeeping system for your business. Inadequate record keeping is a leading contributor to the failure of small businesses.

Attorney - An attorney's services are not only essential in the planning stages of your business, but throughout the life of your business. They can assist in choosing your legal structure, reviewing lease agreements, drawing up partnership agreements or incorporation papers, structuring contracts, as well as providing information on your legal rights and obligations.

Banker - Capital requirements of a small business make it essential that a good working relationship be established with a local banker. They are a good source of financial information and for obtaining financing.

Insurance Agent/Broker - An insurance agent/broker can advise you about the type of coverage necessary for your business. They may be able to tailor a package to meet your specific needs.

5. Business Resources

Inyo County Contacts

Economic Development	760-878-0292
County Clerk	760-878-0410
Environmental Health (Health Dept.)	760-878-0238
Planning & Permitting	760-878-0263
Public Works/Roads	760-878-0201
Weights & Measures – Agricultural Commissioner	760-873-7860
Treasurer/Tax Collector	760-878-0312
Assessor	760-878-0302

Key State of California and Federal Departments and Agencies

- Franchise Tax Board www.ftb.ca.gov
Information relating to employer withholding and tax payment requirements
- State Board of Equalization www.boe.ca.gov
Information relating to sales or use tax liability, special taxes and fees, property tax administration, and franchise and income tax appeals.
- Employment Development Department www.edd.cawnet.gov
Information relating to unemployment insurance, disability insurance and employment tax
- Internal Revenue Service www.irs.gov
Information relating to federal taxes and filing for federal employer identification number (FEIN)
- Department of Consumer Affairs www.dca.ca.gov
Information relating to licensing requirements at the state level for specific business entities
- Department of Insurance www.insurance.ca.gov
Information relating to requirements for insurance companies, agents and brokers
- State Bar of California - Office of Certification www.calbar.ca.gov
Information relating to registration of law corporations and limited liability partnerships
- Department of Industrial Relations www.dir.ca.gov
Information relating to worker's compensation requirements
- Fictitious Business Name Registration <http://clerkrecorder.inyocounty.us/>
Information relating to Inyo county fictitious business name requirements.
- U. S. Business Advisor www.business.gov
Information and services provided by the government for the business community
- Small Business Administration www.sba.gov
Information regarding starting and managing small businesses
- U.S. Customs www.customs.ustreas.gov
Information regarding importing and exporting issues related to the U.S. Customs Service

- U S Department of Commerce www.doc.gov
Promotes American businesses, keeps a vast array of economic statistics, conducts the census, issues patents and trademarks, sets industrial standards
- U.S. Department of Labor www.dol.gov
Resources for Federal Labor Laws and regulations
- Tax Information Center www.taxes.ca.gov
Information relating to income, payroll, sales and use tax for California businesses
- CalGOLD www.calgold.ca.gov
Excellent website that provides detailed information on the business permit, license and registration requirements from all levels of government.
- Small Business Fairs www.boe.ca.gov/sutax/tpsched.htm
Free seminars for small business owners sponsored by several California tax agencies to assist with the tax aspects of a business.
- Department of Corporations www.corp.ca.gov
Responsible for the regulation of securities, franchises, off-exchange commodities, investment and financial services, independent escrows, consumer and commercial finance lending, and residential mortgage lending.
- Department of Financial Institutions www.dfi.ca.gov
Information relating to credit unions, industrial loan companies, banks, savings and loan associations or savings banks.

Tribal Councils within Inyo County

- Big Pine Paiute Tribe – (760) 938-2003
- Bishop Paiute Tribe – (760) 873-3584
- Fort Independence Indian Reservation – (760) 878-5160
- Lone Pine Paiute-Shoshone Reservation – (760) 876-1034
- Timbisha Tribal Council – (760) 872-3614



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 16
--

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Zone Text Amendment 2017-03/Inyo County

PLANNING DEPARTMENT RECOMMENDATION:

Request the Board of Supervisors:

- A. Conduct a public hearing on the proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California adding Chapter 18.67 Non-groundwater Neutral Agricultural Use Overlay District to the Inyo County Code" (Exhibit 2), approving Zone Text Amendment 2017-03/Inyo County and amending the zoning Map of the County of Inyo by adding an overlay district as shown on the map that is part of Exhibit 2.
- B. Approve a Resolution of the Board of Supervisors of the County of Inyo, State of California, finding the proposed project is exempt from the requirements of the California Environmental Quality Act, and making certain findings with respect to and approving Zone Text Amendment 2017-03/Inyo County.
- C. Waive the First Reading of the above referenced Ordinance approving Zone Text Amendment 2017-03/Inyo County and schedule the enactment for 11:00 a.m., Tuesday, November 21, 2017 in the Board of Supervisors Room at the County Administrative Center in Independence, California.

SUMMARY DISCUSSION:

On January 5, 2016 the Board enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville that would expire after 45 days. On February 16, 2016 the Board enacted an extension of 10 months and 15 days to the Interim Ordinance. On December 13, 2016 the Board enacted a one year extension to the Interim Ordinance (refer to Exhibit 4).

Staff has evaluated relevant conditions, and has undertaken public outreach in the form of a community meeting in Pearsonville on May 4, 2016. Based upon public input and interdepartmental County staff input, Planning Department staff has concluded that an overlay district is the best land-use tool to permanently regulate and restrict non-groundwater neutral agricultural uses. At this time, the overlay district is being applied to the community of Pearsonville, which constitutes a large portion of private land in Inyo County, but is also within the Indian Wells Valley and the Indian Wells Valley groundwater basin, which is currently in critical overdraft.

The Indian Wells Valley Groundwater Authority, an entity consisting of the County of Inyo, the City of Ridgecrest, the County of Kern, the County of San Bernardino and the Indian Wells Valley Water District has been formed and is required by the State of California to have a Groundwater Sustainability Plan (GSP) in place by 2020. This entity and GSP may, through different means, achieve similar ends that would restrict and regulate non-groundwater neutral agricultural uses in the Indian Wells Valley, including the community of Pearsonville. Because the GSP will not likely be completed for at least another 2 years, and

because the actual implementation of the plan is unknown, it is important to implement the Non-groundwater Neutral Agricultural Use Overlay District. This will cover the two plus year period before the establishment of the GSP and will likely allow for more direct County control over land and water use within the County's borders then it will by just working within the rules that come out of the GSP.

The overlay district was chosen as the best tool to regulate non-groundwater agricultural uses in the Pearsonville area because it changes agricultural uses from a principal permitted use to a conditional use. The conditional use permit process is a discretionary process, allowing the County (through the Planning Commission) discretion over agricultural uses that could be detrimental to County's interests and to the groundwater basin in general, while still allowing the possibility of agricultural uses that can be shown to be sustainable and have minimal impacts on the groundwater basin. If other groundwater basins in Inyo County have similar issues in the future, the overlay district could be expanded and applied to those areas, through changes to the Zoning Map).

On October 31st, the Planning Commission reviewed the Ordinance and recommended the Board adopt the proposed ordinance, amending the ICC to include Chapter 18.67, Non-Groundwater Neutral Agricultural Use Overlay District (refer to Planning Commission Staff Report, Exhibit 3).

ENVIRONMENTAL REVIEW:

The Non-groundwater Neutral Agricultural Use Overlay District ordinance is intended to provide a means to avoid impacts caused by groundwater losses and protect the public safety, health, and welfare of the citizens of the County, and will have no potential significant adverse impact on the physical environment. No new uses will be allowed by the creation of the overlay district, and existing allowed uses will still potentially be allowed, but by a discretionary process instead of by right. Therefore, it is not subject to the California Environmental Quality Act (CEQA) per the "General Rule" [CEQA Guidelines, Section 15061(b)(3)] that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ALTERNATIVES:

- Do not approve the Ordinance, thereby allowing for new non-groundwater neutral agricultural uses to occur and not be restricted or regulated. This alternative is not recommended due to the immediate threat to the public safety, health, and welfare, which the Board felt necessitated an Interim Urgency Ordinance for the last two years.
- Direct staff to develop an alternative mechanism to regulate and/or restrict non-groundwater neutral agricultural uses. This alternative is not recommended because Staff analysis found the overlay district is the solution that is the the most practical and flexible and best matches the public input received on the proposal.
- Return to staff with other direction.

OTHER AGENCY INVOLVEMENT:

Inyo County Building & Safety Division, Water Department, and Environmental Health Department; Inyo and Mono Counties Agriculture Department; Kern County and others working to develop the Groundwater Basin Plan

FINANCING:

General Fund Resources were utilized to process the Ordinance.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 11/8/17

Exhibits:

1. Resolution
2. Ordinance
3. Planning Commission Staff Report
4. Board Order for Ordinance No. 1204

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, FINDING THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING CERTAIN FINDINGS WITH RESPECT TO AND APPROVING ZONE TEXT AMENDMENT 2017-03/INYO COUNTY

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission as the Environmental Review Board pursuant to Section 15002 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, pursuant to this ordinance, agriculture projects located within the proposed overlay district will be subject to discretionary approval and CEQA review; and

WHEREAS, the overlay district includes private land located in the community of Pearsonville in Inyo County that shares the Indian Wells Valley groundwater basin with Kern County; and

WHEREAS, the Indian Wells Valley groundwater basin is currently in critical overdraft and through the Indian Wells Groundwater Authority is required to develop a Groundwater Sustainability Plan by the year 2020; and

WHEREAS, certain agricultural uses are groundwater intensive and their potential development in the Indian Wells Valley groundwater basin could exacerbate the overdraft conditions of the basin; and

WHEREAS, on January 5, 2016 the Inyo County Board of Supervisors enacted an interim ordinance prohibiting new non-groundwater neutral agriculture uses in the proposed overlay district; and

WHEREAS, since the interim ordinance was dated to expire forty-five days after its enactment on February 16, 2016 the Inyo County Board of Supervisors enacted an extension to the interim ordinance to expire in ten months and fifteen days; and

WHEREAS, on December 13, 2016 the Inyo County Board of Supervisors enacted a one year extension to the interim ordinance and directed staff to evaluate a more permanent solution to the overdraft issue; and

WHEREAS, staff's evaluation found that an overlay district would be the most practical and effective means to regulate non-groundwater neutral agricultural water use in the area of the overdraft conditions; and

WHEREAS, the development of a non-groundwater neutral agricultural use overlay district requires an Amendment to Inyo County Code Title 18; and

WHEREAS, the Inyo County Planning Commission is required to conduct a public hearing on proposed Zone Text Amendments, and to make a recommendation to the Board of Supervisors on the Zone Text Amendment (Sections 65854 and 65855 of Government Code); and

WHEREAS, on October 20, 2017 the County provided notice in the Inyo Register and to property owners within Three Hundred (300) feet of the project location, for a public hearing to take public comment on Draft Zone Text Amendment No.2017-03/Inyo County to be held on October 31, 2017; and

WHEREAS, the Inyo County Planning Commission held a public hearing on October 31, 2017, to review and consider a request for approval of Zone Text Amendment No.2017-03/Inyo County, and considered the staff report for the application and all oral and written comments regarding the application; and

WHEREAS, following said public hearing the Planning Commission recommended that this Board of Supervisors:

1. Certify that the requirements of the California Environmental Quality Act have been satisfied with respect to the Zone Text Amendment application; and
2. Approve Zone Text Amendment No.2017-03/Inyo County.

WHEREAS, pursuant to that recommendation, this Board of Supervisors held a public hearing on November 14, 2017, and considered all written and oral testimony presented concerning Zone Text Amendment No.2017-03/Inyo County.

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received at the November 14, 2017, hearing, including the Planning Department Staff Report concerning the above described proposed project, this Board makes the following findings for the proposed project:

RECOMMENDED FINDINGS

1. The proposed ordinance is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
2. Based on substantial evidence in the record, the proposed Zone Text Amendment is consistent with the Goals and Policies of the Inyo County General Plan.

3. Based on substantial evidence in the record, the proposed Zone Text Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

BE IT FURTHER RESOLVED, that Zone Text Amendment No.2017-03/Inyo County proposes to add the Chapter 18.67 entitled the Non-Groundwater Neutral Agriculture Use Overlay District to Title 18 of the Inyo County Code.

BE IT FURTHER RESOLVED, that Zone Text Amendment No.2017-03/Inyo County proposes to add the Non-Groundwater Neutral Agriculture Use Overlay District to the Zoning Map of Inyo County.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby does hereby declare that it has considered Zone Text Amendment 2017-03, which reflects the independent judgment of this Board and which complies with CEQA.

PASSED AND ADOPTED THIS NOVEMBER 21, 2017

AYES:
NOES:
ABSTAIN:
ABSENT:

Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO
Clerk of the Board

By _____
Darcy Ellis, Assistant

ORDINANCE NO. ORD ____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,
STATE OF CALIFORNIA ADDING CHAPTER 18.67 ENTITLED NON-
GROUNDWATER NEUTRAL AGRICULTURAL USE OVERLAY DISTRICT TO THE
INYO COUNTY CODE**

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE: Purpose and Authority.

The purpose of this ordinance is to add Chapter 18.67 titled Non-Groundwater Neutral Agricultural Use Overlay District that will provide that any new non-groundwater neutral agricultural uses in the Overlay District (as depicted in Exhibit A) shall require a Conditional Use Permit. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction.

SECTION TWO. CHAPTER 18.67 Non-groundwater Neutral Agricultural Use Overlay District

- 18.67.010. Purpose**
- 18.67.020. Definitions**
- 18.67.030. Uses Permitted**
- 18.67.040. Development standards**
- 18.67.050. Conditional uses**

18.67.010 Purpose

The purpose of this chapter is to provide a mechanism (overlay district) to regulate the water usage on agricultural uses in groundwater basins that are in overdraft.

18.67.020. Definitions:

- A. Non-groundwater neutral: an activity, use or project is non-groundwater neutral when it causes, or is projected to cause, a significant and persistent decline in groundwater storage and/or groundwater elevation, and/or groundwater quality.
- B. Agricultural uses: orchards, vineyards, vegetable and field crops, nurseries, gardens and other enterprises carried out in the general field of agriculture. For purposes of this Chapter "commercial cannabis cultivation" shall also be considered an agricultural use.

18.67.030. Uses Permitted

The uses permitted in the non-groundwater neutral agricultural use overlay district are those same uses as defined in the zoning district for which the non-groundwater neutral agricultural use overlay is combined

18.67.040. Development standards

Development standards shall be applied as defined in the zoning district for which the non-groundwater neutral agricultural use overlay district is combined.

18.67.050. Conditional use permit required

Before any agricultural use, as established by Title 18 of the Inyo County Code may be conducted, a conditional use permit shall be approved by the planning commission at an advertised public hearing authorizing such use.

SECTION THREE. Zoning Map of the County of Inyo modified

The Zoning Map of the County of Inyo is modified by the addition of the Non-Groundwater Neutral Agricultural Use Overlay District as depicted on Attachment A, attached hereto, and incorporated herein.

SECTION FOUR. Effective Date.

This ordinance shall become effective Thirty (30) days from the date of its adoption. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than Fifteen (15) days after the date of its adoption. If the Clerk fails to publish this ordinance within said Fifteen (15) day-period, the ordinance shall not take effect until 30 days after the date of publication.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2017, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

 Mark Tillemans, Chair
 Inyo County Board of Supervisors

ATTEST:

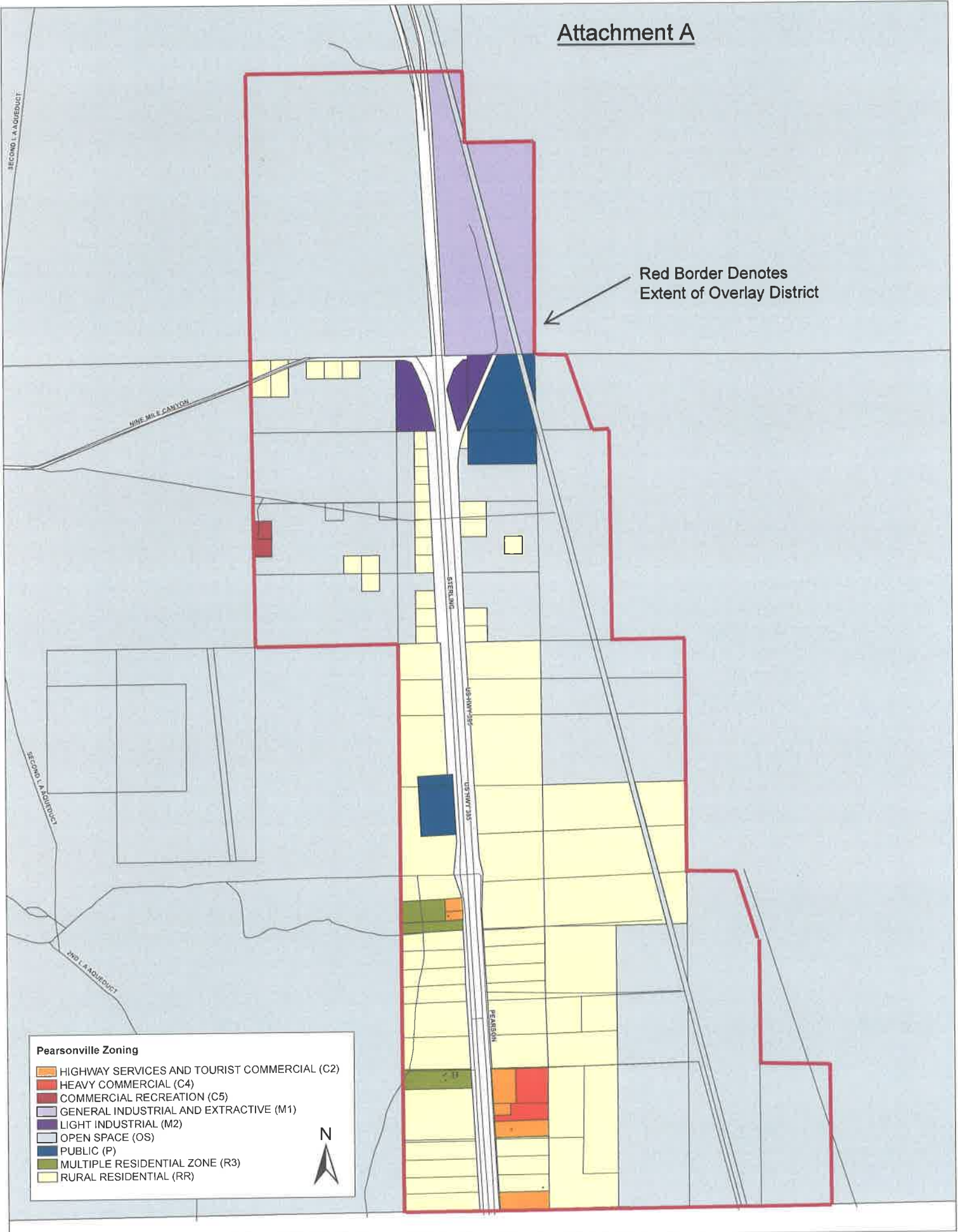
APPROVED AS TO FORM:

 Clerk of the Board

 COUNTY COUNSEL

Attachment A

Red Border Denotes
Extent of Overlay District



Pearsonville Zoning










-  HIGHWAY SERVICES AND TOURIST COMMERCIAL (C2)
-  HEAVY COMMERCIAL (C4)
-  COMMERCIAL RECREATION (C5)
-  GENERAL INDUSTRIAL AND EXTRACTIVE (M1)
-  LIGHT INDUSTRIAL (M2)
-  OPEN SPACE (OS)
-  PUBLIC (P)
-  MULTIPLE RESIDENTIAL ZONE (R3)
-  RURAL RESIDENTIAL (RR)



Exhibit 3



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
(760) 872-2706
FAX: (760) 873-2712
E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO. 5 (Action Item and Public Hearing)
PLANNING COMMISSION MEETING DATE: October 31, 2017
SUBJECT: Zone Text Amendment (ZTA) No. 2017-03 adding Chapter 18.67 entitled Non-Groundwater Neutral Agricultural Use Overlay District to the Inyo County Code

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance (Attachment 1) to update the Inyo County Zoning Code's Title 18, to create and overlay district that will require Agricultural Uses within the Overlay District that will adversely impact the groundwater basin to have a Conditional Use Permit. The County's Zoning Map will also be updated to include this overlay district in the community of Pearsonville in the Indian Wells Valley Groundwater Basin within Inyo County.

PROJECT INFORMATION

Supervisory District: District 5
Applicants: Inyo County
Landowners: Multiple
Address/
Community: Pearsonville
A.P.N.: Multiple
Existing General Plan: Residential Rural High Density (RRH), Residential Rural Medium Density (RRM), Residential Estate (RE), Residential Ranch (RR), Retail Commercial (RC), Heavy Commercial/Commercial Service (HC), Resort/Recreational (REC), Light Industrial (LI), General Industrial (GI), Open Space and Recreation (OSR), Public Services Facilities (PF), and Natural Resources (NR).
Existing Zoning: Open Space (OS), Rural Residential (RR), Multiple Residential (R-3), Highway Services and Tourist

Commercial (C-2), Heavy Commercial (C-3), Commercial Recreation (C-5), General Industrial and Extractive (M-1), Light Industrial (M-2), and Public (P).

Surrounding Land Use: Undeveloped Open Space.

Recommended Action: **Recommend that the Board of Supervisors:**

1.) Find the proposed project exempt from the requirements of the California Environmental Quality.

2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA/2017-03

Alternatives:

1.) Recommend modifications to the proposal.

2.) Recommend denial. This is not recommended as the ordinance is to regulate agricultural uses that have the potential negative impacts on groundwater basins, an immediate threat in the Pearsonville area.

3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

BACKGROUND

On January 5, 2016 the Board enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville. That Interim Ordinance would have expired after 45 days. On February 16, 2016 the Board enacted an extension of 10 months and 15 days to the Interim Ordinance (refer to Exhibit B). On December 13, 2016 the Board enacted a one year extension to the Interim Ordinance.

Staff has evaluated relevant conditions, and has undertaken public outreach in the form of a community meeting in Pearsonville on May 4, 2016. Based upon public input and interdepartmental County staff input, Planning Department staff has concluded that an overlay district is the best land-use tool to permanently regulate and restrict non-groundwater neutral agricultural uses. At this time the overlay district is being applied to the community of Pearsonville, which constitutes a large amount of private land that is in Inyo County but is within the Indian Wells Valley and the Indian Wells Valley groundwater basin which is currently in critical overdraft.

STAFF ANALYSIS

The Indian Wells Valley Groundwater Authority, an entity consisting of the County of Inyo, the City of Ridgecrest, the County of Kern, the County of San Bernardino and the

Indian Wells Valley Water District has been formed and is required by the State of California to have a Groundwater Sustainability Plan in place by 2020. This entity and plan may, through different means, achieve similar ends that would restrict and regulate non-groundwater neutral agricultural uses in the Indian Wells Valley, including the community of Pearsonville. Because this plan will not go into place for at least another 2 years, and because the actual implementation of the plan is at this time unknown, staff feels that it is still important to implement the Non-groundwater Neutral Agricultural Use Overlay District both to cover the two plus year period before there is an Indian Wells Valley Groundwater Sustainability Plan and to have some level of control over agricultural uses conducted in Inyo County and not solely by an entity of which Inyo County is only one of five members.

The overlay district was chosen as the best tool to regulate non-groundwater agricultural uses in the Pearsonville area because it changes these agricultural uses from a principal permitted use to a conditional use. The conditional use permit process is a discretionary process, allowing the County (through the Planning Commission) to not allow agricultural uses that would be detrimental to County's interests and to the groundwater basin in general, while still allowing the possibility of agricultural uses that can be shown to be sustainable and have minimal impacts upon the groundwater basin. Also, if other groundwater basins in Inyo County have similar issues in the future, the overlay district could be applied to those areas by adding them to the district (by updating the Zoning Map, which would still require Board approval).

General Plan Consistency

General Plan Water Resource Policy WR-3.2 states, in part, that the County shall manage the groundwater resources within the County through ordinances, project approvals and agreements, ensure an adequate, save and economically viable groundwater supply for existing and future development within the County. This ordinance will provide the County the regulatory tools it needs to protect the Indian Wells Valley Groundwater Basin, consistent with Policy WR-3.2.

Zoning Ordinance Consistency

ICC Section 18.03.020 states, in part, that it is necessary for the zoning ordinance to be consistent with the General Plan. As discussed above, the project implements the General Plan's direction, and therefore furthers the purposes of the zoning ordinance

The Zone Text Amendment neither allows for new uses, nor does it completely ban existing uses. It does move a use (Agriculture) from being allowed by right to be allowed by the Conditional Use Permit process, in order to give the County the ability to regulate Agricultural uses that could have a detrimental impact the Indian Wells Valley Groundwater Basin.

Development Standards

Staff proposes no changes to the existing development standards in any portion of the Zoning Code (Inyo County Code, Title 18).

ENVIRONMENTAL REVIEW

Non-groundwater Neutral Agricultural Use Overlay District ordinance is intended to avoid impacts and protect the public safety, health, and welfare, and will have no potentially significant adverse impact on the physical environment. No new uses will be allowed by the creation of the overlay district, and existing allowed uses will still potentially be allowed by a discretionary process instead of by right. Therefore, it is not subject to the California Environmental Quality Act (CEQA) per the “General Rule” [CEQA Guidelines, Section 15061(b)(3)].

RECOMMENDATIONS

Staff recommends the Planning Commission make certain findings and make a recommendation to the the Board of Supervisors to consider the Zone Text Amendment, make certain findings, and adopt the proposed ordinance, amending the ICC to include Chapter 18.67, Non-Groundwater Neutral Agricultural Use Overlay District.

Recommended Findings

1. This proposed ordinance is covered by the General Rule 15061(b)(3)
[Evidence: the proposed ordinance is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The ZTA takes uses already permitted by right (and therefore exempt from further CEQA review) and requires a Conditional Use permit, which will subject future agricultural projects to be reviewed under CEQA; therefore the ZTA itself will have no impact on the environment, and will allow for more environmental review on projects covered by the ZTA.]
2. Subsequent projects once this ordinance is in effect will be reviewed under CEQA on a project by project basis.
[Evidence: CEQA applies to all discretionary project, and therefore all projects subject to this ZTA will be subject to CEQA review.]
3. Based on substantial evidence in the record, the proposed Zoning text Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
[Evidence: The proposed ZTA helps further the General Plan Water Resource Policy WR-3.2. which states, in part, that the County shall manage the groundwater resources within the County through ordinances, project approvals and agreements, ensure an adequate, save and economically viable groundwater supply for existing and future development within the County.]
4. Based on substantial evidence in the record, the proposed Zoning text Amendment is consistent with Title 18 (Zoning Ordinance of Inyo County Code).

[Evidence: The ZTA neither adds to nor completely removes any uses from Title 18. It changes agricultural uses from being allowed by right to being allowed by Conditional Use Permit giving the County the regulatory authority to protect the Indian Wells Valley Groundwater Basin that is currently in critical overdraft.]

ATTACHMENTS

- Draft regulation of Non-Groundwater Neutral Agricultural Use Overlay District
- Board Order for Ordinance No. 1204

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 13th day of December 2016 an order was duly made and entered as follows:

**PLANNING –
ENACTING
URGENCY
ORDINANCE
1204**

The Board was asked to conduct a public hearing and enact Urgency Ordinance No. 1204, which extended Urgency Ordinance 1200 by the maximum amount of time allowed by law – one year. Planner Tom Schaniel explained the Planning Department had received an inquiry about possible development of pistachio farms in Inyo County. In response, the urgency ordinance was enacted to prohibit new non-groundwater neutral agricultural uses in Pearsonville until the County can adequately study proposals for groundwater-intensive agricultural uses and adopt appropriate regulations in compliance with applicable law. He said the Planning Department needs some additional time for its recommendation, which is pursuing an overlay zone. Schaniel noted that while the urgency ordinance is in effect, the Indian Wells Valley Joint Powers Authority, of which Inyo County is a member, will be working to meet the mandates of the State Groundwater Management Act. Water Director Dr. Bob Harrington said the JPA will be submitting the necessary paperwork to the state in the next 30 days. If nobody else files in 90 days, then the JPA will become the Groundwater Sustainability Agency for the Indian Wells Valley and will have to have a Groundwater Sustainability Plan (GSP) in place by 2020 since the groundwater basin has been designated as being in critical overdraft. Harrington said the expectation is that the urgency ordinance in the Inyo County portion of the basin will be looked at favorably because it will maintain the status quo as the GSP is developed. Supervisor Kingsley said the urgency ordinance will expire before the GSP is in place, so he appreciates Planning's effort to get an overlay zone proposal ready in the next few months. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to enact Urgency Ordinance No. 1204, titled, "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Extending Interim Ordinance No. 1200 – An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater-Neutral Agricultural Uses and Declaring the Urgency Thereof."

WITNESS my hand and the seal of said Board this 13th

Day of December, 2016



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

[Handwritten signature]

By: _____

Routing
CC Purchasing Personnel Auditor CAO Other: Planning DATE: January 4, 2017



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

31

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: December 13, 2016

SUBJECT: Extension of Interim Urgency Ordinance to Prohibit New Non-groundwater Neutral Agricultural Uses in Pearsonville

PLANNING DEPARTMENT RECOMMENDATION:

Conduct a public hearing and enact the attached Ordinance entitled An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Extending Interim Ordinance No. 1200 – An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof.

SUMMARY DISCUSSION:

On January 5, 2016 the Board enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville. That Interim Ordinance would have expired after 45 days. On February 16, 2016 the Board enacted an extension of 10 months and 15 days to the Interim Ordinance (refer to Exhibit B). Staff has largely concluded its research, but still is in the process of preparing amendments to the General Plan and Zoning Code, and recommends that the Board extend the Interim Ordinance for 1 year, as permitted by Government Code Section 65858(a), to complete this work.

Government Code Section 65858(a) requires that the County issue a report describing the measures taken to alleviate the condition which led to the Interim Ordinance; accordingly, a report has been prepared (refer to Exhibit C). In summary, staff has evaluated relevant conditions, and has undertaken public outreach in the form of a community meeting in Pearsonville on May 4, 2016. Staff anticipates continuing finalizing General Plan and Zoning Code amendments that will represent a permanent solution to the issues.

Government Code Section 65858(a) requires that the Board conduct a public hearing to extend the ordinance. Accordingly, a notice of public hearing was published in the Inyo Register on December 3, 2016. Although not required, a notice of public hearing was also mailed to all property owners in Pearsonville.

Environmental Review: The Interim Ordinance revises regulations, is intended to avoid impacts and protect the public safety, health, and welfare, and will have no potential significant adverse impact on the physical environment. Therefore, it is not subject to the California Environmental Quality Act (CEQA) per the "General Rule" [CEQA Guidelines, Section 15061(b)(3)].

ALTERNATIVES:

- Do NOT extend the Ordinance, thereby allowing applications for new non-groundwater neutral agricultural uses to be processed. This alternative is not recommended due to the immediate threat to the public safety, health, and welfare.
- Extend the Ordinance for a lesser amount of time. This is not recommended due to the guidance provided by Government Code Section 65858.
- Return to staff with other direction.

OTHER AGENCY INVOLVEMENT:

Inyo County Building & Safety Division, Water Department, and Environmental Health Department; Kern County and others working to develop the Groundwater Basin Plan

FINANCING:

General Fund Resources were utilized to process the Ordinance.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 12/6/16

Exhibits:

- A. Interim Ordinance
- B. Board Order for Ordinance No. 1200
- C. Memo Describing Measures Taken to Alleviate Conditions

ORDINANCE NO. 1204

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858(a) EXTENDING INTERIM ORDINANCE NO. 1200 – AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858(a) PROHIBITING NEW NON-GROUNDWATER NEUTRAL AGRICULTURAL USES IN PEARSONVILLE AND DECLARING THE URGENCY THEREOF.

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. PURPOSE/AUTHORITY.

The purpose of this interim ordinance is to extend Ordinance No. 1200 which was an extension of Ordinance No. 1198, which prohibited new non-groundwater neutral agricultural uses in Pearsonville. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction. Specifically, Government Code Section 65858 enables the County to adopt interim zoning ordinances to protect the public safety, health, and welfare.

SECTION TWO. DECLARATIONS AND FINDINGS.

The County has consistently supported agriculture and provides excellent resources for it and related uses. Recently, several proposals have been described to develop portions of the Pearsonville within the Indian Wells Valley Groundwater Basin with pistachio farms, which require large amounts of water to cultivate. Little surface water is available within the Basin, and it is anticipated that such development would exclusively utilize groundwater.

California is experiencing the most severe drought on record, and increasing demand has stretched limited water supplies. The State of California and Inyo County have declared drought-related emergencies. The Indian Wells Groundwater Basin is in overdraft, and a plan is being developed to address groundwater issues within the Basin pursuant to the Sustainable Groundwater Management Act of 2014. Kern County recently modified the Indian Wells Valley Land Use Plan to reduce potential increases in groundwater use within its portion of the Basin.

Development of new groundwater intensive agricultural uses within the Inyo County portion of the Basin could severely exacerbate these existing conditions. Increases in groundwater production within the Inyo County portions of the Basin may result in potential impacts to the environment in the County and in neighboring Kern and San Bernardino counties.

The County is working to amend its rules, procedures, policies, and regulations to address groundwater intensive agricultural uses in Pearsonville. Updates to the Inyo County Code, and possibly the General Plan and other relevant plans, will be necessary to account for these uses. Therefore, proposals in the near future for groundwater intensive agricultural uses within Pearsonville may be in conflict with any longer-range modifications to the zoning ordinance, General Plan, or other relevant planning tools that may be instituted to minimize environmental impacts on the physical, social, and economic environment of Inyo County. If not properly studied, such proposals are an immediate threat to the public safety, health, and welfare, and approval of entitlements for non-groundwater neutral agricultural uses would be an immediate threat to the public safety, health, and welfare.

Government Code Section 65858 permits enactment of an interim ordinance regarding land use matters to protect the public safety, health, and welfare while studies are being carried out to address the relevant issues. This Ordinance will prohibit new non-groundwater neutral agricultural uses in Pearsonville while the County implements appropriate regulations in compliance with applicable law. It is urgent and essential for the protection of the public safety, health, and welfare of the citizens of Inyo County, and the public benefit of the State and neighboring counties, that new water intensive uses within the Indian Wells Valley Groundwater Basin be regulated by the County to minimize potential impacts to the physical, social, and economic environment.

SECTION THREE. EXTENSION

Ordinance No. 1200 is hereby extended for one (1) year.

SECTION FOUR. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION FIVE. EFFECTIVE DATE.

This Ordinance is intended to protect the public safety, health, and welfare pursuant to Government Code Section 65858 and shall be in full force and effect immediately upon a four-fifths vote of the Board of Supervisors. This Ordinance shall be of no further force and effect One (1) year from its date of adoption and cannot be extended again.

PASSED AND ADOPTED this 13th day of December 2016, by the following vote of the Inyo County Board of Supervisors:

AYES: -5- Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-


Chairperson Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk to the Board

By: 
Darce Ellis, Assistant



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373
email: dellis@inyocounty.us

MEMBERS OF THE BOARD
DAN TOTTEROH
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board

NOTICE OF PUBLIC HEARING AND PROPOSED ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN The Inyo County Board of Supervisors will conduct a public hearing and consider enactment of the following ordinance:

An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Extending Interim Ordinance No. 1200 – An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof.

The public hearing and possible enactment of this proposed ordinance will be held on Tuesday, December 13, 2016, at 11 a.m. in the Board of Supervisors Room, at the County Administrative Center, in Independence. A copy of the full text of the proposed ordinance is available for review within the Board of Supervisors Office, County Administrative Center, in Independence.

Summary of proposed ordinance: the proposed ordinance would extend Ordinance No. 1200, which prohibits new non-groundwater neutral agricultural uses in Pearsonville until the County can adequately study proposals for groundwater-intensive agricultural uses and adopt appropriate regulations in compliance with applicable law. The extension would expire on December 13, 2017.

If you challenge any findings, determination or decision made regarding this action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Inyo County Board of Supervisors at, or prior to, the hearing.

Written objections and protests may be filed with the Inyo County Board of Supervisors by delivery to the Assistant Clerk of the Board, County of Inyo Administrative Center, 224 North Edwards Street, Independence, California 93526 or by mailing to the Inyo County Board of Supervisors, P.O. Box N, Independence, California 93526, so that the protest is received by the Board prior to the conclusion of the hearing.

Should you have any questions regarding the ordinance, please feel free to contact Inyo County Planning Department at (760) 878-0405.

Legal Ads:

Please publish in the Saturday, December 3, 2016 issue of the Inyo Register.

**Thanks,
Darcy Ellis**

**INYO COUNTY BOARD OF SUPERVISORS
SUMMARY OF ORDINANCE(S) 1202 and 1204
(Per Government Code Section 25124)
AND
NOTICE AND ADOPTION OF ORDINANCE(S)**

The Board of Supervisors of the County of Inyo has considered and adopted the following Ordinances:

- 1202 An Ordinance of Inyo County, State of California, Adding Chapter 3.50 to the Inyo County Code Pertaining to Taxes on Commercial Cannabis Businesses.
- 1204 An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Extending Interim Ordinance No. 1200 – An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof.

A copy of the full text of ordinance(s) 1202 and 1204 are available for review within the Board of Supervisors Office, County Administrative Center, in Independence. Ordinance 1202 sets forth provisions for levying and collecting a County commercial cannabis business tax at the rate of 5% of gross receipts beginning on January 1, 2017, and authorizes the Board of Supervisors to periodically increase that tax rate in the future. Ordinance 1204 extends Ordinance No. 1200, which prohibits new non-groundwater neutral agricultural uses in Pearsonville until the County can adequately study proposals for groundwater-intensive agricultural uses and adopt appropriate regulations in compliance with applicable law. The extension expires on December 13, 2017.

The Inyo County Board of Supervisors adopted Ordinance 1202 on December 6, 2016, by the following vote:

AYES: Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh
NOES: None
ABSTAIN: None
ABSENT: None

The Inyo County Board of Supervisors adopted Ordinance 1204 on December 13, 2016, by the following vote:

AYES: Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST: Kevin D. Carunchio
 Clerk of the Board

By Darcy Ellis
Assistant Clerk of the Board

Att: LEGAL PUBLICATIONS:

Please PUBLISH IN THE Thursday, December 15, 2016 edition OF THE INYO REGISTER.

Thanks - Darcy

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 16th day of *February, 2016* an order was duly made and entered as follows: AMENDED

Ord. 1200 Extending
Urgency Ordinance 1168
Re Water Use in
Pearsonville Area

The Chairperson opened the public hearing at 11:45 a.m., on the Ordinance titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Extending Interim Ordinance No. 1198 - An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof." The Planning Director, Josh Hart, reviewed the staff report and recommendation, which was to extend the ordinance to provide staff sufficient time to prepare the mandatory report. The Board heard from Pearsonville area residents Janice Pearson and Warren Hageman, who opposed the ordinance because it was impacting just a small area of the County and because it would adversely impact the economy of the area. Earl Wilson of Lone Pine provided additional information on what he understands Kern County is doing, saying they are going to rezone to allow Conditional Use Permits for agriculture. The Chairperson recessed the public hearing at 12:15 p.m. On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1200 was enacted, with the understanding that the Board can terminate the ordinance any time by between now and the ending date of the ordinance which is 10 months and 15 days: motion unanimously passed and adopted.

WITNESS my hand and the seal of said Board this 16th

Day of February 2016



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

By:

Patricia Gunsolley
Patricia Gunsolley, Assistant

<i>Routing</i>
CC
Purchasing
Personnel
Auditor
CAO
Other Planning
DATE: March 14, 2016

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 16th day of *March, 2016* an order was duly made and entered as follows:

Ord. 1200 Extending
Urgency Ordinance 1168
Re Water Use in
Pearsonville Area

The Chairperson opened the public hearing at 11:45 a.m., on the Ordinance titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Extending Interim Ordinance No. 1198 - An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof." The Planning Director, Josh Hart, reviewed the staff report and recommendation, which was to extend the ordinance to provide staff sufficient time to prepare the mandatory report. The Board heard from Pearsonville area residents Janice Pearson and Warren Hageman, who opposed the ordinance because it was impacting just a small area of the County and because it would adversely impact the economy of the area. Earl Wilson of Lone Pine provided additional information on what he understands Kern County is doing, saying they are going to rezone to allow Conditional Use Permits for agriculture. The Chairperson recessed the public hearing at 12:15 p.m. On a motion by Supervisor Kingsley and a second by Supervisor Tillemans, Ordinance 1200 was enacted, with the understanding that the Board can terminate the ordinance any time by between now and the ending date of the ordinance which is 10 months and 15 days: motion unanimously passed and adopted.

WITNESS my hand and the seal of said Board this 16th

Day of March 2016



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

Patricia Gansollevy
Patricia Gansollevy, Assistant

By:

Routing	
CC	_____
Purchasing	_____
Personnel	_____
Auditor	_____
CAO	_____
Other <i>Planning</i>	_____
DATE: March 11, 2016	

ORDINANCE NO. 1200

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858(a) EXTENDING INTERIM ORDINANCE NO. 1198 – AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858(a) PROHIBITING NEW NON-GROUNDWATER NEUTRAL AGRICULTURAL USES IN PEARSONVILLE AND DECLARING THE URGENCY THEREOF.

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. PURPOSE/AUTHORITY.

The purpose of this interim ordinance is to extend Ordinance No. 1198 which prohibited new non-groundwater neutral agricultural uses in Pearsonville. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction. Specifically, Government Code Section 65858 enables the County to adopt interim zoning ordinances to protect the public safety, health, and welfare.

SECTION TWO. DECLARATIONS AND FINDINGS.

The County has consistently supported agriculture and provides excellent resources for it and related uses. Recently, several proposals have been described to develop portions of the Pearsonville within the Indian Wells Valley Groundwater Basin with pistachio farms, which require large amounts of water to cultivate. Little surface water is available within the Basin, and it is anticipated that such development would exclusively utilize groundwater.

California is experiencing the most severe drought on record, and increasing demand has stretched limited water supplies. The State of California and Inyo County have declared drought-related emergencies. The Indian Wells Groundwater Basin is in overdraft, and a plan is being developed to address groundwater issues within the Basin pursuant to the Sustainable Groundwater Management Act of 2014. Kern County recently modified the Indian Wells Valley Land Use Plan to reduce potential increases in groundwater use within its portion of the Basin.

Development of new groundwater intensive agricultural uses within the Inyo County portion of the Basin could severely exacerbate these existing conditions. Increases in groundwater

production within the Inyo County portions of the Basin may result in potential impacts to the environment in the County and in neighboring Kern and San Bernardino counties.

The County is working to amend its rules, procedures, policies, and regulations to address groundwater intensive agricultural uses in Pearsonville. Updates to the Inyo County Code, and possibly the General Plan and other relevant plans, will be necessary to account for these uses. Therefore, proposals in the near future for groundwater intensive agricultural uses within Pearsonville may be in conflict with any longer-range modifications to the zoning ordinance, General Plan, or other relevant planning tools that may be instituted to minimize environmental impacts on the physical, social, and economic environment of Inyo County. If not properly studied, such proposals are an immediate threat to the public safety, health, and welfare, and approval of entitlements for non-groundwater neutral agricultural uses would be an immediate threat to the public safety, health, and welfare.

Government Code Section 65858 permits enactment of an interim ordinance regarding land use matters to protect the public safety, health, and welfare while studies are being carried out to address the relevant issues. This Ordinance will prohibit new non-groundwater neutral agricultural uses in Pearsonville until the County can adequately study these issues and adopt appropriate regulations in compliance with applicable law. It is urgent and essential for the protection of the public safety, health, and welfare of the citizens of Inyo County, and the public benefit of the State and neighboring counties, that new water intensive uses within the Indian Wells Valley Groundwater Basin be regulated by the County to minimize potential impacts to the physical, social, and economic environment.

SECTION THREE. EXTENSION

Ordinance No. 1198 is hereby extended for ten (10) months and fifteen (15) days.

SECTION FOUR. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION FIVE. EFFECTIVE DATE.

This Ordinance is intended to protect the public safety, health, and welfare pursuant to Government Code Section 65858 and shall be in full force and effect immediately upon a four-fifths vote of the Board of Supervisors. This Ordinance shall be of no further force and effect ten (10) months and fifteen (15) days from its date of adoption, unless extended pursuant to Government Code Section 65858.


PASSED AND ADOPTED this 16th day of February 2016, by the following vote of the Inyo County Board of Supervisors:

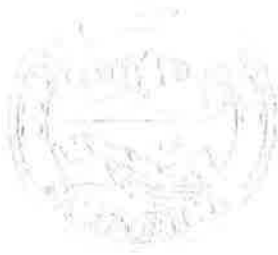
AYES: Supervisors Totheroh, Griffiths, Pucci, Tillemans and Kingsley
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-



Chairperson Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk to the Board

By: 
Patricia Gunsolley, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

18

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Consent | <input type="checkbox"/> Departmental | <input type="checkbox"/> Correspondence Action | <input checked="" type="checkbox"/> Public Hearing |
| <input checked="" type="checkbox"/> Scheduled Time for 11 a.m. | <input type="checkbox"/> Closed Session | <input type="checkbox"/> Informational | |

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: February 16, 2016

SUBJECT: Extension of Interim Urgency Ordinance to Prohibit New Non-groundwater Neutral Agricultural Uses in Pearsonville

PLANNING DEPARTMENT RECOMMENDATION:

Conduct a public hearing and enact the attached Ordinance entitled An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Extending Interim Ordinance No. 1198 – An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof.

SUMMARY DISCUSSION:

On January 5, 2016 the Board enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville (refer to Exhibit B). The Interim Ordinance expires after 45 days unless extended. Staff continues its research, and recommends that the Board extend the Interim Ordinance for ten months and 15 days as permitted to complete this work.

Government Code Section 65858(a) requires that the County issue a report describing the measures taken to alleviate the condition which led to the Interim Ordinance; accordingly, a report has been prepared (refer to Exhibit C). In summary, staff continues to evaluate relevant conditions and has undertaken public outreach. Staff anticipates continuing these efforts until a permanent solution can be achieved.

Government Code Section 65858(a) requires that the Board conduct a public hearing to extend the ordinance. Accordingly, a notice of public hearing was published in the Inyo Register on February 6, 2016. Although not required, a notice of public hearing was also mailed to all property owners in Pearsonville.

Environmental Review: The Interim Ordinance revises regulations, is intended to avoid impacts and protect the public safety, health, and welfare, and will have no potential significant adverse impact on the physical environment. Therefore, it is not subject to the California Environmental Quality Act (CEQA) per the "General Rule" [CEQA Guidelines, Section 15061(b)(3)].

ALTERNATIVES:

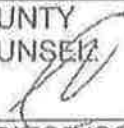
- Do NOT extend the Ordinance, thereby allowing applications for new non-groundwater neutral agricultural uses to be processed. This alternative is not recommended due to the immediate threat to the public safety, health, and welfare.
- Extend the Ordinance for a lesser amount of time. This is not recommended due to the guidance provided by Government Code Section 65858.
- Return to staff with other direction.

OTHER AGENCY INVOLVEMENT:

Inyo County Building & Safety Division, Water Department, and Environmental Health Department; Kern County and others working to develop the Groundwater Basin Plan

FINANCING:

General Fund Resources were utilized to process the Ordinance.

APPROVALS	
COUNTY COUNSEL 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 2/10/16

Exhibits:

- A. Interim Ordinance
- B. Board Order for Ordinance No. 1198
- C. Report Describing Measures Taken to Alleviate Conditions

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Adminlstrative Center in Independence on the 5th day of *January, 2016* an order was duly made and entered as follows:

Ord 1198/Interim Urgency Ordinance Prohibiting New Non-Groundwater Neutral Agricultural Uses in the Indian Wells Groundwater Basin

The Chairperson opened the public hearing at 11:40 a.m. on an interim urgency ordinance titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof." The Planning Director, Josh Hart, reviewed the Staff Report and recommendations. The Agricultural Commissioner, Nate Reade, addressed the Board to talk about the agricultural uses in the area. Earl Wilson of Lone Pine addressed the Board to talk about the impact of the drought on current agricultural uses in the County and supporting the ordinance to limit new water uses. Sophia Merk of Ridgecrest, asked that the reference to the condition of the groundwater basin be changed from severe to critical and to recommend notification to the property owners. The County Administrator introduced an alternative thought that he said might not be politically correct. He prefaced his remarks by saying he was not suggesting that the Board not consider going forward with Interim Urgency 45 day Ordinance. He began his remarks by noting the irony of the situation. He said that Inyo County is an economic desert due to water export to the City of Los Angeles and noted that the City of Los Angeles is doing pretty well economically with Inyo County water. He pointed out that the County is not only an economic desert due to water export, but also to the ensuing land tenure patterns that results in only 2% of the County's over 10,000 square miles being in private hands for potential economic development. He said that the Board, by trying to do the right thing in a global and regional sense, is basically talking about taking some of that 2% privately held land out of economic production, and limiting the little bit of water that remains in Inyo County. He suggested that the Board use the 45 day period to discuss this concept of economic fallowing, explaining that if you take limited, scarce private land, out of potential economic development and limit uses of water for economic gain in Inyo County, it's a very real loss to the County. He pointed out that the groundwater basin that is in overdraft right now is in overdraft to the economic benefit of Kern County and the communities in eastern Kern County. Supervisor Kingsley thanked the County Administrator for his comments. The Board and staff continued to discuss the ordinance. The Chairperson closed the public hearing at 12:02 p.m.

On a motion by Supervisor Kingsley and a second by Supervisor Totheroh, Ordinance 1198 titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof" was enacted: motion unanimously passed and adopted.

WITNESS my hand and the seal of said Board this 5th

Day of January 2016



KEVIN D. CARUNCHIO
Clerk of the Board of Supervisors

Patricia Gunsolley
Patricia Gunsolley, Assistant

Routing
CC
Purchasing
Personnel
Auditor
CAO
Other Planning - Ordinance List
DATE: January 20, 2016

ORDINANCE NO. 1198

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858(a) PROHIBITING NEW NON-GROUNDWATER NEUTRAL AGRICULTURAL USES IN PEARSONVILLE AND DECLARING THE URGENCY THEREOF.

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. PURPOSE/AUTHORITY.

The purpose of this interim ordinance is to prohibit new non-groundwater neutral agricultural uses in Pearsonville. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction. Specifically, Government Code Section 65858 enables the County to adopt interim zoning ordinances to protect the public safety, health, and welfare.

SECTION TWO. DECLARATIONS AND FINDINGS.

The County has consistently supported agriculture and provides excellent resources for it and related uses. Recently, several proposals have been described to develop portions of the Pearsonville within the Indian Wells Valley Groundwater Basin with pistachio farms, which require large amounts of water to cultivate. Little surface water is available within the Basin, and it is anticipated that such development would exclusively utilize groundwater.

California is experiencing the most severe drought on record, and increasing demand has stretched limited water supplies. The State of California and Inyo County have declared drought-related emergencies. The Indian Wells Groundwater Basin is in overdraft, and a plan is being developed to address groundwater issues within the Basin pursuant to the Sustainable Groundwater Management Act of 2014. Kern County recently modified the Indian Wells Valley Land Use Plan to reduce potential increases in groundwater use within its portion of the Basin.

Development of new groundwater intensive agricultural uses within the Inyo County portion of the Basin could severely exacerbate these existing conditions. Increases in groundwater production within the Inyo County portions of the Basin may result in potential impacts to the environment in the County and in neighboring Kern and San Bernardino counties.

The County is working to amend its rules, procedures, policies, and regulations to address groundwater intensive agricultural uses in Pearsonville. Updates to the Inyo County Code, and possibly the General Plan and other relevant plans, will be necessary to account for these uses. Therefore, proposals in the near future for groundwater intensive agricultural uses within Pearsonville may be in conflict with any longer-range modifications to the zoning ordinance, General Plan, or other relevant planning tools that may be instituted to minimize environmental impacts on the physical, social, and economic environment of Inyo County. If not properly studied, such proposals are an immediate threat to the public safety, health, and welfare, and approval of entitlements for non-groundwater neutral agricultural uses would be an immediate threat to the public safety, health, and welfare.

Government Code Section 65858 permits enactment of an interim ordinance regarding land use matters to protect the public safety, health, and welfare while studies are being carried out to address the relevant issues. This Ordinance will prohibit new non-groundwater neutral agricultural uses in Pearsonville until the County can adequately study these issues and adopt appropriate regulations in compliance with applicable law. It is urgent and essential for the protection of the public safety, health, and welfare of the citizens of Inyo County, and the public benefit of the State and neighboring counties, that new water intensive uses within the Indian Wells Valley Groundwater Basin be regulated by the County to minimize potential impacts to the physical, social, and economic environment.

SECTION THREE. DEFINITIONS

For the purpose of this Ordinance, new non-groundwater neutral agricultural uses shall be development, new well(s), new plantings, or other improvements of private property for the purposes of farming the following, including but not limited to, grains, field crops, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, other crops, orchards, vineyards or other agricultural products or Agriculture as defined by Inyo County Code Section 18.06.030 using irrigation supplied from groundwater. Pearsonville shall be all private lands within the Pearsonville community, as illustrated in Exhibit A.

SECTION FOUR. MORATORIUM FOR NEW NON-GROUNDWATER NEUTRAL AGRICULTURAL USES IN PEARSONVILLE.

A moratorium is hereby established for non-groundwater neutral agricultural uses in Pearsonville within Inyo County, and no new non-groundwater neutral agricultural uses in Pearsonville (or accessory uses thereto) shall be constructed or begin to operate, and no building permits, electrical permits, plumbing permits, well permits, occupancy permits, subdivisions, variances, use permits, General Plan amendments, zoning reclassifications, or other entitlement requests shall be processed for new non-groundwater neutral agricultural uses in Pearsonville.

SECTION FIVE. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION SIX. EFFECTIVE DATE.

This Ordinance is intended to protect the public safety, health, and welfare pursuant to Government Code Section 65858 and shall be in full force and effect immediately upon a four-fifths vote of the Board of Supervisors. This Ordinance shall be of no further force and effect 45 days from its date of adoption, unless extended pursuant to Government Code Section 65858.

PASSED AND ADOPTED this 5th day of January 2016, by the following vote of the Inyo County Board of Supervisors:

AYES: Supervisors Totheroh, Griffiths, Pucci, Tillemans and Kingsley
NOES: -0-
ABSTAIN: -00-
ABSENT: -0-

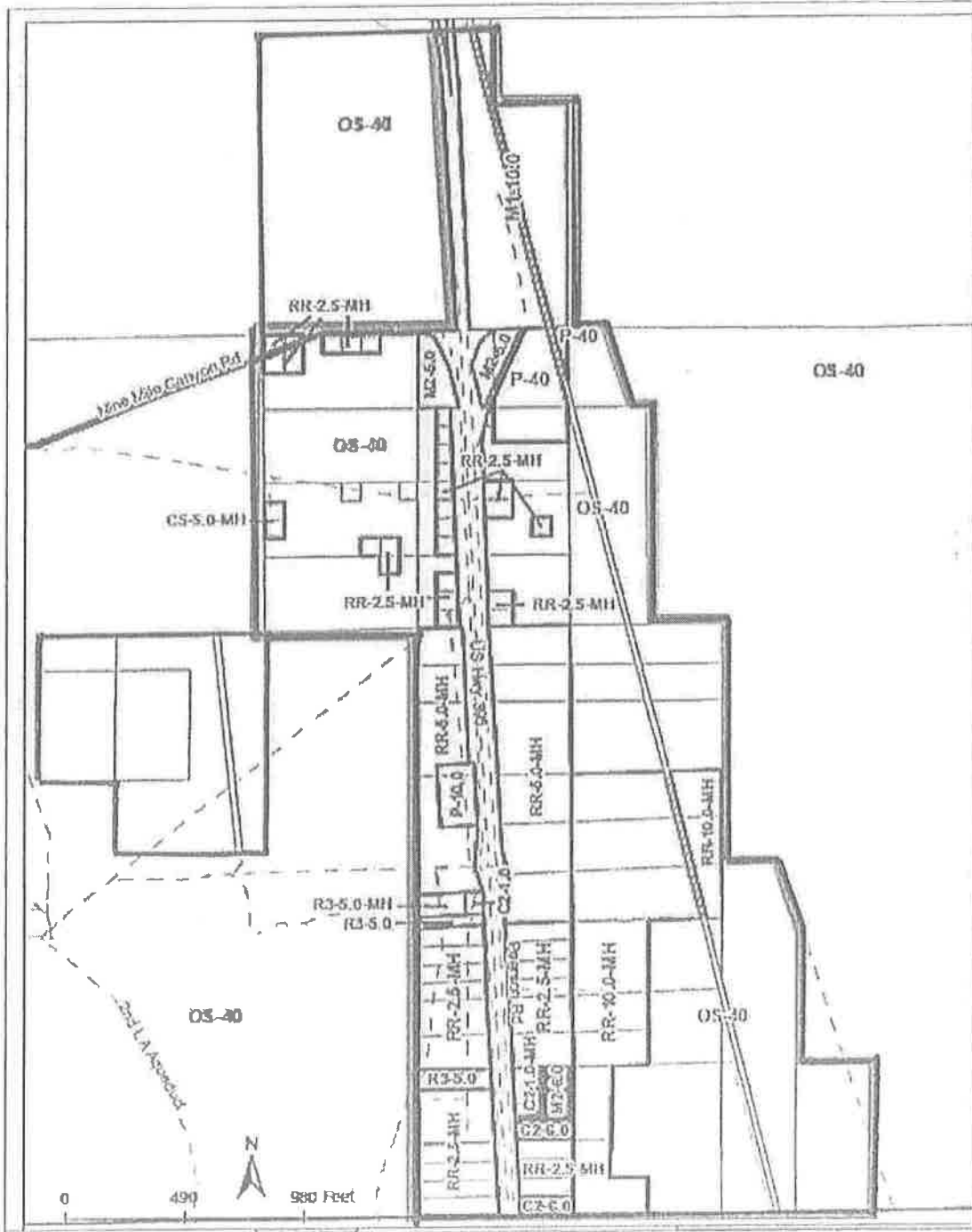

Chairperson Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk to the Board

By: 
Patricia Gunsolley, Assistant

Exhibit A – Private Lands Within Pearsonville

Exhibit A
Pearsonville





AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only
AGENDA NUMBER

25

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11:30 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: January 5, 2016

SUBJECT: Interim Urgency Ordinance to Prohibit New Non-groundwater Neutral Agricultural Uses in Pearsonville

PLANNING DEPARTMENT RECOMMENDATION:

Conduct a public hearing and enact the attached Ordinance entitled An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 65858(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof.

SUMMARY DISCUSSION:

The County has consistently supported agriculture and provides excellent resources for it and related uses. Recently, several proposals have been described to develop portions of the Pearsonville area within the Indian Wells Valley Groundwater Basin in Inyo County with pistachio farms, which require large amounts of water to cultivate. Little surface water is available within the Basin, and it is anticipated that such development would exclusively utilize groundwater.

California is experiencing the most severe drought on record, and increasing demand has stretched limited water supplies. The State of California and Inyo County have declared drought-related emergencies. The Indian Wells Groundwater Basin is in overdraft, and a plan is being developed to address groundwater issues within the Basin pursuant to the Sustainable Groundwater Management Act of 2014. Kern County recently modified the Indian Wells Valley Land Use Plan to reduce potential increases in groundwater use within its portion of the Basin.

Development of new groundwater intensive agricultural uses within the Inyo County portion of the Basin could severely exacerbate these existing conditions. Increases in groundwater production within the Inyo County portions of the Basin may result in potential impacts to the environment in the County and in neighboring Kern and San Bernardino counties.

Potential Impacts: While there are many benefits, water intensive agriculture dependent on groundwater development may result in a variety of adverse impacts on the physical, social, and economic environment. These include, but are not limited to, ground subsidence, well depletion, changes to groundwater quality, increased seismicity, declining levels of groundwater dependent vegetation and wildlife (up to and including potentially destruction of these resources), and changes to visual and cultural resources. Cumulative and growth-inducing impacts are also of concern within the Indian Wells Valley Groundwater Basin.

Planning Studies: Staff has been considering a permanent solution to water issues within the Pearsonville area that will provide for a net benefit to County citizens, minimize potential impacts, and work to meet

local, State, and federal agriculture and water conservation goals. Updates to the Inyo County Code, and possibly the General Plan and other relevant plans and/or development of new plans, will be necessary to address the potential for new intensive groundwater development within the Inyo County portions of the Indian Wells Valley Groundwater Basin. Therefore, proposals in the near future for new water intensive agricultural uses may be in conflict with any longer-range modifications to the zoning ordinance, General Plan, or other relevant planning tools that may be instituted to minimize environmental impacts on the physical, social, and economic environment of Inyo County. If not properly studied, such proposals are a threat to the public safety, health, and welfare.

Interim Urgency Ordinance: Government Code Section 65858(a) permits enactment of an interim ordinance regarding land use matters to protect the public safety, health, and welfare while studies are being carried out to address the relevant issues. Due to unique circumstances in this instance – no applications for the land uses of concern have been applied for – the County has elected to conduct a hearing for enactment of the ordinance, even though not required. Such an ordinance becomes effective immediately upon a four-fifths vote of the Board of Supervisors for 45 days. If not extended within the 45-day period, the ordinance expires. The ordinance may be extended during the 45-day period by a four-fifths vote of the Board at a public hearing for 10 months and 15 days, and subsequently for another year. Within 10 days before expiration of the ordinance, a report shall be made describing measures taken to alleviate the issue.

Staff recommends that the Board enact the attached Interim Ordinance to prohibit new groundwater intensive agricultural uses in Pearsonville. Staff is working on a permanent solution to the issues described herein, and plans to bring forward a zoning text amendment for consideration in the near future. If the amendment is not complete within 45 days, the Board may extend the Interim Ordinance.

Environmental Review: The Interim Ordinance revises regulations, is intended to avoid impacts and protect the public safety, health, and welfare, and will have no potential significant adverse impact on the physical environment. Therefore, it is not subject to the California Environmental Quality Act (CEQA) per the “General Rule” [CEQA Guidelines, Section 15061(b)(3)].

ALTERNATIVES:

- Do NOT enact the Ordinance, thereby allowing applications for new non-groundwater neutral agricultural uses to be processed. This alternative is not recommended due to the immediate threat to the public safety, health, and welfare.
- Return to staff with other direction.

OTHER AGENCY INVOLVEMENT:

Inyo County Building & Safety Division, Water Department, and Environmental Health Department; Kern County and others working to develop the Groundwater Basin Plan

FINANCING:

General Fund Resources were utilized to process the Ordinance.

APPROVALS	
COUNTY COUNSEL: <i>12/22/15</i>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) <i>Margaret Kemp Hillman</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

John H. ...

Date: *12/24/15*

Attachment: Interim Ordinance

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF INYO

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

The Inyo Register

This space is for County Clerk's Filing Stamp

Proof of Publication of Public Notice

County of Inyo

The Inyo Register has been adjudged a newspaper of general circulation by the Superior Court of the County of Inyo, State of California, under date of Oct. 5, 1953, Case Number 5414; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to wit:

DECEMBER 26

in the year 2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct, on this 29TH Day of DECEMBER, 2015


Signature

320 PUBLIC NOTICES

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN the Inyo County Board of Supervisors will conduct a public hearing Tuesday, January 5, 2016 at 11:30 a.m. in the Board of Supervisors Room, County Administrative Center, at 221 North Edwards Street, Independence, to consider the following:

INTERIM URGENCY ORDINANCE TO PROHIBIT NEW NON-GROUNDWATER NEUTRAL AGRICULTURAL USES IN PEARSONVILLE

Inyo County has consistently supported agriculture and provides excellent resources for it and related uses. Recently, several proposals have been described to develop groundwater intensive agriculture in portions of the Pearsonville within the Indian Wells Valley Groundwater Basin within Inyo County. Due to the most severe drought on record, the State of California and Inyo County have declared drought-related emergencies. The Indian Wells Groundwater Basin is in overdraft, and a plan is being developed to address those issues. Development of new groundwater intensive agricultural uses within the Inyo County portion of the Basin could severely exacerbate existing conditions and potentially impact the environment.

The Inyo County Board of Supervisors will consider enacting an Interim Urgency Ordinance pursuant to Government Code Section 65858(a) to prohibit new non-groundwater neutral agricultural uses in Pearsonville. Such an ordinance becomes effective for 45 days and if not extended, expires. The ordinance may be extended for 10 months and 15 days and subsequently for another year.

If you challenge any finding, determination, or decision made regarding this project in court, you may be limited to raising only the issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered prior to the hearing.

Written comments and all questions should be addressed to the Inyo County Planning Department, P. O. Drawer "L", Independence, CA 93526 or to: inyoplanning@inyocounty.us Copies of the Draft General Plan Amendment are available for review at the Inyo County Planning Department, 168 N. Edwards Street, Independence, during regular business hours. If you have any questions, please call (760) 878-0263. (R1 12/26/15, #14933)



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@inyocounty.us

MEMO

DATE: February 4, 2016
TO: To Whom It May Concern
FROM: Joshua Hart, AICP, Planning Director *JH*
RE: Interim Ordinance No. 1198
Report Describing Measures Taken to Alleviate Conditions

On January 5, 2016 the Inyo County Board of Supervisors enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville. The Interim Ordinance was enacted to protect the public health, safety, and welfare pursuant to Government Code Section 65858(a). This memorandum complies with the reporting requirements of Government Code Section 65858(d).

Staff continues to monitor the groundwater situation in the Indian Wells Valley. County representatives have been working with other stakeholders in the region to assess the relevant issues and measures being taken moving forward, including participating in development of the Groundwater Sustainability Plan pursuant to the Sustainable Groundwater Management Act of 2014. It is anticipated that the governing body for the Plan's development will be formed in the near future.

County representatives have been contacting property owners regarding the Interim Ordinance seeking input and any concerns that they may have. A postcard was sent to all property owners in Pearsonville on January 13, 2016 advising of the Interim Ordinance and requesting input, including about potentially organizing a community meeting. No response has been received.

Staff continues to explore possible solutions to the situation. It appears that development of the Groundwater Sustainability Plan will take some time, and that the County will need to pursue an intermediate solution. Options being considered include a zoning overlay and/or amendments to the zoning map in Pearsonville.

Thank you. Please contact me at (760) 878-0263 or email me at jhart@inyocounty.us if you have any questions.



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

MEMO – Exhibit C

DATE: November 15, 2016
TO: To Whom It May Concern
FROM: Tom Schaniel, Associate Planner
RE: Interim Ordinance No. 1200
Report Describing Measures Taken to Alleviate Conditions

On January 5, 2016 the Inyo County Board of Supervisors enacted an Interim Ordinance prohibiting new non-groundwater neutral agricultural uses in Pearsonville. On February 16, 2016 the Inyo County Board of Supervisors extended this Interim Urgency Ordinance for an additional 10 months and 15 days. The Interim Ordinance was enacted to protect the public health, safety, and welfare pursuant to Government Code Section 65858(a). This memorandum complies with the reporting requirements of Government Code Section 65858(d).

Staff continues to monitor the groundwater situation in the Indian Wells Valley. County representatives have been working with other stakeholders in the region to assess the relevant issues and measures being taken moving forward, including participating in development of the Groundwater Sustainability Plan pursuant to the Sustainable Groundwater Management Act of 2014. It is anticipated that the governing body for the Plan's development will be formed in the near future.

County representatives have been in contact with property owners, and have mailed postcards to property owners for the public hearings regarding the Interim Ordinance, its extension, and for a community meeting. On May 4, 2016, County staff held a community meeting at the Pearsonville Subway restaurant and seven members of the public were in attendance. A summary of the meeting was sent to all property owners and other stakeholders who have asked to be on an e-mail list and that summary is attached.

Staff is currently working towards a permanent solution to the situation. It appears that development of the Groundwater Sustainability Plan will take some time, and so the County is pursuing an intermediate solution. County is currently pursuing an Overlay Zone making high intensity agricultural uses subject to a Conditional Use Permit. This Overlay Zone will become part of the Zoning Code, and then the Overlay will be applied to the Pearsonville community. In conjunction with the development of this Overlay Zone, staff is working with 3 property owners who expressed an interest in modifying the zoning on their property to a Commercial Zone. Staff is currently working on the modifications to the Zoning Code, the General Plan, and associated CEQA compliance documents.

Thank you. Please contact me at (760) 878-0405 or email me at tschaniel@inyocounty.us if you have any questions.



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us**

**Public Meeting Summary
Pearsonville Land Use and Groundwater Management
May 4, 2016 5:30 p.m. Pearsonville Subway**

Following is a summary of the Pearsonville Land Use and Groundwater Management Public Meeting that was held on May 4, 2016, at 5:30 at the Pearsonville Subway.

The format of this summary is to take the original meeting agenda, and then to fill in summaries of the discussion of the agenda items (generally in red). The purpose of this summary is to act as a tool to aid recollection for those that were in attendance and to give a general idea of the information presented and the discussions had for those who were unable to attend. This meeting was an informal public outreach meeting, and as such, this document does not represent minutes of the meeting, but is an informal summary.

Public Meeting Agenda
Pearsonville Land Use and Groundwater Management
May 4, 2016 5:30 p.m. Pearsonville Subway

1. Introduction

Inyo County Staff Present: Tom Schaniel, Associate Planner; Josh Hart, Planning Director; Dr. Bob Harrington, Water Department Director; Nate Reade, Agriculture Commissioner; Matt Kingsley, 5th District Supervisor. Matt spoke a few introductory remarks.

2. Background

a. Sustainable Groundwater Management Act (SGMA – pronounced sigma) [Dr. Bob Harrington, Inyo County Water Department Director]

b. Indian Wells Valley Groundwater Current Situation and the Groundwater Management Plan [Dr. Bob Harrington]

Bob Harrington addressed both of these items in a small presentation, which is summarized as follows: The State has identified groundwater basins that are medium and high priority and in critical overdraft. There 515 groundwater basins in California, 127 of which are medium or high priority, and 21 of these are in critical overdraft. Indian Wells Valley is among these 21 basins. The Indian Wells Valley has pumping that exceeds recharge by a factor of approximately 2:1. Local agencies in Indian Wells Valley must set up a Groundwater Sustainability Agency (GSA) that will then act as the lead agency in developing policy to address the overdraft. The local agencies in Indian Wells Valley will most likely jointly form the GSA (City of Ridgecrest, Indian Wells Valley Water District, Kern County, San Bernardino County and Inyo County). The GSA must be established by June 30, 2017. All identified high and medium priority water basins must have a Groundwater Sustainability Plan (GSP) in place by January 31, 2022, however, those that have been identified as being in critical overdraft (i.e. Indian Wells Valley) must have their GSP in place by January 31, 2020. If a GSA is not formed by the deadline, or a GSP is not in place by the deadline, the State will come in and run the basin (and their plan will be simple and most likely consist of across the board cuts in allowances for groundwater pumping).

c. Kern County's Rezoning

Tom Schaniel spoke about what he had learned from Kern County Planning Director, Lorelei Oviatt about what Kern County had done to address controlling future high water usage agriculture in the Indian Wells Valley, which is summarized as follows: Kern County did a major rezoning effort for all of the Indian Wells Valley. They called this effort Re-Balancing Land Use, and, in the agricultural zones called it Upzoning. In Kern County, their A zone (Agriculture) is used as a placeholder. If an area is undeveloped, it gets an A zoning, allowing for agricultural uses, but little else. But if an area is being developed they've been very tolerant of rezoning. This works OK in the San Joaquin Valley, but became a problem in the Indian Wells Valley. So, the rezoning looked to change the bulk of the A zones to Industrial or Residential Estate (both of which did not allow agricultural uses as a permitted use without further review). They tried to really reach out to all landholders and cater the Upzoning to their needs. And they fielded over 700 phone calls during this process.

d. Inyo County's Interim Urgency Ordinance

Inyo County became aware, after Kern had already essentially ended the avenue for new high water usage agricultural uses within the Kern County portions of the Indian Wells Valley, that there might be interest in development of high water usage agricultural uses in the Pearsonville area. Being aware of the overdraft issues in the Indian Wells Valley, of the upcoming SGMA required water plan, and of their responsibilities as good stewards of the land and good neighbors in the Indian Wells Valley basin, it was decided to enact an Interim Urgency Ordinance, which temporarily banned new high water usage agricultural uses in the Pearsonville area. This ordinance was enacted on January 5, 2016 with a 45 day period of effect, then was expanded by an additional 10 months, 15 days (effectively expanding it to one year) on February 16, 2016. The purpose of the ordinance was to allow a period of stayed development, while the County assessed what it wanted for long term policies relating to these issues in the Pearsonville area.

3. Potential Courses or Action

a. Do Nothing

In general, based upon information from the Inyo County Water Board, and Kern County, Inyo County Staff was of the opinion that current zoning allowed for largely unregulated agricultural development, which, to allow, seemed inconsistent with prudent policy in the Indian Wells Valley. Doing nothing would result in a 3 year period of potential unregulated development that might be very impactful on water usage. While, in the scheme of the entire Indian Wells Valley, Pearsonville was not a large land area, that still does not seem to justify the allowance of land use not consistent with the GSA that was being developed. So in essence, we'd be hoping there was no undesired development during the 3 year period until a GSP was in place to regulate water usage directly.

b. Extend Interim Emergency Ordinance

This is really just a variation on Do Nothing, but shortening the window from 3 years to 2 years by extending the ordinance by one year.

c. Overlay Zone

A possible approach is to create an overlay zone. While the overlay zone could take many forms, the one most discussed among Inyo County staff was a zone that made agricultural uses subject to a conditional use permit within the zone. This would still allow the possibility of agricultural uses, but still require them to go through a public approval process, and to be evaluated and potentially rejected or mitigated through this approval process. Additionally, while this is targeted at Pearsonville currently, it is a tool that could potentially be used in other portions of the County.

d. Rezoning (CB, C1, C2, C3, C4)

i. Residential Prohibited

ii. Extent of Rezoning

Rezoning (Upzoning) was the tool of choice in Kern County, but has issues in Inyo County. The primary issue is that the only zones in Inyo County that either don't allow

agricultural uses or require that they go through a conditional use permit process are 5 of the 6 commercial zones (CB, C1, C2, C3, and C4). All 5 of these zones do not allow for single family residences (though they do allow for accessory residential uses, and some allow for multi-family and mixed use). Put simply there was no upzone that seemed to simultaneously not allow for agriculture while allowing for a large mix of other uses (single family residential and or commercial). And some of the C zones outright did not allow for agriculture, which might be a bit more restrictive then actually desired. Lastly, we indicated that it might be possible to revisit our zoning ordinance, but that this would most likely result in a process that was going to take longer then we may have time available.

4. Public Input

During this portion of the meeting we opened up to public comment, and Josh Hart wrote down those comments as they were made. Generally those comments resulted in a response from County staff, which is added after the comment. Comments are in blue, responses by staff in green.

Isn't most of our water from Rose Valley?

While a small portion of the water makes its way down from Rose Valley (Little Lake and Coso Junction area), the vast majority of the water recharge comes from the Sierra Nevada snowmelt run-off. Water from Rose Valley is measurable, but not significant to the general Indian Wells Valley water equation.

What will happen if State steps in? What if we do nothing?

So, if we do nothing, then the State steps in. If the State steps in, then local ability to prioritize water needs goes away, and the State is potentially far more arbitrary in its targeting of controlling water usage. While current water users in Pearsonville may not be greatly impacted (because they are not large users), allowing this process to fall to the state takes away local control and input.

Why can't we follow Kern's example?

We went through the discussion above in a bit more detail about rezoning that is above.

Won't the orchards just move north?

First, neither Rose Valley, nor southern Owen's Valley are in the groundwater overdraft situation that Indian Wells Valley is in. So agricultural development may not have as immediate and detrimental of impact in these basins. Also, not much land in Rose Valley is in private hands and available for development. Lastly, moving north and gaining in altitude may make enough of a climatic shift that these types of orchards may not be viable. But it is something we will be monitoring.

Mojave Pistachios will not expand into Inyo County.

This statement was made by Joshua Nugent, who was attending this meeting as a representative of Mojave Pistachios LLC. Mr. Nugent read a prepared statement from the owner of Mojave Pistachios, Mr. Rod Stiefvater. That statement is included after this meeting summary. Mr. Nugent went on to express that currently, their business, and pistachio farming in general, is in a retracting mode, because of a combination of market forces and SGMA regulation, and expansion (not in Inyo County or anywhere, including the San Joaquin Valley) is not part of their business plan at this time.

Overlay seems to be the best solution

This was expressed by Warren Hageman, with nods from Janice Pearson and Darby Barclay, the only Pearsonville residents or land-holders in attendance at the meeting. We agreed that it was the best solution we had come up with so far, in our opinion, but that we were still very open to other ideas.

We don't have a lot of recharge here.

This was sort of a statement of fact, which resulted in some conversation of the relative snowpacks of the southern Sierra, versus the central Sierra around Mammoth, with the amount of water in the Southern Sierra being only a fraction of the snowpack as one moved north (and this, without even taking into account the drought).

Will overlay restrict large wells?

The answer was, not directly. This is not addressing wells directly (the GSP will do that). But it is identifying the most likely use that will require a large groundwater impact, and then making it go through a conditional use permit process where that usage can be evaluated, and either not allowed or mitigated. Other possible large users, like a brewery or a water bottling plant would not be affected by this overlay. However, those uses already have to go through a conditional use permit process. By this overlay, agricultural uses would be brought more in line with industrial or commercial uses, many of which require conditional use permits.

What about solar?

Solar is allowed in this area via an overlay. Solar developments beyond personal residential solar also has to go through a regulated permit process.

5. Next Steps

We feel that we have gained some consensus on pursuing an agricultural overlay, that would make any agricultural uses in that area require going through a conditional use permit process. So, to implement this will involve modifications to the Inyo County Code, and those will have to go through approval by the Board of Supervisors. As such, they will be in noticed meetings and we will send out mailers to Pearsonville landowners, and anyone who has requested to be informed and given us their e-mail and/or mailing address.

Additional Item discussed.

We discussed that, concurrent to this process, we would be open to considering rezoning of properties in the Pearsonville area, and that zoning can possibly be even portions of a lot. So a lot could have a commercial zone over the portion closest to 395 and a residential zone over the portion away from 395, allowing for both commercial and single family residential uses on the same lot. We discussed this a little more directly with the Pearsonville landowners in attendance at the meeting.



Mojave Pistachios, LLC

4831 Calloway Drive, Suite 102 • Bakersfield, CA. 93312

To the members of the Inyo County Planning Department:

Mojave Pistachios is a farming operation that developed pistachios in the Kern County portion of the Indian Wells Valley in the years from 2011 to 2013. Mojave Pistachios owns no property in Inyo County and has never considered developing pistachios in the Inyo County portion of the Indian Wells Valley. Pistachios are a long-term investment and the uncertainty of the impact of the Sustainable Groundwater Management Act makes it illogical, impractical, and uneconomic for Mojave Pistachios to develop additional acres to pistachios in any portion of the Indian Wells Valley.

Regards,

Rod

Rod Stiefvater

Pearsonville Urgency Ord.

May 4, 5:30, subway

1. Isn't most of our water from Rose Valley?
- 2.
3. Why can't we follow Kern's ex.?
4. Won't the orchards just move north?
5. Mojave Pistachios will not expand into Inyo Co.
6. Overlay seems to be best solution
7. We don't have a lot of recharge here
8. Will overlay restrict large wells.
9. What about solar?



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

17

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11:00a.m. Closed Session Informational

FROM: Inyo County Planning Commission

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Zone Reclassification (ZR) #2017-01/Sorrells and General Plan Amendment (GPA) #2017-01/Sorrells

DEPARTMENTAL RECOMMENDATION:

Request the Board of Supervisors:

- A) Conduct a public hearing on the following actions for a 225.02-acre site and a 229 acre site that constitute the majority of the community of Shoshone (APN 046-120-25 and 046-120-040):
- General Plan Amendment No. 2017-01/Sorrells changing the multiple General Plan designations so that that the designations match actual and possible future development (Attachment A, General Plan designation maps); and,
 - A proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2017-01/Sorrells and amending the Zoning Map of the County of Inyo by rezoning a 225-acre Parcel and a 229 acre parcel that constitute the majority of the community of Shoshone (APN 046-120-25 & 046-120-040) as shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map)". This Zone Reclassification will bring the zoning into compliance with actual and future development.
- B) Approve a resolution titled "A Resolution of the Board of Supervisors of the County Of Inyo, State of California, Certifying that the Provisions of the California Environmental Quality Act (CEQA) Have Been Met and Making Certain Findings with Respect to and Approving Zone Reclassification No. 2017-01/Sorrells and General Plan Amendment No. 2017-01/Sorrells".
- C) Waive the first reading of the above referenced Ordinance approving Zone Reclassification No. 2017-01/Sorrells and schedule the enactment for 11:00a.m., Tuesday, November 21, 2017 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

SUMMARY DISCUSSION:

The applicant, Ms. Susan Sorrells, originated the project as a Tentative Parcel Map, dividing one of the parcels into 4 new parcels ranging from approximately ½ acre to 8 acres and an approximately 212 acre remainder. Based upon the irregularity of the existing zoning and General Plan designations, and discrepancies between zoning districts and the actual development, Ms. Sorrells and Inyo County Planning Department staff thought this was also a good time to revisit the zoning and General Plan amendments for these properties. The proposed project includes a Zone Reclassification to update the zoning for the community of Shoshone on the two existing parcels (6 parcels after the Parcel Map subdivision), bringing the zoning into compliance with the actual and possible future development (Attachment B, zoning maps). The proposed project also consists of a General Plan Amendment to bring

the General Plan designations into conformance with the proposed zoning and to better match current and future uses (Attachment A, General Plan designation maps).

The properties consist of nearly the entire community of Shoshone. Some of the existing uses on the project properties include a motel, restaurant, gas station, store, single family residences, propane dispensing, health clinic, and a museum. The project properties are surrounded by vacant, open space to the North, West, East and most of the South. Additionally, to the South are the Shoshone Airfield and a few privately owned pieces of land on the west side of Highway 127, including a Catholic Church. The TPM, GPA and ZR will not significantly alter the existing land use and there are no development proposals for any of the project lands. Instead, the intent is primarily to bring the General Plan designations and zoning into closer alignment with actual development and allow for consistent infill development. The applicant also proposes to reclassify areas from moderate to high potential intensity land use designations to lower intensity potential land use designations. The TPM, GPA and ZR will not alter the character of the property or the surrounding area. They will limit the ability for future development to change the character of the property as compared to existing General Plan and zoning designations.

Environmental Review

Staff prepared a Draft Mitigated Negative Declaration of Environmental Impact and Initial Study for TPM #413/Sorrells, GPA 2017-01/Sorrells and ZR 2017-01/Sorrells; noticed and submitted it for a 30-day public review. To date, the Planning Department has received only one comment on the Draft Mitigated Negative Declaration from the California Department of Transportation, District #9 (Caltrans). Based upon these comments the County is including a condition of approval that Ms. Sorrells and Caltrans shall work out a mutually agreeable solution to Caltrans concerns about the Highway 127 right-of-way.

Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. The project has impacts that will be mitigated in the areas of Biological and Cultural Resources.

The biological resource is the Amargosa Vole, which has a Federal and State status of Endangered. No Amargosa Vole nor Amargosa Vole habitat has been identified on the site. Ms. Sorrells has been involved in local programs for Amargosa Vole habitat construction and conservation on her property. If Amargosa Voles or vole habitat are discovered on the property, it is a condition of approval that the habitat will be conserved and encouraged as part of her existing program.

The cultural resource identified that the project area is near a culturally sensitive site and is within the Chemehuevi Traditional Use Area. While no development is anticipated directly from this project, future development should be mindful of the potential for archaeological and cultural resources. A condition of approval is included that requires if any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code.

The Planning Commission held a Public Hearing on September 27, 2017, took public comment, and voted to recommend that your Board Certify the Mitigated Negative Declaration of Environmental Impact pursuant to CEQA and approve Zone Reclassification No. 2017-01/Sorrells and General Plan Amendment No. 2017-01/Sorrells with a vote of 3-0 (two members were absent). At the same meeting the Planning Commission also approved a Tentative Parcel Map #413/Sorrells, dividing the 225.02 acre

parcel into 4 parcels ranging from approximately 8 acres to a half acre and leaving an approximately 212 acre remainder.

ALTERNATIVES:

- Do NOT approve the requested actions.
- Return to staff with direction

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

The applicant provided fees to cover the costs of these actions.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 11/8/17

Attachments:

- Proposed Resolution
- Proposed Ordinance
- September 27, 2017 Planning Commission Staff Report.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING THAT THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) HAVE BEEN MET AND MAKING CERTAIN FINDINGS WITH RESPECT TO AND APPROVING ZONE RECLASSIFICATION NO.2017-01/SORRELLS AND GENERAL PLAN AMENDMENT NO.2017-01/SORRELLS

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of Inyo County Code, has designated the Planning Commission as the Environmental Review Board pursuant to Section 15002 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to Section 15025 of the State CEQA Guidelines as implemented by Section 15.12.040 of the Inyo County Code (CEQA Procedures), the Planning Commission is responsible for the environmental review of all County projects; and

WHEREAS, the Inyo County Planning Department completed an Initial Study and Environmental Checklist and Draft Negative Declaration of Environmental Impact pursuant to CEQA for Zone Reclassification No. 2017-01/Sorrells and General Plan Amendment No. 2017-01/Sorrells; and

WHEREAS, the Zone Reclassification 2017-01/Sorrells will amend the Zoning Map of the County of Inyo by rezoning a 225-acre parcel and a 229 acre parcel that constitute the majority of the community of Shoshone (APN 046-120-25 & 046-120-040) and are shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map); and

WHEREAS, the General Plan Amendment 2017-01/Sorrells will amend the General Plan of the County of Inyo by amending the General Plan designations for a 225-acre parcel and a 229 acre parcel that constitute the majority of the community of Shoshone (APN 046-120-25 & 046-120-040 and are shown in Attachment C (Current General Plan Land Use Map) and Attachment D (Proposed General Plan Land Use Map); and

WHEREAS, the Inyo County Planning Department circulated said Initial Study and Draft Negative Declaration of Environmental Impact for a 30-day public review period as required by Section 15.32.060 of Inyo County Code, commencing on August 3, 2017, and ending on September 2, 2017; and

WHEREAS, pursuant to Senate Bill 18 (SB18) and Government Code Section 65352.3, on March 31, 2017 the County requested a list of appropriate native American contacts from the California Native American Heritage Commission (NAHC) from whom to request consultation regarding General Plan Amendment No. 2017-01/Sorrells; and

WHEREAS, the NAHC transmitted a list of Native American contacts to the County on April 4, 2017 for purposes of SB18 consultation regarding General Plan Amendment No. 2017-01/Sorrells; and

WHEREAS, on May 11, 2017 the County sent certified letters initiating Native American Consultation pursuant to the California Government Code Sections 65040.2, 65092, 65351,

65352.3, 65352.4, 65562.5, to the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Community of Paiute, Timbisha Shoshone, Lone Pine Paiute Shoshone, Kern Valley Indian Council and the Walker River Reservation; and

WHEREAS, as specified by Senate Bill 18 and per Government Code Section 65352.3, the tribes have ninety-days to initiate the consultation process after notification; and

WHEREAS, on August 21, 2017 ninety days after the last certified mail receipt from the notification letters was received by the County, no tribes had initiated consultation; and

WHEREAS, the Inyo County Planning Commission is required to conduct a public hearing on proposed General Plan Amendments, and Zone Reclassifications, and to make a recommendation to the Board of Supervisors on the General Plan Amendments and Zone Reclassifications (Sections 65854 and 65855 of Government Code); and

WHEREAS, on September 16, 2017 the County provided notice in the Inyo Register and to property owners within Three Hundred (300) feet of the project location, for a public hearing to take public comment on Draft Zone Reclassification No.2017-01/Sorrells and Draft General Plan Amendment No.2017-01/Sorrells to be held on September 27, 2017; and

WHEREAS, the Inyo County Planning Commission held a public hearing on September 27, 2017, to review and consider a request for approval of Zone Reclassification No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells, and considered the staff report for the application and all oral and written comments regarding the application; and

WHEREAS, following said public hearing the Planning Commission recommended that this Board of Supervisors:

1. Certify that the requirements of the California Environmental Quality Act have been satisfied with respect to the General Plan Amendment and Zone Reclassification applications; and
2. Approve Zone Reclassification No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells.

WHEREAS, pursuant to that recommendation, this Board of Supervisors held a public hearing on November 14, 2017, and considered all written and oral testimony presented concerning Zone Reclassification No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells.

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received at the November 14, 2017, hearing, including the Planning Department Staff Report concerning the above described proposed project, this Board makes the following findings for the proposed project:

1. The provisions of the California Environmental Quality Act (CEQA) have been satisfied, as a Draft Mitigated Negative Declaration of Environmental Impact was prepared and circulated in accordance with the California Environmental Quality Act and reflects the County's independent analysis and judgment and, together with the Initial Study, all

comments received on the Mitigated Negative Declaration, the responses to those comments, and all other information in the record, the Mitigated Negative Declaration shows that there is no substantial evidence that the project will have a significant effect on the environment, as mitigated.

2. Based on substantial evidence in the record, the proposed Zone Reclassification and General Plan Amendment are consistent with the Goals and Policies of the Inyo County General Plan.
3. Based on substantial evidence in the record, the proposed Zone Reclassification and General Plan Amendment are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.
4. The project site is already disturbed or zoned for future disturbance and this project will not result in the loss of native vegetation or wildlife habitat. Therefore, this project will have a “de minimus” impact on wildlife resources as outlined in the California Department of Fish and Game Code Section 711.4.
5. The proposed use is properly related to other uses and transportation and service facilities in the vicinity.
6. The proposed use would not, under all the circumstances of this case, adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare.
7. The proposed use is necessary or desirable.

BE IT FURTHER RESOLVED, that Zone Reclassification No.2017-01/Sorrells proposes to reclassify the zoning designations as shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map) which best matches the current and anticipated future uses on the property.

BE IT FURTHER RESOLVED, that General Plan Amendment No.2017-01/Sorrells proposes to change the land use designations as shown in Attachment C (Current General Plan Land Use Map) and Attachment D (Proposed General Plan Land Use Map), which best matches the proposed zone reclassification, and current and anticipated future uses on the property.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby approve Zone Reclassification No.2017-01/Sorrells, subject to the following conditions of approval:

1. Hold Harmless: The applicant shall defend, indemnify and hold harmless Inyo County (County), its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul said approval of Zone Reclassification No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells. The County reserves the right to prepare its own defense.
2. The project area has been identified as a potential habitat for the Amargosa Vole, a species with a Federal and State status of Endangered. Voles have a distinct marshy habitat, and no vole habitat (and no voles) have been identified on the site. Should vole

habitat and voles be identified on the project properties in the future, the applicant and her successors in interest shall preserve and encourage vole habitat.

3. The project area is near a culturally sensitive site and is within the Chemehuevi Traditional Use Area. During future development by the applicant or her successors in interest, should any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The applicant, working with County staff, shall then contact local tribal representatives and/or an archaeologist and develop a buried archaeological or cultural resource plan prior to work restarting.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby approve Zone Reclassification No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells. No.2017-01/Sorrells and General Plan Amendment No.2017-01/Sorrells shall not take effect for thirty days after the date of this Resolution.

PASSED AND ADOPTED THIS NOVEMBER 21ST, 2017

AYES:
NOES:
ABSTAIN:
ABSENT:

Mark Tillemans, Chairperson
Inyo County Board of Supervisors

ATTEST:

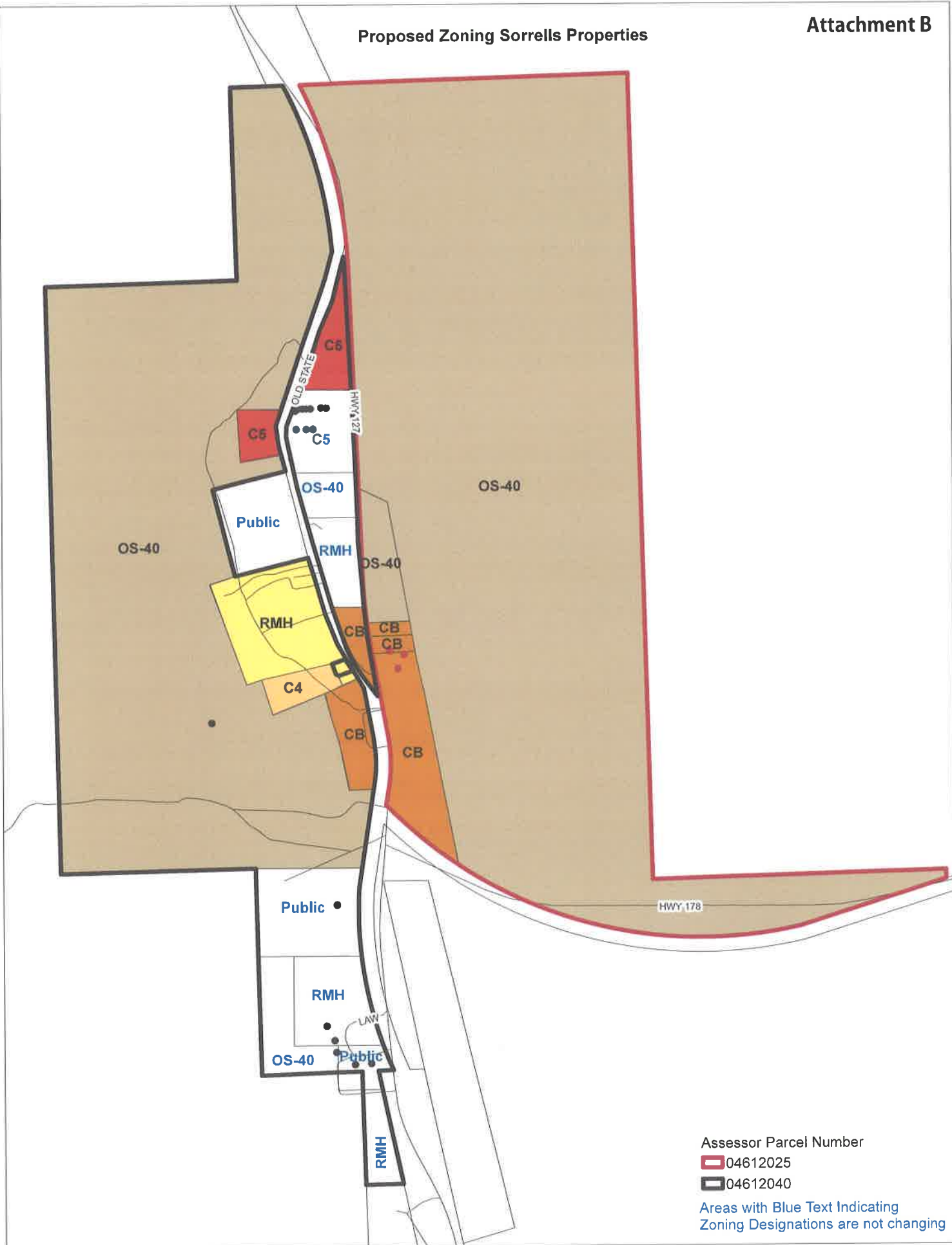
KEVIN CARUNCHIO
Clerk of the Board

By _____
Darcy Ellis, Assistant



Proposed Zoning Sorrells Properties

Attachment B

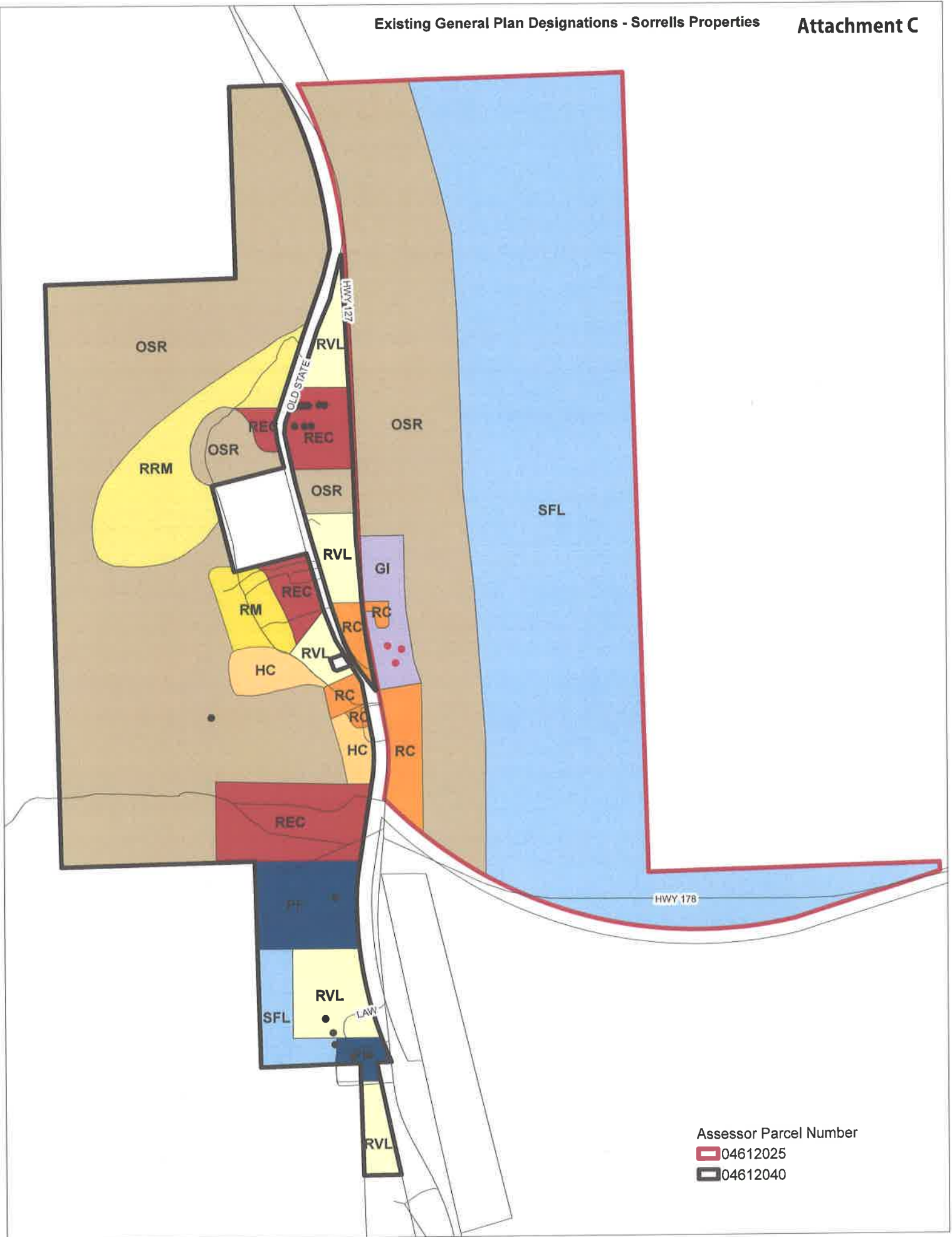


Assessor Parcel Number

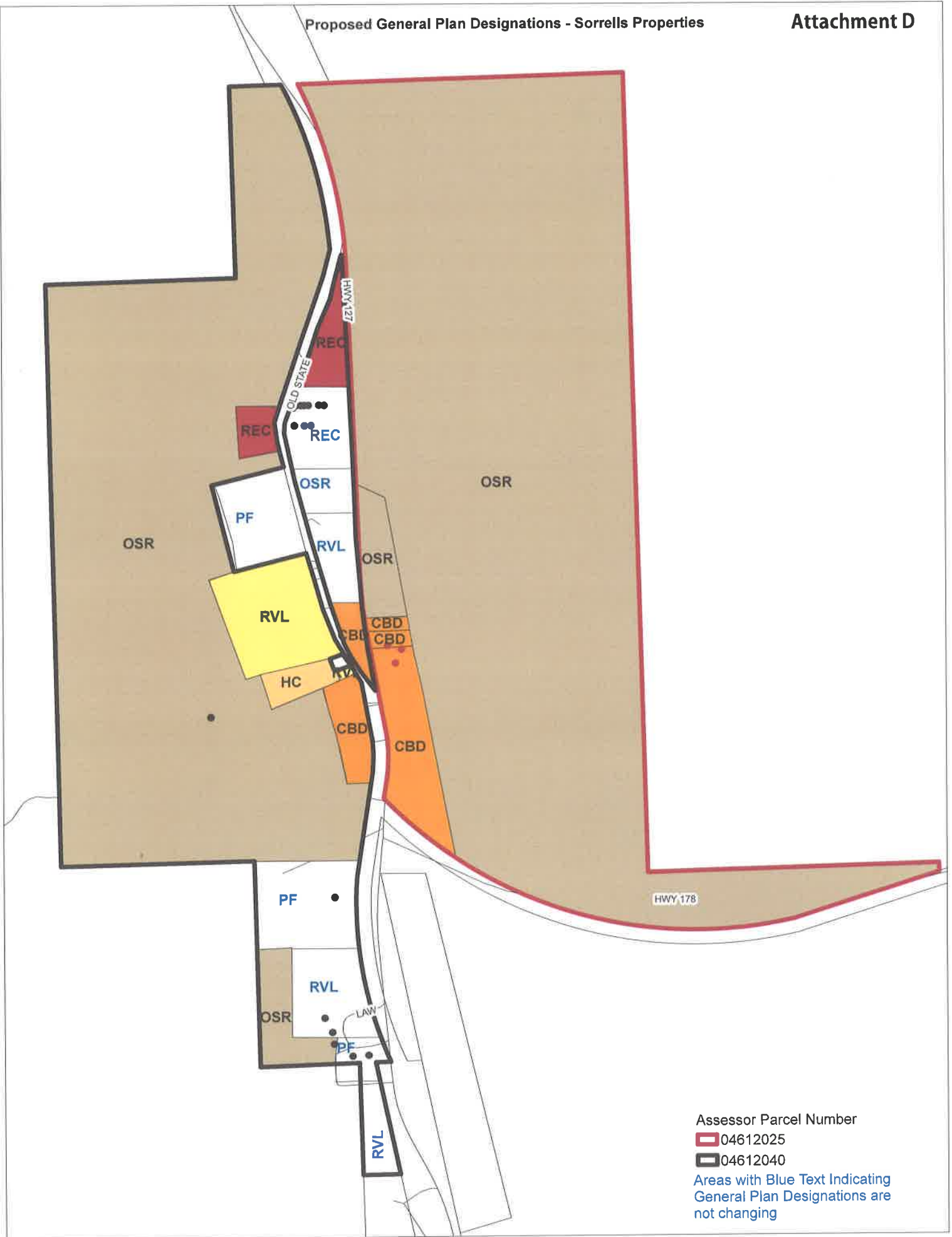
04612025

04612040

Areas with Blue Text Indicating Zoning Designations are not changing



Assessor Parcel Number
04612025
04612040



ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING ZONE RECLASSIFICATION NO. 2017-01/SORRELLS AND AMENDING THE ZONING MAP OF THE COUNTY OF INYO BY REZONING A 225-ACRE PARCEL AND A 229 ACRE PARCEL THAT CONSTITUTE THE MAJORITY OF THE COMMUNITY OF SHOSHONE (APN 046-120-25 & 046-120-040) AS SHOWN IN ATTACHMENT A (CURRENT ZONING MAP) AND ATTACHMENT B (PROPOSED ZONING MAP).

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: AUTHORITY

This Ordinance is enacted pursuant to the police power of the Board and Sections 18.81.310 and 18.81.350 of the Inyo County Code, which establish the procedure for the Board of Supervisors to enact changes to the Zoning Ordinance of the County, set forth in Title 18 of said code. The Board of Supervisors is authorized to adopt zoning ordinances by Government Code Section 65850 et seq.

SECTION II: FINDINGS

Upon consideration of the material submitted, the recommendation of the Inyo County Planning Commission, and statements made at the public hearing held on this matter, this Board finds as follows:

- (1) In accordance with Inyo County Code Section 18.81.320, Susan Sorrells applied to the Inyo County Planning Commission to have the zoning map of the County of Inyo amended from a the current zoning map shown in Attachment A to the proposed zoning map shown in Attachment B on properties that comprise much of the community of Shoshone (APN 046-120-25 and 046-120-040), as described in Section III of this Ordinance.
- (2) On September 27, 2017, the Inyo County Planning Commission conducted a public hearing on Zone Reclassification Zone Reclassification No. 2017-01/Sorrells, following which the Commission made various findings and recommended that this Board amend Title 18, to rezone the property as shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map)
- (3) The findings of the Planning Commission are supported by the law and facts and are adopted by this Board.
- (4) Susan Sorrells applied to the Inyo County Planning Commission to have the Inyo County General Plan Land Use Map amended as shown in Attachment C (Current General Plan Land Use Map) and Attachment D (Proposed General Plan Land Use Map).

- (5) The proposed Zone Reclassification is consistent with the goals, policies, and implementation measures in the Inyo County General Plan, including the proposed General Plan Amendment.
- (6) The proposed actions will act to further the orderly growth and development of the County by rezoning the properties as shown in Attachment A (current zoning map) and Attachment B (proposed zoning map), as it best matches the current and future uses of the property.

SECTION III: ZONING MAP OF THE COUNTY OF INYO AMENDED

The Zoning Map of the County of Inyo as adopted by Section 18.81.390 of the Inyo County Code is hereby amended so that the zoning on the 225-acre and 229 acre sites that constitute the majority of the community of Shoshone (APN 046-120-25 and 046-120-040) is changed as shown in Attachment A (current zoning map) to be as shown in Attachment B (proposed zoning map..

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS 21ST DAY OF NOVEMBER, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Mark Tillemans, Chairperson
Inyo County Board of Supervisors

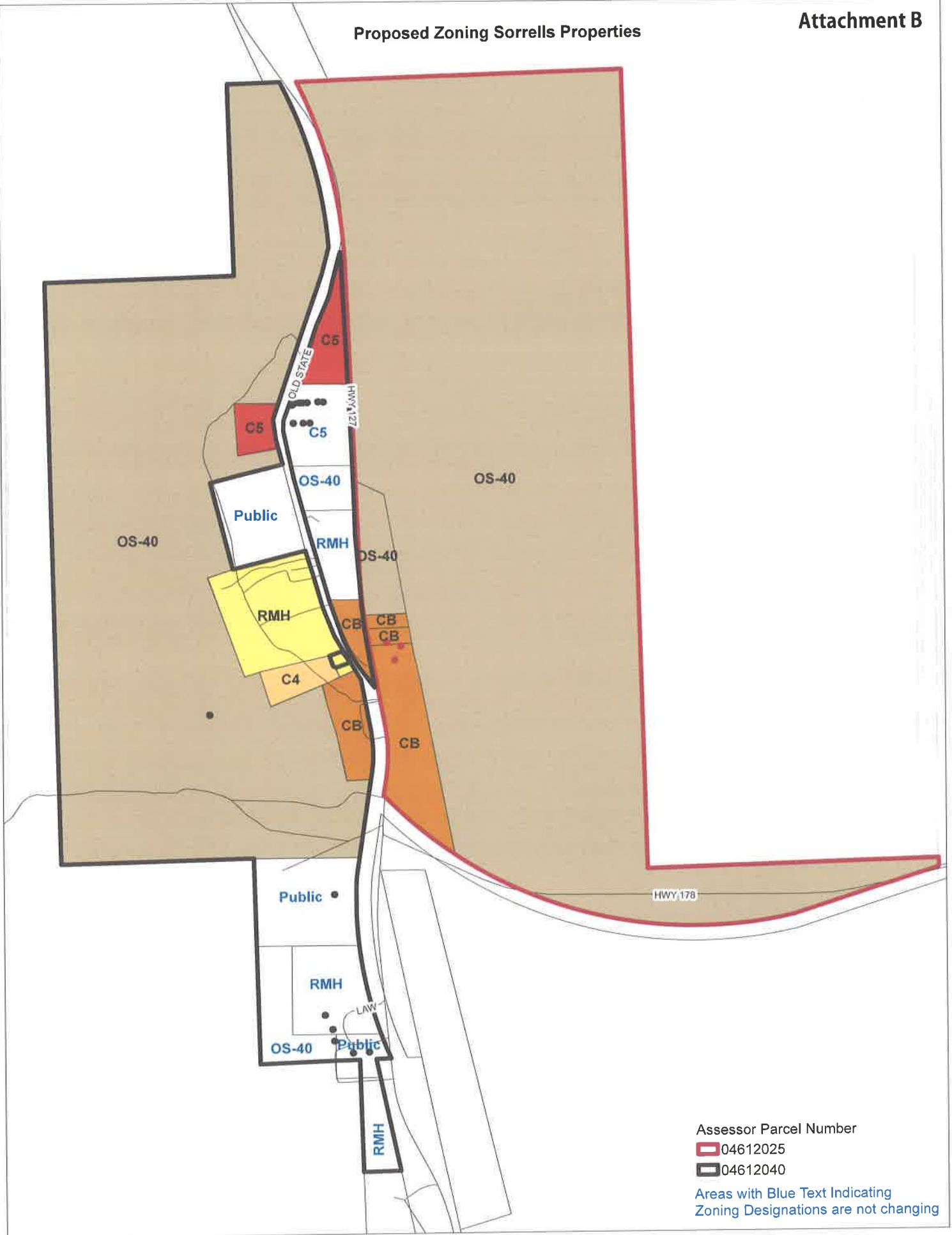
ATTEST:
Kevin Carunchio
Clerk of the Board

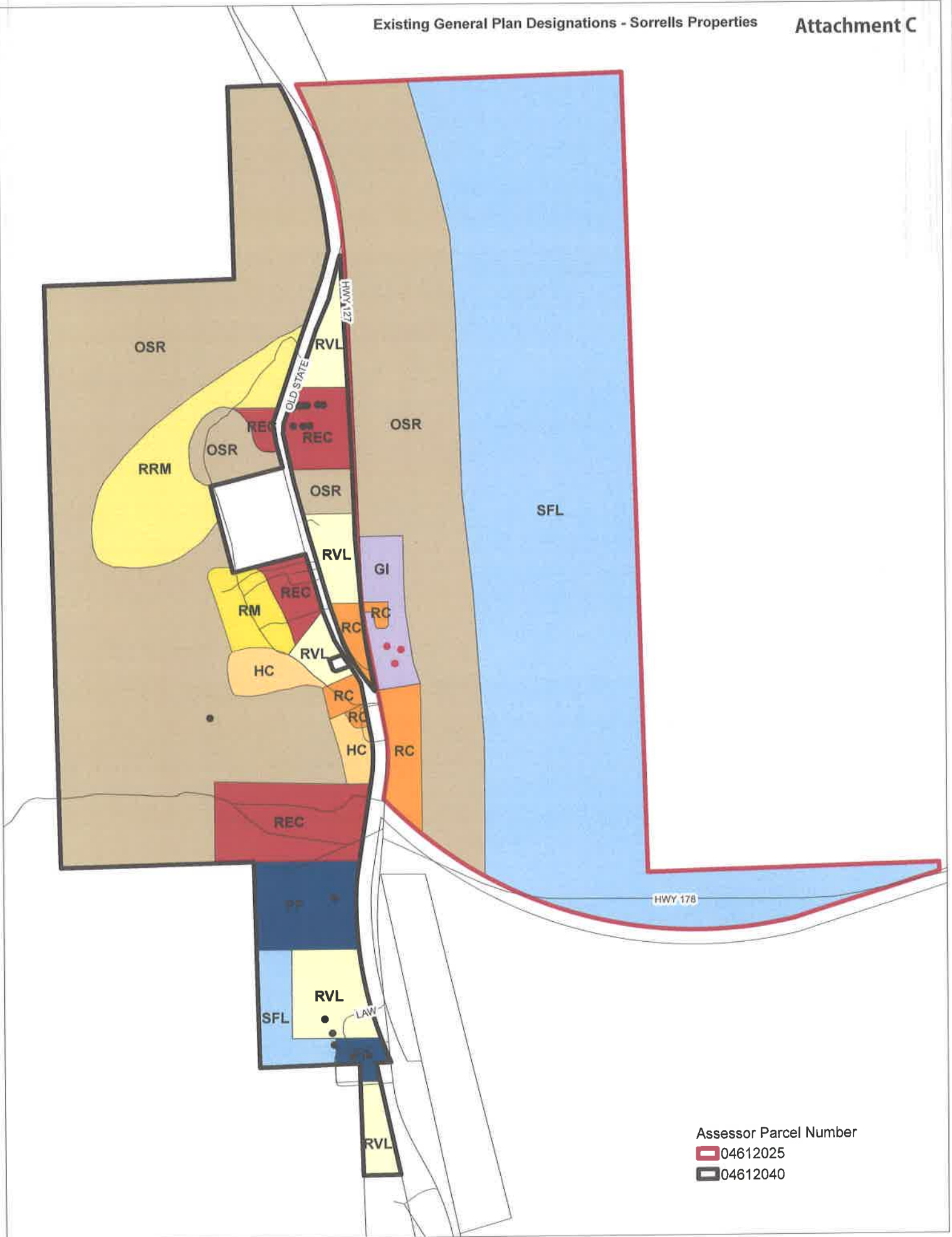
By: _____
Darcy Ellis, Assistant



Proposed Zoning Sorrells Properties

Attachment B





Assessor Parcel Number
04612025
04612040



Assessor Parcel Number
04612025
04612040
Areas with Blue Text Indicating
General Plan Designations are
not changing



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning
@inyocounty.us

AGENDA ITEM NO.: 5 (Action Item and Public Hearing)

PLANNING COMMISSION
MEETING DATE: September 27, 2017

SUBJECT: TPM #413/ Sorrells; GPA 2017-01/ Sorrells; and,
ZR 2017-01/Sorrells

EXECUTIVE SUMMARY

The applicant has applied for a Tentative Parcel Map (TPM) to divide one of the properties (046-120-25), an existing parcel totaling 225.04 acres, into four parcels plus a remainder. The proposed parcel sizes are as follows: Parcel #1 – 4.01 acres; Parcel #2 – 0.50 acres; Parcel #3 – 0.61 acres; Parcel #4 – 7.84 acres; and the Remainder – 212.08 acres. The proposed project also includes a Zone Reclassification (ZR) to update the zoning for the community of Shoshone on the two existing parcels (6 parcels after the Parcel Map subdivision), bringing the zoning into compliance with the actual and possible future development (Exhibit B, maps of zoning before and after reclassification). The proposed project also consists of a General Plan Amendment (GPA) to bring the General Plan designations into conformance with the proposed zoning and to better match current and future uses (Exhibit C, maps of the General Plan designations before and after the General Plan Amendment).

PROJECT INFORMATION

Supervisory District: 5

Applicant: Susan Sorrells

Landowner: Susan Sorrells

Community: Shoshone

A.P.N.: 046-120-25 and 046-120-040

Existing General Plan: Current General Plan designations are as follows: Residential Medium Density (RM); Residential Very Low Density (RVL); Residential Rural Medium Density (RRM); Retail Commercial (RC); Heavy Commercial/Commercial Service (HC);

Resort/Recreational (REC); General Industrial (GI); Open Space and Recreation (OSR); Public Services Facility (PF); and State and Federal Lands (SFL). (Exhibit C1, maps of existing General Plan designations).

Existing Zoning:

Current zoning is as follows: Open Space (OS); Rural Residential (RR); Multiple Residential (R3); Single Residence or Mobile Home (RMH); General Commercial and Retail (C-1); Highway Services and Tourist Commercial (C-2); Administrative and Professional Offices (C-3); Heavy Commercial (C-4); Commercial Recreation (C-5); General Industrial and Extractive (M-1); and Public (P). (B1, maps of existing zoning).

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Mixture, see project description	Mixture, see above and Exhibit C1	Mixture, see above and Exhibit B1
North	Vacant Land	Open Space and Recreation (OSR) and State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
East	Vacant Land	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
South	Vacant Land	Natural Resources (NR)	Open Space with a 40-acre minimum (OS-40)
West	Vacant Land	State and Federal Lands (SFL), Residential Very Low Density (RVL), Public Services Facility (PF)	Open Space with a 40-acre minimum (OS-40); Single Residence or Mobile Home Combined, half acre minimum (RMH-0.5); Public (P)

Recommended Action:

- 1.) Adopt the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act, prepared for TPM #413/Sorrells; GPA 2017-01/ Sorrells; and, ZR 2017-01/Sorrells
- 2.) Make certain findings with respect to and approve Tentative Parcel Map No. 413/Sorrells, with certain Conditions of Approval.

- 3.) Waive street improvements and utility installations required by Inyo County Code Section 16.40.10 as permitted.
- 4.) Make certain findings with respect to and recommend the Board of Supervisors approve GPA 2017-01/ Sorrells, with certain Conditions of Approval.
- 5.) Make certain findings with respect to and recommend the Board of Supervisors approve ZR 2017-01/ Sorrells, with certain Conditions of Approval.

Alternatives:

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Tom Schaniel

BACKGROUND

The applicant has applied for a TPM to divide one of the properties (APN# 046-120-25), an existing parcel totaling 225.04 acres into four parcels plus a remainder. The proposed parcel sizes are as follows: Parcel #1 – 4.01 acres; Parcel #2 – 0.50 acres; Parcel #3 – 0.61 acres; Parcel #4 – 7.84 acres; and the Remainder – 212.08 acres. The intent of the subdivision is to allow some of the enterprises in the community of Shoshone (not operated by Ms. Sorrells, the proponent of this project), to own the land their establishment is on, and for the land to potentially be sold or transferred to the operators in the future. The proposed project also includes a Zone Reclassification to update the zoning for the community of Shoshone on the two existing parcels (6 parcels after the Parcel Map subdivision), bringing the zoning into compliance with the actual and possible future development (Exhibit B, zoning maps). The proposed project also consists of a General Plan Amendment to bring the General Plan designations into conformance with the proposed zoning and to better match current and future uses (Exhibit C, General Plan designation maps).

STAFF ANALYSIS

Land Use Analysis: The properties consist of nearly the entire community of Shoshone. Some of the existing uses on the project properties include a motel, restaurant, gas station, store, single family residences, propane dispensing, health clinic, and a museum. The project properties are surrounded by vacant, open space to the North, West, East and most of the South. Additionally, to the South are the Shoshone Airfield and a few privately owned pieces of land on the west side of Highway 127, including a Catholic Church. The TPM, GPA and ZR will not

significantly alter the existing land use and there are no development proposals for any of the project lands. Instead, the intent is primarily to bring the General Plan designations and zoning into closer alignment with actual development and allow for consistent infill development. The applicant also proposes to reclassify areas from moderate to high potential intensity land use designations to lower intensity potential land use designations. The TPM, GPA and ZR will not alter the character of the property or the surrounding area. They will limit the ability for future development to change the character of the property as compared to existing General Plan and zoning designations.

Zoning: The existing and proposed zoning are best understood by referring to the attached maps (Exhibit B). Some of the existing zoning does not represent the actual development on the site, necessitating the update of the zoning to reflect actual development. Additionally, some of the commercial zones were changed to zoning designations that were similar, but the new zone better represents current and possible future uses (changes from C2, C3 and C4 commercial zones to CB zoning, a zone that did not exist at the time the zoning for Shoshone was set). Zoning designation areas were made more regular and easier to define from the amorphous curvilinear borders of much of the current zoning. Where possible, undeveloped areas on the periphery of the developed areas, with no plans for development, were down-zoned from residential, industrial and commercial zones to the Open Space zone.

General Plan: The nature of this project was primarily to bring existing zoning and General Plan designations into conformance with existing uses and possible desired future uses. The project also generally limits future development in the portion of the project area that is not currently developed and is not envisioned for future development, by down-zoning commercial, residential and industrial zones. This limiting is realized by converting approximately 35 acres from these more intensive zones to open space zoning (Exhibit B). General Plan designations will be modified to be aligned with the proposed Zone Reclassification (Exhibit C). The proposed General Plan designations are such that they will help retain the current character of Shoshone and envision some in-fill development in the future, but limit the development of areas that are currently undeveloped on the periphery that could potentially change the character of Shoshone under existing zoning and General Plan designations. By modifying these General Plan designations, the project brings the property into a more cohesive and representative array of General Plan designations that reflect existing uses, allow for consistent infill development, and limit more intensive development in the future.

Subdivision: ICC Title 16 and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lots meet the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act. Staff recommends that the street and utility improvements required by ICC Section 16.40.010 be waived, as these improvements have not been required for other similar subdivisions. A condition of approval is included to require such improvements in the future if they become necessary.

Access: Access to all parcels is from California State Highway 127, a State maintained highway, and Old State Highway, a County maintained road. Access will be unchanged by this project.

Utilities and Public Services: No changes in utilities will be necessitated by this project either for the subdivided parcels or relating to the Zone Reclassification or General Plan Amendment. If the proposed undeveloped land is developed in the future, increased demands on public services and utilities will be minimal, and this project will reduce potential development compared to current zoning. Water will be provided by the existing Shoshone water system and wastewater will be treated with project specific septic systems.

The existing parcels are within the Southern Inyo Fire District. While future infill development could result in more structures, that development is already allowed for and is in fact being reduced by the net down-zoning in the Zone Reclassification part of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

ENVIRONMENTAL REVIEW

Staff prepared a Draft Mitigated Negative Declaration of Environmental Impact and Initial Study for TPM #413/Sorrells, GPA 2017-01/Sorrells and ZR 2017-01/Sorrells; noticed and submitted it for a 30-day public review. To date, the Planning Department has received only one comment on the Draft Mitigated Negative Declaration from the California Department of Transportation, District #9 (Caltrans). Based upon these comments the County is including a condition of approval that Ms. Sorrells and Caltrans shall work out a mutually agreeable solution to Caltrans concerns about the Highway 127 right-of-way.

Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. The project has impacts that will be mitigated in the areas of Biological and Cultural Resources.

The biological resource is the Amargosa Vole, which has a Federal and State status of Endangered. No Amargosa Vole nor Amargosa Vole habitat has been identified on the site. Ms. Sorrells has been involved in local programs for Amargosa Vole habitat construction and conservation on her property. If Amargosa Voles or vole habitat are discovered on the property, it is a condition of approval that the habitat will be conserved and encouraged as part of her existing program.

The cultural resource identified that the project area is near a culturally sensitive site and is within the Chemehuevi Traditional Use Area. While no development is anticipated directly from this project, future development should be mindful of the potential for archaeological and cultural resources. A condition of approval is included that requires if any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code.

This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

TRIBAL CONSULTATIONS

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to request consultation opportunities. Staff mailed consultation invitations on May 11, 2017 to the: Lone Pine Paiute-Shoshone Tribe, Kern Valley Indian Council, Fort Independence Indian Community of Paiutes, Walker River Reservation, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley. No requests for consultation were received prior to or after the 90-day period ended.

Projects with a CEQA review require that jurisdictions offer consultation opportunities to local tribes and tribes that have been traditionally and culturally affiliated with the area. Pursuant to Public Resources Code 21080.3.1, Tribes have 30-days after receiving invitations to consult on CEQA reviews to request consultation opportunities. Staff mailed consultation invitations on May 11, 2017 to the: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe, the Big Pine Paiute Tribe of the Owens Valley, the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians. No requests for consultation were received prior to or after the 30-day period ended.

RECOMMENDATIONS

Planning Department staff recommends that the Planning Commission adopt the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act; make the findings specified below; and, approve TPM #413/Sorrells subject to Conditions of Approval and waive street improvements and utility installations required by ICC Section 16.40.010.

Planning Department staff also recommends that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment 2017-01/Sorrells and Zone Reclassification 2017-01/Sorrells.

Recommended Findings

1. Based upon the Initial Study and all oral and written comments received, the Planning Commission adopts the Mitigated Negative Declaration of Environmental Impact and Initial Study, and certifies that the provisions of the California Environmental Quality Act have been satisfied and finds that the Mitigated Negative Declaration of Environmental Impact and Initial Study reflects the County's independent analysis and judgment and finds that the Mitigated Negative Declaration of Environmental Impact and Initial Study demonstrates that there is no substantial evidence that the project will have a significant effect on the environment.

[Evidence: An Initial Study and Draft Mitigated Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on September 1, 2017. No additional potentially significant environmental impacts

from the proposed subdivision were identified in the course of the comment period. Only one comment was received from Caltrans and a condition of approval has been included that the owner shall work with Caltrans to address their concerns.]

2. Based on substantial evidence in the record, the Planning Commission finds that the TPM is in conformance with the Inyo County General Plan, the Inyo County Zoning Ordinance, and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

[Evidence: The proposed General Plan designations and zoning conform to the proposed parcel boundaries and are selected to be consistent with the parcels created by the TPM and the existing uses on those proposed parcels. The proposed parcels meet the applicable requirements specified in ICC Chapter 16.16, and the TPM meets the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. ICC Section 16.40.010 has been met as street and utility improvements required by ICC Section 16.40.010 may be waived, and since these improvements have not been required for other similar subdivisions, waiving them is appropriate. A condition of approval is included to require such improvements in the future if they become necessary. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]

3. Based on substantial evidence in the record, the Planning Commission finds that the design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

[Evidence: No easements cross the new parcels created by the subdivision. An existing 1941 railway right-of-way (whose exact location cannot be determined from the public record) crosses the remainder, but will be unaffected by this project.]

4. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2017-01/Sorrells and Zone Reclassification 2017-01/Sorrells are in conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: The project in general, and specifically the General Plan Amendment portion of the project are intended to take General Plan designations that were inconsistent with existing and possible future development and update them to be consistent with existing and possible future development. Additionally, the General Plan Amendment portion of the project identifies more land that is currently identified with commercial, residential and industrial General Plan designations and changes them to the Open Space and Recreation General Plan designation (approximately 35 acres). By moving these areas that are located on the periphery of the already developed area and for which the owner has no plans for future development, into the Open Space and Recreation designation, they are consistent with the General Plan. This also helps limit possible future development that might have been consistent with the allowed current zoning, but inconsistent with the character of the community of Shoshone. The new parcels created through the Tentative Parcel Map are consistent with the new General Plan designations.]

5. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment 2017-01/Sorrells and Zone

Reclassification 2017-01/Sorrells are consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: The zoning designations are also being brought into conformance with existing and possible future development. Like the General Plan Amendment process, the Zone Reclassification process will make the zoning consistent with existing and possible future development, as well as changing undeveloped areas (with no planned development) from more intensive use zones like residential, commercial and industrial zones to the less intensive Open Space zone. The Tentative Parcel Map portion of the project is consistent with the new zoning designations.]

6. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

[Evidence: The project is consistent with the existing desert outpost character of the community of Shoshone, and helping to maintain the surrounding rural desert environment. Generally, the GPA and ZR portions of this project will limit future development as compared to current zoning and General Plan designations, through a net down-zoning of the property. The TPM portion of the project is carving already developed portions of the site into distinct parcels and will have little impact on the character of Shoshone as the development on them will not change or increase. Any additional development will require septic on the property and can utilize the existing community water system. Other utilities and services are available in the area, if the parcels are ever developed. While development is possible that may necessitate an expansion of utilities, that development is allowed under current zoning. The proposed Zone Reclassification is limiting developable area, decreasing the intensity of potential development and therefore decreasing the likelihood of future development requiring an expansion of utilities.]

7. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.

[Evidence: As indicated by the Draft Mitigated Negative Declaration, the subdivision, General Plan Amendment and Zone Reclassification will not result in direct impacts. If the undeveloped portions of the site are developed in the future, the subdivision's potential indirect impacts to public health, safety and welfare are expected be minimal and the project's potential to modify the physical environment will be insignificant, and less than current zoning allows.]

Conditions of Approval for TPM #413/Sorrells

1. A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.

2. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 413/Sorrells or applicant's failure to comply with conditions of approval.
3. Payment of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to recordation of the Final Parcel Map.
4. The applicant and its successors in interest shall improve or contribute appropriately towards the construction of all streets and utilities within and serving the subdivision per applicable standards, as may be required by the County in the future.
5. The applicant shall work with the Caltrans District 9 to address the concerns raised in the letter from Ms. Gayle Rosander of Caltrans District 9 in response to the public comment period of the Mitigated Negative Declaration for the project. Any easements or similar recordations that come out of these efforts shall be recorded at the time of the recordation of the Final Parcel Map.

Conditions of Approval for GPA 2017-01/Sorrells and ZR 2017-01/Sorrells

1. The project area has been identified as a potential habitat for the Amaragosa Vole, a species with a Federal and State status of Endangered. Voles have a distinct marshy habitat, and no vole habitat (and no voles) have been identified on the site. Should vole habitat and voles be identified on the project properties in the future, the applicant and her successors in interest shall preserve and encourage vole habitat.
2. The project area is near a culturally sensitive site and is within the Chemehuevi Traditional Use Area. During future development by the applicant or her successors in interest, should any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The applicant, working with County staff, shall then contact local tribal representatives and/or an archaeologist and develop a buried archaeological or cultural resource plan prior to work restarting.

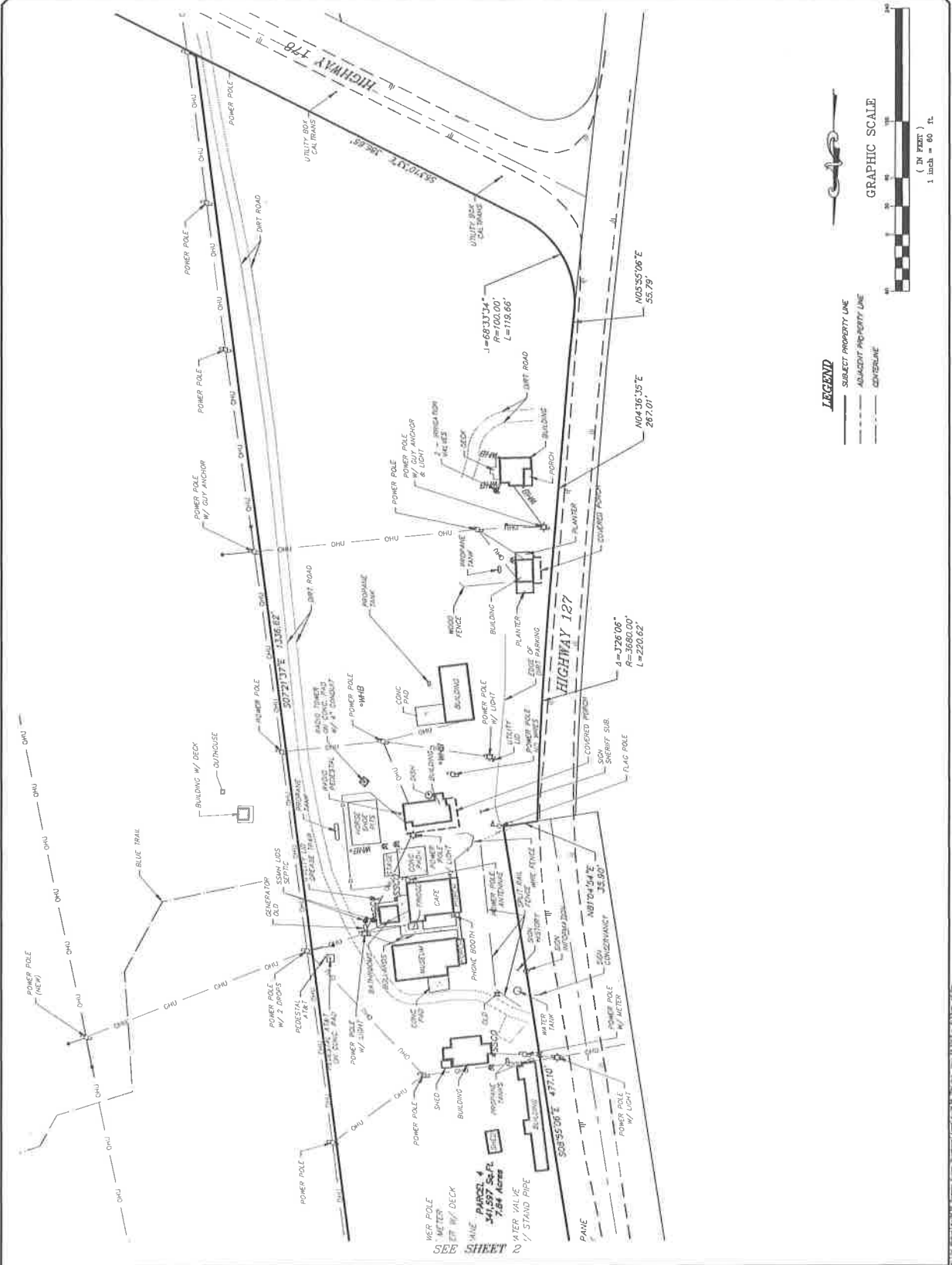
EXHIBITS

- A. Tentative Map. (3 pages)
- B. Zoning Maps (B1: Existing; B2: Proposed)
- C. General Plan Designation Maps (C1: Existing; C2: Proposed)
- D. Initial Study and Mitigated Negative Declaration
- E. Comments on Mitigated Negative Declaration by the California Department of Transportation, District 9

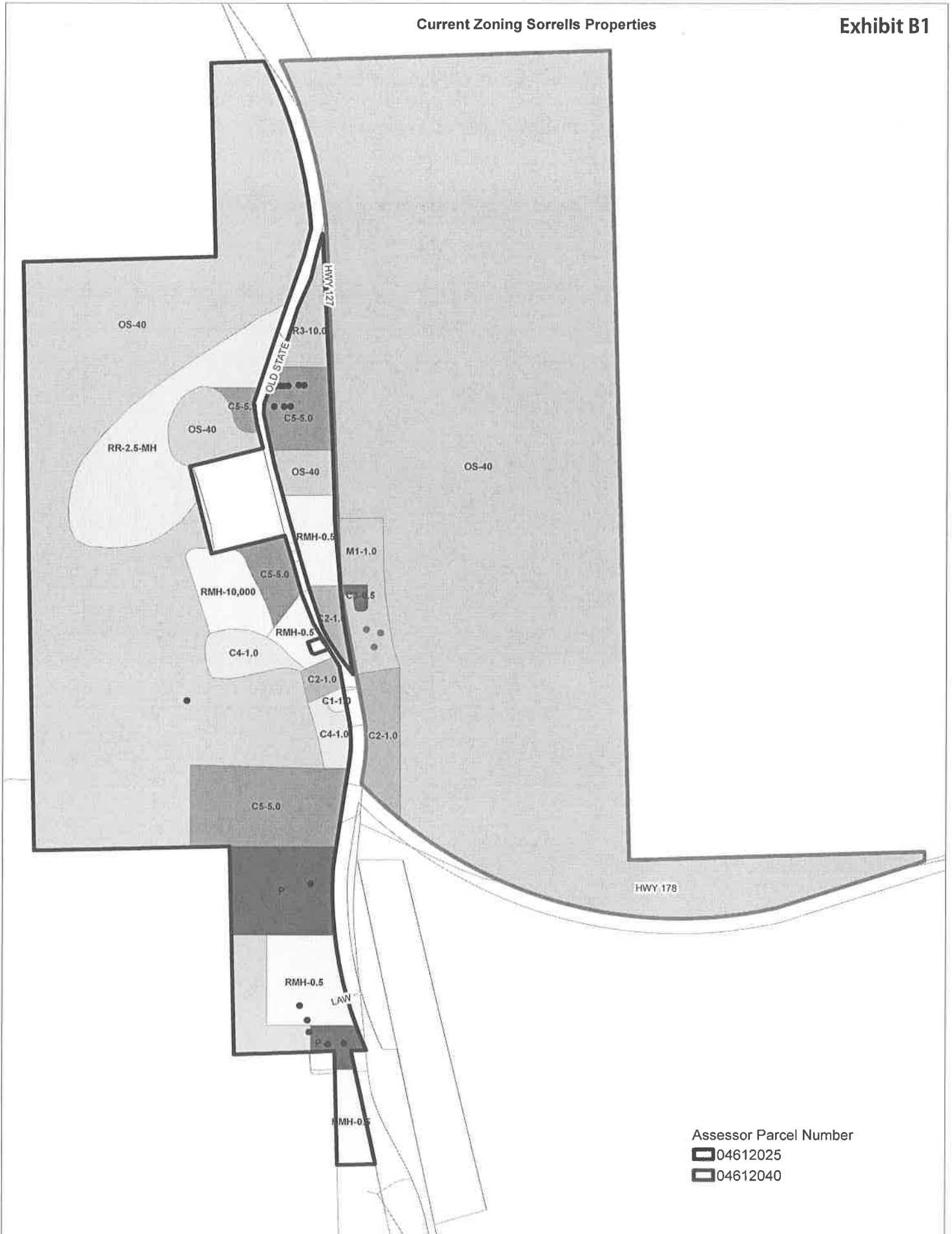
TENTATIVE PARCEL MAP NO. 413
 INYO COUNTY ASSESSOR'S PARCEL NO. 046-120-25
 PREPARED FOR: SUSAN SORRELS



DATE	05/22/2017
SCALE	AS NOTED
DRAWN	ML/SF
REV. NO.	4-05-25
REV. DATE	4-06-25
REV. TIME	4-06-25
REV. BY	3
REV. FOR	



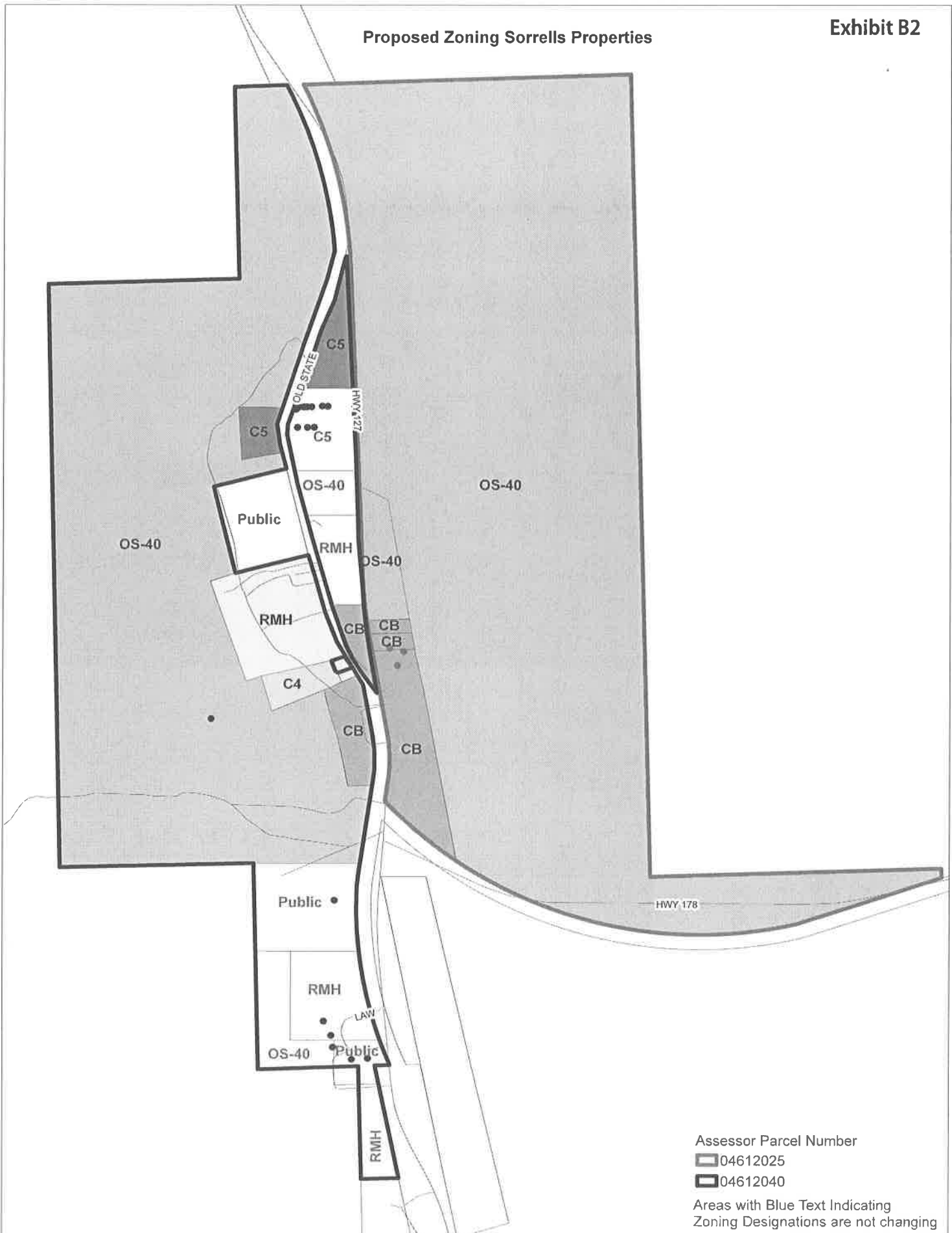
INYO COUNTY PUBLIC WORKS DEPARTMENT, 2017, PARCEL MAP NO. 413, SHEET 3 OF 3



Assessor Parcel Number
▣ 04612025
▣ 04612040

Proposed Zoning Sorrells Properties

Exhibit B2

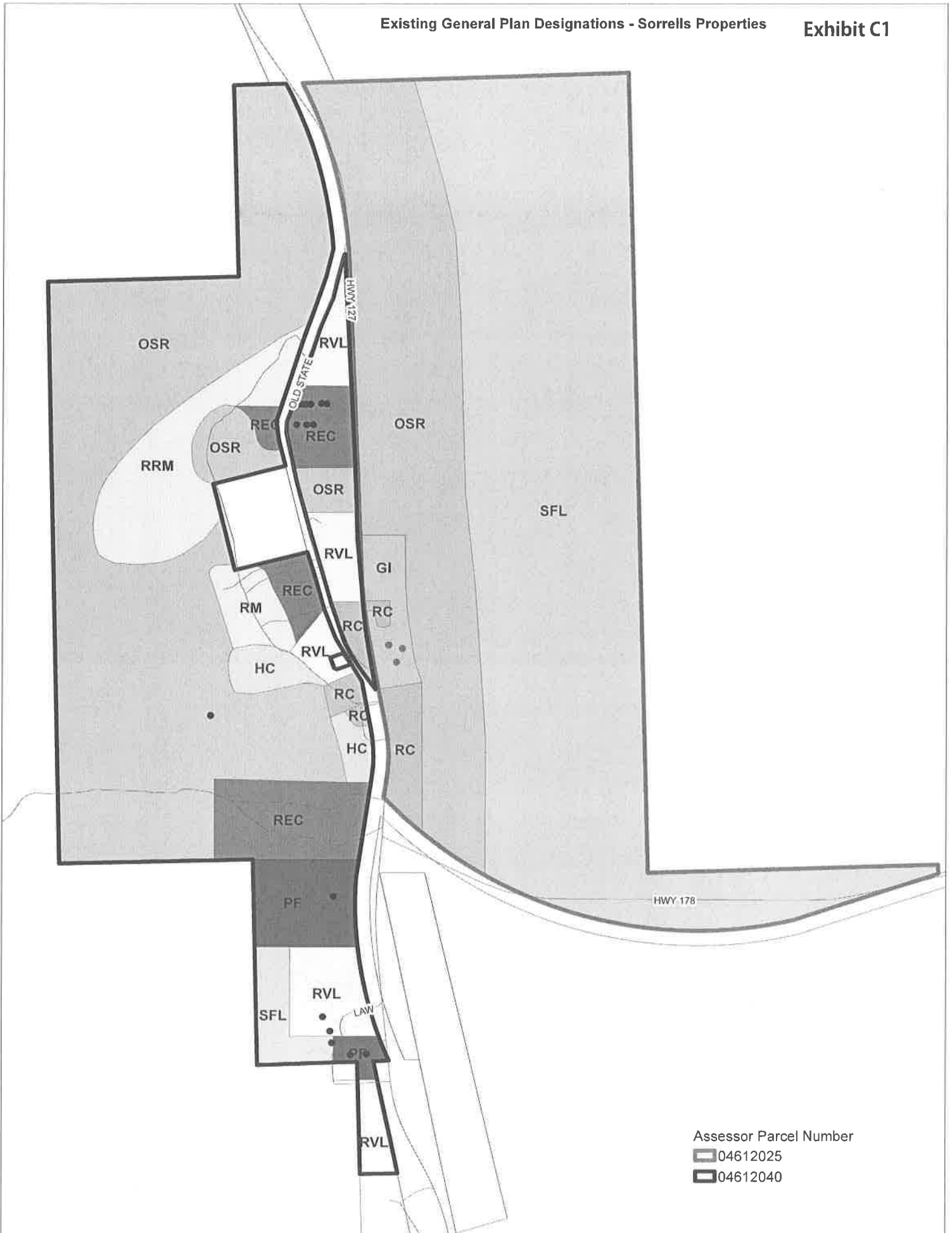


Assessor Parcel Number

04612025

04612040

Areas with Blue Text Indicating Zoning Designations are not changing



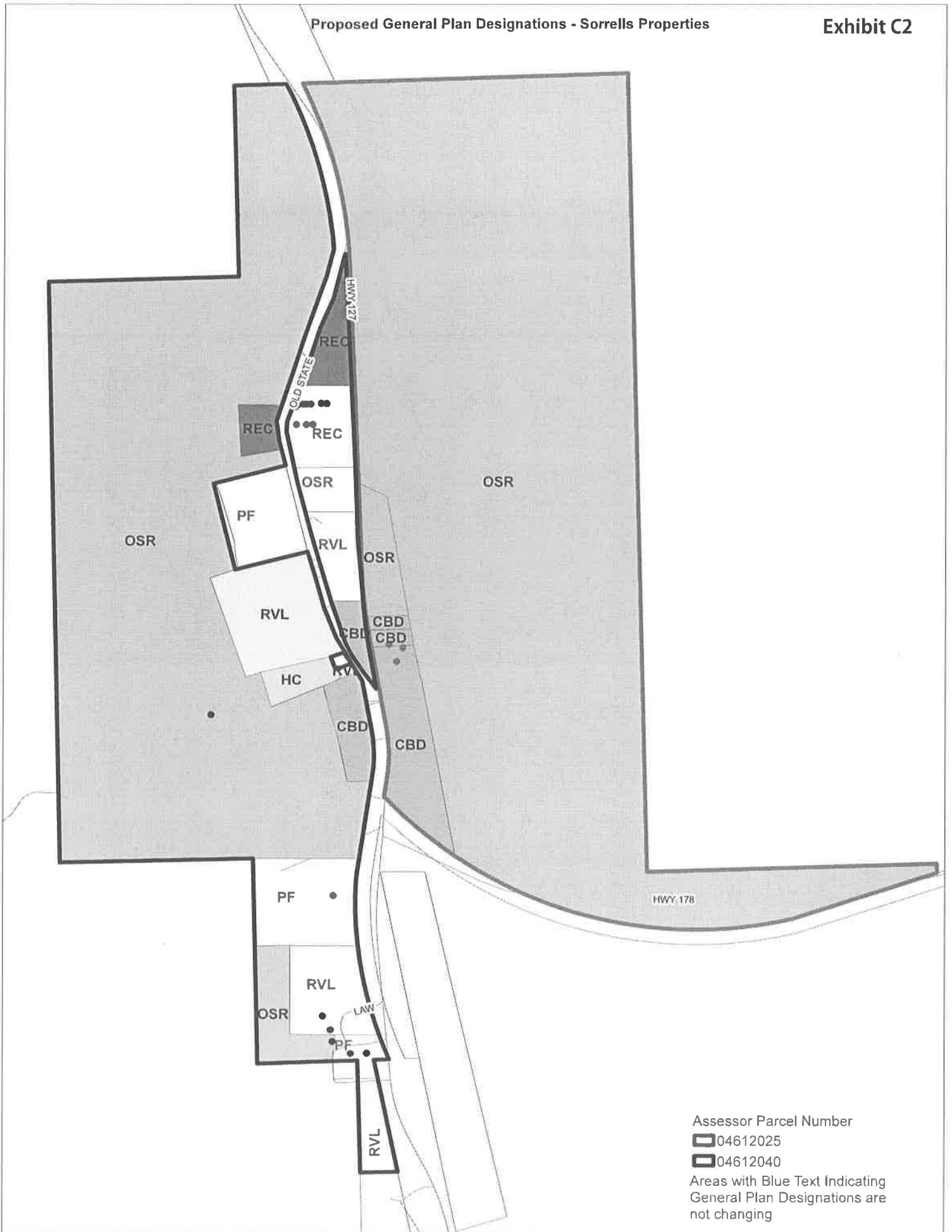


Exhibit D



**Planning Department
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E-Mail: inyoplanning@inyocounty.us**

MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INITIAL STUDY

PROJECT TITLE: Tentative Parcel Map (TPM) #413/Sorrells; Zone Reclassification (ZR) #2017-01/Sorrells; and, General Plan Amendment (GPA) #2017-01/Sorrells.

PROJECT LOCATION: The project site is comprised of most of the community of Shoshone, at the intersection of California Highways 127 and 178, in the south-eastern portion of Inyo County; Assessor Parcel Numbers 046-120-25 and 046-120-040. See attached maps.

PROJECT DESCRIPTION: The applicant has applied for a TPM to divide one of the properties (046-120-25), an existing parcel totaling 225.04 acres into four parcels plus a remainder. The proposed parcel sizes are as follows: Parcel #1 – 4.01 acres; Parcel #2 – 0.50 acres; Parcel #3 – 0.61 acres; Parcel #4 – 7.84 acres; and the Remainder – 212.08 acres. The proposed project also includes a Zone Reclassification to update the Zoning for the community of Shoshone on the two existing parcels (6 parcels after the Parcel Map subdivision), bringing the zoning into compliance with the actual and possible future development (Refer to maps and table for an understanding of the zoning both before and after the reclassification). The proposed project also consists of a General Plan amendment causing the general plan designations to match the proposed zoning.

FINDINGS:

A. The proposed project is consistent with goals and objectives of the Inyo County General Plan.

The General Plan amendment portion of this project has two main purposes. To bring current General Plan designations more in line with actual on the ground development, and to limit possible development on areas that have minimal future development need or potential for the current owner by rezoning it to Open Space. Current General Plan designations do not accurately match the existing zoning. This project will bring the zoning and General Plan designations into consistency with the actual development and guide future development. The subdivision portion of this project is in compliance with the proposed zone reclassification and the updated General Plan designations.

B. The proposed project is consistent with the provisions of the Inyo County Zoning Ordinance.

The purpose of the proposed zone reclassification is to have zoning that is both consistent with on the ground development, possible future development and General Plan designations. The subdivision portion of this project will be consistent with the zoning after zone reclassification.

- C. Potential adverse environmental impacts will not exceed thresholds of significance, either individually or cumulatively.

Based on the information provided by the applicant and staff's review, TPM 413/Sorrells, ZR 2017-01/Sorrells, and GPA2017-01/Sorrells do not have potential adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively. The subdivision portion of the project is to subdivide a parcel of land into 4 new parcels plus a remainder; there is no development proposed for the parcels at this time. The zoning reclassification (with associated General Plan amendment) portion of the project will bring the project properties into a zoning and General Plan state that resembles the actual development and limits future development in ways consistent with the general goals of the General Plan. Note that there are 3 areas of potential adverse environmental impacts that have been mitigated to be below a threshold of significance. These are described in sections IV, V, and XVII of the Initial Study and Environmental Checklist form.

- D. Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

Mitigation will be built into the project in the following ways:

- **Biological resources:** A condition of approval for this project shall be that the owner of the property and successors will continue a program already begun to preserve and promote habitat for the Amargosa Vole and the spring habitat on the property.

The 30-day review period for this Negative Declaration expires on September 1, 2017. Inyo County is not required to respond to any comments received after this date.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner Tom Schaniel (760-878-0405) if you have any questions regarding this project.



Cathreen Richards
Director, Inyo County Planning Department

7/28/17 Date

INYO COUNTY PLANNING DEPARTMENT

CEQA APPENDIX G: INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.



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INYO COUNTY PLANNING DEPARTMENT

APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:** Tentative Parcel Map (TPM) #413/Susan Sorrells; Zone Reclassification (ZR) #2017-01/Susan Sorrells; and, General Plan Amendment (GPA) #2017-01/Susan Sorrells.
- 2. Lead agency name and address:** Inyo County Planning Department, 168 N. Edwards St., P.O. Drawer L, Independence, CA 93526
- 3. Contact person and phone number:** Tom Schaniel, Associate Planner, (760) 878-0405
- 4. Project location:** The project site is comprised of most of the community of Shoshone, at the intersection of California Highways 127 and 178, in the south-eastern portion of Inyo County; Assessor Parcel Numbers 046-120-25 and 046-120-040. See attached maps.
- 5. Project sponsor's name and address:** Susan Sorrells, P.O. Box 67, Shoshone, CA 92384
- 6. General Plan designation:** Current General Plan designations are as follows: Residential Medium Density (**RM** – Policy LU-2.3); Residential Very Low Density (**RVL** – Policy LU-2.5); Residential Rural Medium Density (**RRM** – Policy LU-2.7); Retail Commercial (**RC** – Policy LU-3.2); Heavy Commercial/Commercial Service (**HC** – Policy LU-3.3); Resort/Recreational (**REC** – Policy LU-3.4); General Industrial (**GI** – Policy LU-4.2); Open Space and Recreation (**OSR** – Policy LU-5.1); Public Services Facility (**PF** – Policy LU-5.2); and State and Federal Lands (**SFL** – Policy LU-5.6). See attached zoning maps and attached General Plan designations table for proposed General Plan Designations.
- 7. Zoning:** See attached maps and tables for current and proposed zoning.
- 8. Description of project:** The applicant has applied for a TPM to divide one of the properties (046-120-25), an existing parcel totaling 225.04 acres into four parcels plus a remainder. The proposed parcel sizes are as follows: Parcel #1 – 4.01 acres; Parcel #2 – 0.50 acres; Parcel #3 – 0.61 acres; Parcel #4 – 7.84 acres; and the Remainder – 212.08 acres. The proposed project also includes a Zone Reclassification to update the Zoning for the community of Shoshone on the two existing parcels (6 parcels after the Parcel Map subdivision), bringing the zoning into compliance with the actual and possible future development (Refer to maps and table for an understanding of the zoning both before and after the reclassification). The proposed project also consists of a General Plan amendment causing the general plan designations to match the proposed zoning.

The property consists of the community of Shoshone, and includes a motel, restaurant, gas station, store, single family residences, propane dispensing, health clinic, and a museum. Most of the development is close to Highway 127, with the western portion of Parcel 046-120-40 and the eastern portion of Parcel 046-120-25 remaining largely undisturbed.

9. Surrounding land uses and setting: Briefly describe the project’s surroundings:

The property is surrounded primarily by vacant undeveloped land. The land to the south does have a residence and a landing strip, but is otherwise vacant and undeveloped. Further to the south are County and State road maintenance facilities.

Location:	Use:	Gen. Plan Designation	Zoning
Site	Mixture, see project description	Mixture, see above	Mixture, see maps
North	Vacant Land	Open Space and Recreation (OSR) and State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
East	Vacant Land	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
South	Vacant Land	Natural Resources (NR)	Open Space with a 40-acre minimum (OS-40)
West	Vacant Land	State and Federal Lands (SFL), Residential Very Low Density (RVL), Public Services Facility (PF)	Open Space with a 40-acre minimum (OS-40); Single Residence or Mobile Home Combined, half acre minimum (RMH-0.5); Public (P)

10. Other public agencies whose approval is required California Department of Fish and Wildlife, Great Basin Air Pollution Control District, Inyo County Environmental Health Department, Inyo County Public Works Department, and the Southern Inyo Fire Protection District.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b) and with SB 18 and Government Code Section 65352.3, as well as tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, the Timbisha Shoshone Tribe, the Kern Valley Indian Council and the Walker River Reservation. None of the tribes contacted responded with a request for consultation.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics Resources	<input type="checkbox"/> Agriculture & Forestry	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance
	<input type="checkbox"/> Tribal Cultural Resources	

DETERMINATION: (To be completed by the Lead Agency)0238

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Tom Schaniel, Associate Planner
Inyo County Planning Department

Date

INYO COUNTY PLANNING DEPARTMENT ENVIRONMENTAL CHECKLIST FORM

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

The vistas in the area are of the Nopah Range to the east and the Amargosa range to the west, and the general scenic desert of the southern Amargosa Valley. The site is relatively flat, and is already developed along Highway 127 with a mix of multiple commercial and residential uses. The zone reclassification will increase the amount of Open Space zoning. The portions of the project area that allow for development are already nearly fully developed, and area that was zoned for development, but not developed is now largely changing to Open Space zoning, limiting future development to infill development and limiting its impact on scenic vistas.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No, the highways adjacent to the project are not State scenic highways. Additionally, the project does not anticipate any near term development and will not affect any particularly scenic trees, rock outcroppings or historic buildings.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No, the project area is already developed, and neither the lot subdivision, nor the zone reclassification nor the general plan amendment are to foster development, but are instead to bring land ownership and zoning in compliance with actual development. No change in the visual character is anticipated.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No, the property is already largely developed. This project does not directly anticipate any development that would be a source of light or glare, and the zone reclassification, by limiting the zoning intensity will decrease the possibilities for future light and glare compared to full build-out under already existing zoning.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining

whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including The Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology Provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No, the project does not convert prime farmland, unique farmland, or farmland of Statewide importance to non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No, the proposed subdivision and zone reclassification (with the associated General Plan amendment) is compatible with existing and future agricultural uses on the property; there are no Williamson Act Contracts in Inyo County.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No, the proposed project does not include forest land or timber land.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No, the proposed project does not include forest land.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No, the proposed project does not include forest land, and existing potential farm land will increase.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No, the project is a proposed subdivision of a parcels into four parcels plus a remainder; a zone reclassification (and the associated General Plan amendment) to bring the zoning into conformance with actual development. It will not conflict with an air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No, the project is a proposed subdivision of a parcel into four parcels plus a remainder plus a zone reclassification (and the associated General Plan amendment) to bring the zoning into conformance with actual development. The project will not cause a violation of an air quality standard. Future infill development could reduce air quality during construction, but these air quality changes would be temporary in nature, not significant, and regulated by Inyo County Code, and the potential for future development will decrease as a result of the zone reclassifications.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No, the project is a proposed subdivision of a parcel into four parcels plus a remainder; a zone reclassification (and the associated General Plan amendment) to bring the zoning into conformance with actual development that will not cause a net increase in air pollutants. Although there are portions of Inyo County within non-attainment areas for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards, the primary source for this pollution is the Owens dry lake, located approximately 100-miles and two mountain ranges from the project site. As a result of this distance, future infill development (which has less potential than is allowed by current zoning) will not increase PM10 pollutants over existing levels.

d) Expose sensitive receptors to substantial pollutant concentrations?

No, the project is a proposed subdivision of a parcel into four parcels plus a remainder; a zone reclassification (and the associated General Plan amendment) to bring the zoning into conformance with actual development that will not expose sensitive receptors to substantial pollutant concentrations. Please also see III c) above.

e) Create objectionable odors affecting a substantial number of people?

The project site is at near-term foreseeable development build-out. No new development is anticipated, and the possibilities for future development will be more limited under the proposed zone reclassification than under current zoning. Any future development will be infill and will not include uses that will cause objectionable odors.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No, there are two species that are of potential concern on this property. The first is Ash Meadows Gumplant (Grindelia fraxinipratensis), with a Federal status of Threatened. A certified biologist has reviewed the site and has identified a species with similar visual characteristics to the Ash Meadows Gumplant, but the plant is not the Ash Meadows Gumplant. No Ash Meadows Gumplant has been identified on any of the project properties. The biologists report is on file with Inyo County.

The second species of interest is the Amargosa Vole (Microtus californicus scirpensis) with a Federal and State status of Endangered. The currently developed portions of this land are already fully developed and disturbed (generally along Highway 127), and that development precludes them from becoming vole habitat (voles live in a marsh-like habitat area). Undeveloped portions of the project property have been identified as possible vole habitat. The owner of the property, Ms. Susan Sorrells, has been very involved with CDFW in Amargosa Vole habitat construction and conservation. She has been developing vole habitat in undeveloped portions of the project properties. The habitat construction will be to continue to develop vole habitat in the area that is potential vole habitat (marshy). That preservation and development of vole habitat will be incorporated into a condition of approval for the project.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No, there is limited riparian habitat located in the proposed subdivision area, and it is all in the areas currently zoned Open Space and that will be zoned Open Space in the proposed zone reclassification. The areas of the subdivision are already developed and do not include riparian habitat. The surrounding area, as well as the bulk of the project property away from Highway 127 is undeveloped and is a desert ecosystem, with limited marsh like areas in Open Space zoning that should remain unaffected by this project.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No, there are no federally protected wetlands in the proposed subdivision area. The surrounding area is undeveloped and is a desert ecosystem.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No, there are no established native resident or migratory wildlife corridors in the proposed subdivision area, nor is there documented movement of fish or wildlife species. The surrounding area is undeveloped and is a desert ecosystem. As the proposed zone reclassification should actually reduce potential future development from current zoning, possible impacts should be decreased. The subdivision is only affecting already developed areas and will have no impact beyond the current condition.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the project is a proposed subdivision of a parcel into four parcels plus a remainder plus a zone reclassification (and the associated General Plan amendment) to bring the zoning into conformance with actual development. It will not conflict with any local policies or ordinances including a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the area of the proposed project is not subject to a formal Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is already largely developed and disturbed (in the areas zoned for development, both in the current and proposed zoning) as a commercial and residential property. The project does not anticipate any demolition, removal, or significant remodel of any structures on the property. Future development (which is beyond the scope of this project, but allowed to a limited degree by the proposed zoning) will not cause an adverse change in the significance of a historic resource pursuant to Section 15064.5, because no existing buildings (historical or otherwise) will be affected by this project or potential future development.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project properties were identified by the Twenty-Nine Palms Band of Mission Indians as being 1.5 miles from an existing culturally sensitive site, as well as being located within the Chemehuevi Traditional Use Area (TUA). The project will have no direct impact on these or any other potential archaeological and cultural resources, as it is a subdivision of existing developed areas, as well as a general net down-zoning of the project properties as part of the zone reclassification (and the associated General Plan amendment). While the project does not directly propose new development, development is allowed by current zoning already. However, the proposed zone reclassification will actually reduce potential future land available for development from current zoning, so this should provide for a reduced possibility of conflict with any as yet unidentified cultural resource. The owner of the property, Ms. Susan Sorrells, has been involved in the preservation of archaeological and cultural resources in the area and should resources be discovered on the project properties, she is committed to preserving those resources. In large part, most development is limited to already disturbed areas (undisturbed areas are very limited by both current and proposed zoning for significant future development). But, while no development is anticipated directly from this project, future development should be mindful of the potential for archaeological cultural resources. Should any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. Therefore, future development, though beyond the scope of this project, can be conducted so as to not cause an adverse change in the significance of an archaeological resource pursuant to Section 15064.5

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is on partially disturbed land, with the zone reclassification decreasing the possibility of future development. The project properties have no known paleontological resources, so future development will not directly or indirectly destroy a unique paleontological resource.

d) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No known human remains or burial sites are on the property. Refer to the response to V b) for the potential for archaeological resources. While unlikely, human remains are a potential archaeological resource, and will be handle similar to other archaeological resources, as outlined in V b)

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, no delineated Alquist-Priolo Earthquake Fault zones cross or are in near proximity to the project properties.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Ground shaking may occur anywhere in the region, but compared to the rest of California, this is a less than average seismically active area. The California Building Code ensures that future structures shall be constructed on the property to required seismic standards in order to withstand such shaking, and so this potential impact is considered less than significant (no more significant than essentially the rest of the State of California)

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No the proposed project is not within an area of soils know to be subject to liquefaction.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project is not in an area subject to landslides.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is either on already disturbed land or on land that will only allow a very limited future development, so future development will not result in soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project properties are not located on a geologic unit or soil that is unstable.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the proposed project is not located in an area with a known expansive soil type.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project area is not located on soils incapable of adequately supporting the use of septic tanks.

VII. GREENHOUSE GAS EMISSIONS:

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Future development will have to follow the proposed land use and zone designations that apply to the parcels, which are commercial, residential and open space, and will limit develop more than the current land use and zoning. Additionally, no development is anticipated to directly result from this project. Future development, while beyond the direct scope of this project, would have no significant increase in greenhouse gas emissions.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gasses.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) and does not anticipate the transport or disposal of hazardous materials for future development. Current zoning includes 6.22 acres of General Industrial or Extractive zoning. This industrial zoning is being eliminated in the proposed zone reclassification. There is some possibility that some materials used in commercial zones would be deemed hazardous, but the use and storage of these materials would be relatively minor if at all, and would be regulated by Inyo County and particularly the Environmental Health Department and would have less potential under the zone reclassification than the current zoning.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that either will not involve hazardous materials at all, or, if used, will be on a small enough scale to inherently limit any impact in the unlikely event of an accident. Additionally, if any hazardous materials are used as part of the agricultural uses of the property, they will be subject to permitting and oversight by the Inyo County Environmental Health Department, and subject to permits and policies to minimize accidental release, both in quantity and impact. Finally, current zoning allows for uses that could potentially include hazardous materials, but those opportunities will be reduce, as industrial zoning is eliminated and commercial zoning is reduced in the proposed zone reclassification.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that will not emit hazardous emissions, or handle hazardous waste. Any handling of hazardous or acutely hazardous materials, substances would be subject to regulation by the Inyo County Environmental Health Department, and those opportunities will be reduce, as industrial zoning is eliminated and commercial zoning is reduced in the proposed zoning reclassification.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed subdivision is not included on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project properties, while located in proximity to a landing strip (immediately to the south), the project will involve no further intensity of development then what is already in place and no further safety hazard would result than the existing development.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project properties are not within the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that will not physically interfere with an adopted emergency plan or emergency evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project properties are already largely as developed as near term planning anticipates. The project (both subdivision and zone reclassification) will not significantly change the risk of fire from the current conditions. The community of Shoshone is in the Southern Inyo Fire District. No portion of this project anticipates any change in the level of service required. While future infill development could result in more structures, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that will not affect water quality standards or waste discharge requirements.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) and is in a remote and sparsely developed area, without large demands on the existing groundwater system. The zone reclassification part of the project actually limits development as compared to current zoning, so, while no development is currently anticipated, possible future development impact is reduced by this project.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No drainage patterns should be altered by this project. The Amargosa River drainage affects the eastern-most portion of this project area, but that area is both currently and in the proposed plan to be Open Space, limiting potential development (and the associated drainage pattern issues) from affecting the Amargosa River drainage.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No drainage patterns should be altered by this project. The Amargosa River drainage affects the eastern-most portion of this project area, but that area is both currently and in the proposed plan to be Open Space, limiting potential development (and the associated drainage pattern issues) from affecting the Amargosa River drainage.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) with no anticipated development and which inherently decreases future development from the currently allowed zoning by reducing the acreage of impactful zones. The project would not create runoff conditions beyond existing or planned storm water drainage system capacity, and in fact future development would be subject to review and permitting by the County Public Works Department and would have to follow current Best Management Practices, limiting any impact from drainage issues..

f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment) that has little potential to degrade water quality. Future applications will be required to obtain permits from the County Environmental Health Department for both well development and wastewater disposal, as a result of these requirements, potential impacts are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project properties are partially (generally the eastern half) in a 100-year flood hazard area. The subdivision portion of the project is proposed to create individual lots of already developed commercial portions of the property. The zoning is being brought into better conformance with the actual uses (current and anticipated as future uses) by transitioning to the Central Business zone. As such, the subdivision portion of the project will not place any housing within a 100 year flood hazard area. The zone reclassification (and the associated General Plan amendment) portion of the project could allow for housing to occur in the 100-year flood hazard area. However, it will allow it at a lesser rate than the current zoning, which has both more area of residential zoning, as well as a multi-family zone that is being eliminated. Any future development of residential units on the property will be required to be in compliance with State and Local codes for building and safety related to being located in a flood hazard area, and future occupants will be required to have State flood insurance.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, refer in part to answer g). The property is largely developed with no current plans for future development. The developed area is on the fringe of the flood area, with the undeveloped, Open Space zoned (both proposed and currently) eastern portions of the project properties being the primary area in the flood hazard area. This area is currently undeveloped, and the zoning would limit any future development to a residence, an accessory dwelling unit, possibly some accessory buildings, all in a swath of land over 100 acres. These buildings would have to be designed and constructed in compliance with State and Local codes for building and safety, and both the low density and the code requirements will limit any impediment of these structures to flood flows to a less than significant level.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project properties are not in an area subject to flooding due to the failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project properties are not in an area subject to seiches, tsunamis, or mudflows.

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project properties essentially consist of the entire community of Shoshone. The subdivision portion of this project only takes portions of developed land and allows them to be on separate parcels (no new development should come from the subdivision, as the lots are already developed). The zone reclassification (and the associated General Plan amendment) portion of the project is intended primarily to make zoning match actual existing development. Secondly, it is to limit some of the existing undeveloped land by changing it to the Open Space zoning, limiting future development of areas that are not currently developed but are zoned that they could be developed. So the project in large part is to preserve a community, limit future expansion and bring the administrative record in line with actual development.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The subdivision portion of this project is consistent with the proposed zone reclassification and generally consistent with the current zoning. The zone reclassification (and the associated General Plan amendment) portion of the project is to bring the entire project area into a more logical zoning and General Plan designation, both for what is existing and by limiting development of undeveloped portions of the property that have no real need for future development. The project as a whole will help limit possible future environmental impacts when compared to the current zoning.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the project is a proposed subdivision and zone reclassification (with the associated General Plan amendment), and is not in an area subject to a natural community or conservation plan.

XI. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, there are no known minerals at the project location.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, there are no known minerals at the project location.

XII. NOISE: Would the project result in the:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project will not create additional noise generation at the proposed project location, except possibly at construction of new structures as part of future development, which is already regulated by Inyo County Code. The subdivision portions of this project are already developed and do not anticipate any noise generation. The zone reclassification (and the associated General Plan amendment) portion of the project, will limit the future possibilities of excessive noise levels, by reducing developable land and by reclassifying a current industrial zone to open space.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not create additional noise or vibration generation at the proposed project location.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project property area is currently mostly developed as Shoshone village. Future ambient noise levels should be comparable to current ambient noise levels. While some infill development is possible, that development is less than is allowed by the current zoning, and should it happen should be in line with current ambient noise levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, generally the proposed project will not create additional temporary or periodic increase in ambient noise levels at the proposed project location, except possibly at construction of new structures as part of future development, which is already regulated by Inyo County Code and will be for a limited duration. While some infill development is possible, that development is less than is allowed by the current zoning.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, while the project is within two-miles of public/public use airport (immediately to the south), the airport is used minimally, with no support for larger (and louder) air traffic, and the project itself will not increase people's exposure to excessive air traffic noise levels beyond anything that is currently occurring, and will in fact, slightly limit future impacts by reducing possible future development through a net down-zoning of the property.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed subdivision will not expose people to new noise generation at the proposed location nor is it in the vicinity of a private airstrip. See comments on 12e for noise from the public use air strip.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The subdivision portion of the project will not increase population growth, as the subdivide parcels already have development on them, with no anticipation of future development. While undeveloped portions of the lot could be subject to infill development, that development is currently allowed by the current zoning, and will be reduced by a net downzoning of the project properties.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not displace existing housing or create a situation where replacement housing will be necessary.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not displace people, or create a situation where replacement housing will be necessary.

XIV. PUBLIC SERVICES: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The community of Shoshone is in the Southern Inyo Fire District. No portion of this project anticipates any change in the level of service required. While future infill development could result in more structures, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The community of Shoshone is served by the Inyo County Sheriff. No portion of this project anticipates any change in the level of service required. While future infill development could result in more residents or workers, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The community of Shoshone is served the Death Valley Unified School District, and an elementary school and high school, serving not only Shoshone but the nearby communities is located at Shoshone. No portion of this project anticipates any change in the level of service required. While future infill development could result in more residents or workers, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed subdivision will not impact County parks. No portion of this project anticipates any change in the level of service required. While future infill development could result in more residents or workers, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project will not create a need for additional public services.

XV. RECREATION: Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

No, the proposed project will not increase the use of existing recreational facilities. No portion of this project anticipates any change in the level of service required. While future infill development could result in more residents or workers, that development is already allowed for and is in fact being reduced by the net down-zoning in the zoning portion of this project. The subdivision portion of the project is for already developed land and anticipates no additional development.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project does not include, nor will it cause a need for an increase in parks or other recreational facilities that might have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not cause an increase in traffic which is substantial in relation to the existing traffic load or capacity of the street system. The primary road is a state highway, with road development based upon through traffic. The minimal (and already allowed) possibility of future development will have negligible impact on a road that's primary use is the through traffic.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i>No, the added traffic for future development (which is not directly a part of this project) would be extremely minimal, and would not exceed a level of service standard set by the County.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? <i>No, the proposed project will not result in changes to air traffic patterns or increased traffic that could result in substantial safety risks.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>No, the proposed project will not require new roads or changes to the current road system. Any future infill development (not directly part of this project, but allowed by the proposed zone reclassification) would not likely bring about hazards either, as the property along the roadway is already largely developed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <i>No, emergency access would be unchanged by this project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i>No, the project will not have an effect on parking capacity. The subdivision portion of the project relates to already developed areas, with existing parking. The zone reclassification (and the associated General Plan amendment) portion of the project will allow for new development (though less than what is already currently allowed), but this development would be subject to review by the Inyo County Planning Department for adequacy of parking.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>No, the proposed project will not significantly increase traffic and therefore will not affect public transit, bicycle or pedestrian facilities. Because of the extremely remote nature of the project location few alternative transportation opportunities exist, but those that do would be unchanged by this project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. TRIBAL CULTURAL RESOURCES -- Would the project:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or <i>The project properties were identified by the Twenty-Nine Palms Band of Mission Indians as being 1.5 miles from an existing culturally sensitive site, as well as being located within the Chemehuevi Traditional Use Area (TUA). The project will have no direct impact on these potential archaeological and cultural resources, as it is a subdivision of existing developed areas, as well as a general net-down zoning of the project properties as part of the zone reclassification (and the associated General Plan amendment). While the project does not directly propose new development, development is allowed by the proposed zoning. However, the proposed zone reclassification will actually reduce potential future land available for development from current zoning, so this should provide for a reduced possibility of conflict with any as yet unidentified cultural resource. The owner of the property, Ms. Susan Sorrells, has</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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been involved in the preservation of archaeological and cultural resources in the area and should resources be discovered on the project properties, she is committed to preserving those resources. In large part, most development is limited to already disturbed areas (undisturbed areas are very limited by both current and proposed zoning for significant future development). But, while no development is anticipated directly from this project, future development should be mindful of the potential for archaeological cultural resources. A condition of approval for this project will be the creation of an inadvertent discovery plan. This plan will include the distribution of a form for any contractor or workman doing site work that explains what to do upon the discovery of an archaeological or cultural resource.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See XVII a)

XVIII UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not cause changes to wastewater treatment requirements. Future development would be required to have septic systems that would not affect wastewater treatment.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not require additional water or wastewater treatment facilities. While it is possible that some level of future development could require expansion of the current water system, that development is currently allowed and is actually being limited by the zone reclassification portion of this project. Wastewater is currently handled by septic systems and any new development will have to install an Inyo County Environmental Health Department permitted septic system.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not require new or the expansion of current storm water drainage facilities. Because of the limited development and relatively arid climate little storm infrastructure currently exists. Individual future development projects may be required to contain storm water at the site of development, but this would be part of a grading and drainage plan as part of the Inyo County permitting process for that particular project. Again, this is unchanged by this project, which does not directly anticipate any development and future development potential is being reduced compared to current zoning.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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While the project does not directly anticipate development, even possible future development (which is limited to less than is currently allowed by the current zoning), can be served by the existing entitlements and resources. This is a very small community in a very sparsely populated area, where the resources per person or more than adequate.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No, the proposed project area will not require services from a wastewater provider. Future development would be required to have individual septic systems approved by the County's Department of Environmental Health.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed property will not require changes to the current solid waste capacity to accommodate it.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project and any future development will comply with the related solid waste requirements.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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No, the project does not have the impact to degrade the quality of the environment, because the project has a subdivision portion, that is only subdividing off portions of developed and disturbed land, and a zone reclassification portion (with the associated General Plan amendment), that is actually including a net-down zoning, removing more impactful uses, and increasing the amount of area designated as open space. The net effect of this project should be positive relative to potential degradation. However, while currently allowed, and not directly anticipated by this project, the project continues to allow for future development of the site in compliance with Inyo County zoning. That potential future development does have some potential for conflict with an endangered species identified on the site and with the possibility of cultural resources, as the site lies 1.5 miles from a culturally sensitive site and within the Chemehuevi Traditional Use Area. Refer to items 4 a) for more information on the potentially impacted biological resource and the associated mitigation, and items 5 b) and 17 a) for more information on the tribal cultural resource and the mitigation procedures should any on site resources be discovered.

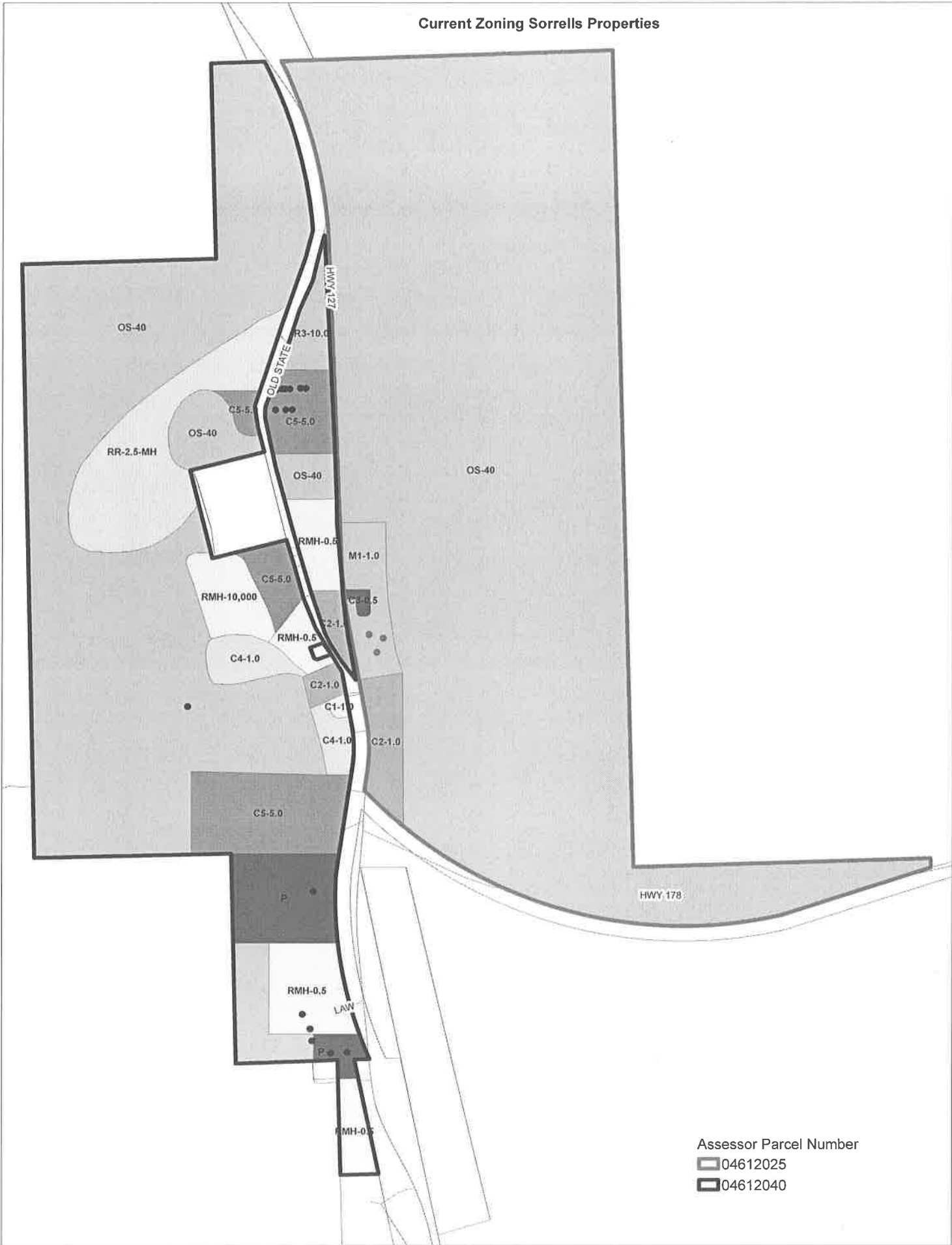
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project and any future development is small and limited in scope and the area is one of slow to no growth.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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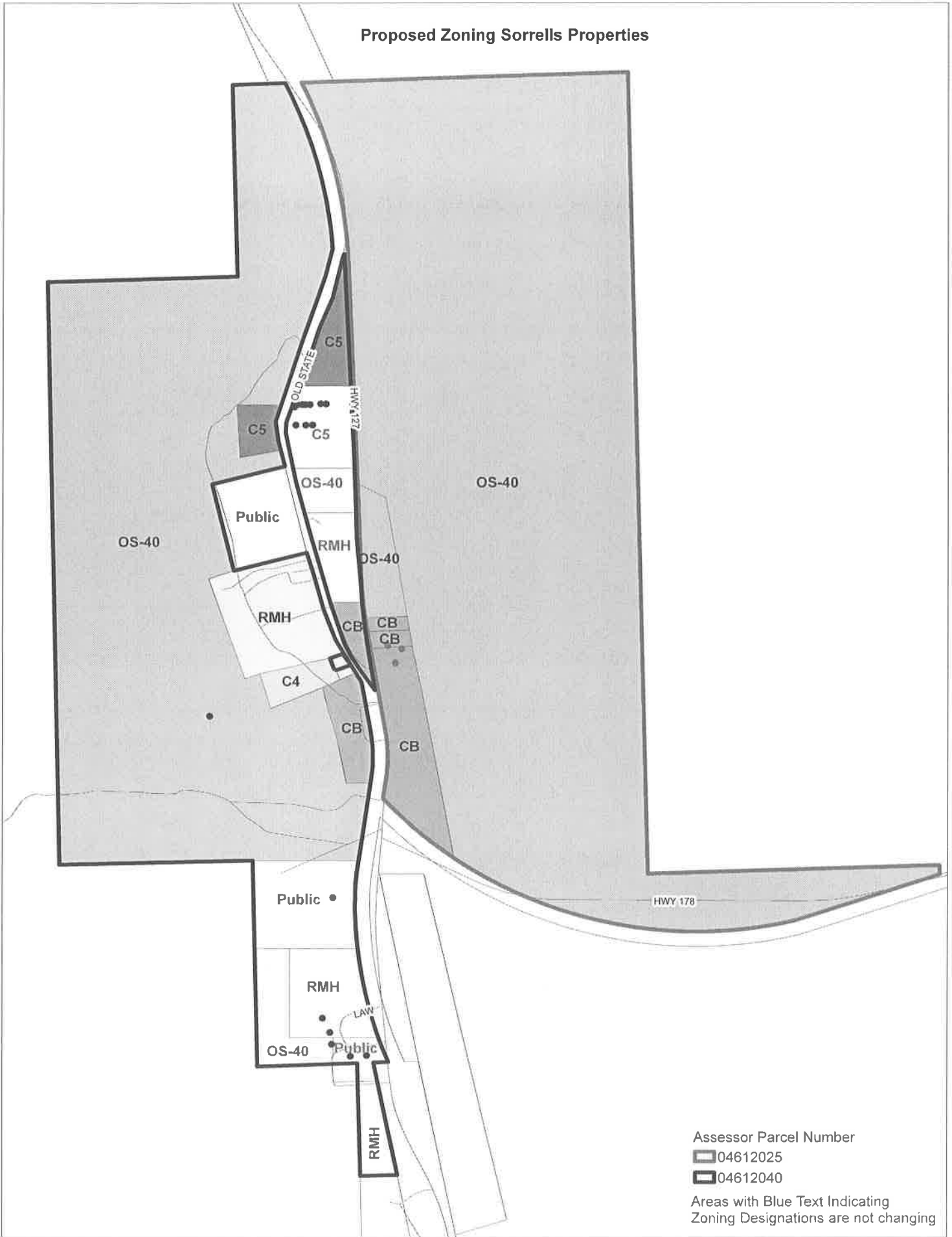
No, the proposed project and any future development will be small in scope and will not cause direct or indirect adverse effects on human beings.

Current Zoning Sorrells Properties



Assessor Parcel Number
04612025
04612040

Proposed Zoning Sorrells Properties



General Plan Designations for Proposed Zone Reclassifications

Zone Abbreviation	Zoning Designation	General Plan Abbreviation	General Plan Designation
CB	Central Business	CBD	Central Business District (Policy LU-3.1)
C4	Heavy Commercial	HC	Heavy Commercial/Commercial Service (Policy LU-3.3)
C5	Commercial Recreation	REC	Resort/Recreational (Policy LU-3.4)
OS	Open Space	OSR	Open Space and Recreation (Policy LU-5.1)
P	Public	PF	Public Services Facilities (Policy LU-5.2)
RMH	Single Residence Mobile Home Combined	RVL	Residential Very Low Density (Policy LU-2.5)

Intensity of Development for Current and Proposed Zoning

Abbreviation	Zoning	Current Acreage	Proposed Acreage
CB	Central Business	0	12.385
C1	General Commercial Retail	0.394	0
C2	Highway Services and Tourist Commercial	8.025	0
C3	Administrative Profession Offices	0.485	0
C4	Heavy Commercial	5.516	2.316
C5	Commercial Recreation	21.851	10.744
M1	General Industrial and Extractive	6.22	0
OS	Open Space	366.493	401.637
P	Public	10.934	10.934
RMH	Single Residence Mobile Home Combined	21.067	25.077
RR	Rural Residential	18.757	0
R3	Multiple Residential	3.351	0
	Total Acreage	463.093	463.093

Summary of Zone Types

All Commercial	36.271	25.445
All Industrial	6.22	0
All Residential	43.175	25.077
Open Space	366.493	401.637

Residential Buildout and Maximum Density

Zone	Acreage Current	Units Max Allowed Current	Acreage Proposed	Units Max Allowed Proposed
RMH-0.5	15.899	32	25.077	50
RMH-10,000	5.168	23	0	0
RR-2.5	18.757	8	0	0
R3	3.351	15	0	0
Max Units Allowed				50

	Current	Proposed
Density in Units per Acre	2.12	1.99

This table is looking at maximum residential buildout for the properties owned by Susan Sorrells, APN: 046-120-25 and 046-120-40 comprising most of the community of Shoshone. Units means a primary dwelling unit. On single family residential zones a unit is the primary single family residence. Following State guidelines that Accessory Dwelling Units are not to be considered in regard to density, Accessory Dwelling Units are not included in the above calculations. The Multi-Family zoning that is existing (R3), is defaulting to the maximum from the zoning code of 15 units. Each of these is considered a unit, equivalent to a single family residence.

DEPARTMENT OF TRANSPORTATION

Exhibit E

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0785
FAX (760) 872-0678
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

August 30, 2017

Mr. Tom Schaniel
Inyo County Planning Dept.
P.O. Drawer L
Independence, CA 93526

File: Iny-127-14.7
MND
SCH #: 2017081008

**Sorrells Tentative Parcel Map (TPM) #413 -- Zone Reclassification/General Plan
Amendment 2017-01, Mitigated Negative Declaration (MND)**

Dear Mr. Schaniel:

The California Department of Transportation (Caltrans) District 9 appreciates the opportunity to comment on the TPM/Zoning project in Shoshone. Thank you for emailing me the map sheets. As I mentioned during our phone conversation we have had past interaction with the Sorrells regarding formalizing State Route (SR) 127 right-of-way (R/W) in this area. We offer the following comments:

- Only part of the SR 127 R/W along parcel 4 (APN 046-120-25) is formal. Please condition the project to dedicate an "easement 50-ft right of centerline" to Caltrans for parcel 4 (north of SR 178). For further R/W interaction - Sereyna Cagle, PLS would be the point of contact at (760) 872-0646 or sereyna.cagle@dot.ca.gov.
- Although APN 046-120-40 is not part of the TPM, it is contained in the overall project. In order to create R/W consistent with that to the north and to the right (as noted above) if possible, please also condition a R/W easement dedication to Caltrans for "50-ft left of centerline."
- It appears that the many access points were defined during a highway construction job in 1961; we have no permits reflecting current owners/users. It would be beneficial to obtain permits of record (no fee) in the event Caltrans needs to make contact regarding future highway projects, etc. Please consider providing the below encroachment permit application information to appropriate parties. Item 17 would state "Operate and maintain existing private road approach." We could determine the postmile locations. See:

[http://www.dot.ca.gov/trafficops/ep/docs/Std_E.P_Application_\(TR-0100\).pdf](http://www.dot.ca.gov/trafficops/ep/docs/Std_E.P_Application_(TR-0100).pdf)

http://www.dot.ca.gov/trafficops/ep/docs/encrchpermt_instruc.pdf

Mr. Tom Schaniel
August 30, 2017
Page 2

For further access permitting interaction - Stephen Winzenread, PE would be the point of contact at (760) 872-5222 or stephen.winzenread@dot.ca.gov.

We value our cooperative working relationship with Inyo County regarding impacts to the state transportation system. Please feel free to contact me at (760) 872-0785 with any questions.

Sincerely,



GAYLE J. ROSANDER
External Project Liaison

c: State Clearinghouse
Sereyna Cagle, Mark Reistetter; Caltrans D-9



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER 18
--

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator - Personnel

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Ordinance Amending Section 2.88.55 of the Inyo County Code

DEPARTMENTAL RECOMMENDATION:

Request Board waive the first reading of an ordinance titled "An Ordinance of the County of Inyo, State of California, Amending Section 2.88.055 of the Inyo County Code Pertaining to Exemptions from the Competitive Service" and set November 21, 2017, at 11:00 a.m. in the Board of Supervisors Room, County Administrative Center, Independence, California, for enactment.

SUMMARY DISCUSSION:

Your Board ratified a new Memorandum of Understanding (MOU) with the Elected Officials Assistants Association (EOAA) on October 1, 2016. Part of that contract provided that:

*. . . whenever a position represented by the Association becomes vacant, the County may exempt the position from the Merit System and fill the vacancy with an employee serving at will . . . Similarly, any employee represented by the Association whose position is part of the County Merit System may at any time voluntarily enter into such an at-will contract with the County and, in that event, their position shall also be exempted from the Merit System.
(Article 6. Merit System Membership)*

An employee represented by the Association, the Assistant Auditor-Controller, wishes to voluntarily enter in an at-will contract. However, for Article 6 of the EOAA MOU to become operative, Section 2.88.055 of the Inyo County Code Pertaining to Exemptions from the Competitive Service" must be amended to include management level positions represented by recognized employee associations where the organization has agreed that the represented position is or may become "at-will" and provided that the County and the person filling that position have also contractually agreed that the person's employment shall be "at-will."

The proposed amendment to the Merit System Ordinance accomplishes this and implements similar board direction by adding subdivisions "R", "S", and "T" which will read as follows:

- R. Any position that is unrepresented by a recognized employee organization, if the County and the person filling that position contractually agree that the person's employment shall be "at-will" (i.e., subject to termination with or without cause).
- S. Any position represented by a recognized employee organization where the organization has agreed that the represented position is or may become "at-will" and provided that the County and the person filling that position have also contractually agreed that the person's employment shall be "at-will."

T. Any other position that the Board of Supervisors specifically designates as "at-will" by resolution, provided the County has first satisfied any obligation to meet and confer with a recognized employee organization representing that position."

A contract with Assistant Auditor-Controller will be presented for consideration by your Board at a future meeting and contingent on this ordinance taking effect.

Similarly, our Board will recall that the Treasurer-Tax Collector objected to the recently reinstated Assistant Treasurer-Tax Collector position becoming an at-will contract employee. The candidate to whom the Treasurer-Tax Collector wants to offer the position has expressed a preference for remaining a merit system employee. Since the County's Merit System Ordinance has not been updated to reflect the provisions of the new MOU with the EOAA, this can be accommodated. To accomplish this, staff will return with an agenda request seeking to hire the Assistant Treasurer-Tax Collector position as a Merit System position rather than the contract-position currently authorized, prior to the Ordinance Amending Section 2.88.055 being recommended here taking effect.

Staff requests your Board waive the first reading of the an ordinance titled "An Ordinance of the County of Inyo, State of California, Amending Section 2.88.055 of the Inyo County Code Pertaining to Exemptions from the Competitive Service" and set November 21, 2017, at 11:00 a.m. in the Board of Supervisors Room, County Administrative Center, Independence, California, for enactment.

ALTERNATIVES:

Your Board could choose not to waive the first reading, not to pursue the amendment, or direct other amendments to the ordinance.

OTHER AGENCY INVOLVEMENT:

County Counsel

FINANCING:

N/A

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) <div style="text-align: right;">Approved: <u>yes</u> Date <u>11/9/17</u></div>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.) <div style="text-align: right;">Approved: <u>yes</u> Date <u>11/9/17</u></div>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) <div style="text-align: right;">Approved: <u>✓</u> Date <u>11-09-2017</u></div>

DEPARTMENT HEAD SIGNATURE: _____ Date: 11-09-2017
(Not to be signed until all approvals are received)

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTION 2.80.055 OF THE INYO COUNTY CODE, PERTAINING TO THE COMPETITIVE SERVICE

WHEREAS, Section 2.80.055 of the Inyo County Code identifies County offices and positions that are exempt from Chapter 2.80 of the County Code (the “Merit System Ordinance of the County”); and

WHEREAS, it is necessary to update section 2.80.055 in order to augment and clarify certain positions that are intended to be exempt from Chapter 2.80;

NOW, THEREFORE, the Board of Supervisors of the County of Inyo ordains as follows:

SECTION I: Section 2.80.055 of the Inyo County Code is amended to add subdivisions “R,” S,” and “T,” which will read as follows:

“R. Any position that is unrepresented by a recognized employee organization, if the County and the person filling that position contractually agree that the person’s employment shall be “at-will” (i.e., subject to termination with or without cause).

S. Any position represented by a recognized employee organization where the organization has agreed that the represented position is or may become “at-will” and provided that the County and the person filling that position have also contractually agreed that the person’s employment shall be “at-will.”

T. Any other position that the Board of Supervisors specifically designates as “at-will” by resolution, provided the County has first satisfied any obligation to meet and confer with a recognized employee organization representing that position.”

SECTION II: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED THIS __ DAY OF _____, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

**Mark Tillemans, Chairperson
Inyo County Board of Supervisors**

**ATTEST:
Kevin Carunchio
Clerk of the Board**

By: _____
Darcy Ellis, Assistant



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

19

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for 11:30 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: November 14, 2017

SUBJECT: Perdito Exploratory Mine Project – Environmental Assessment (EA)¹ comments.

RECOMMENDATION:

Review the comment letter (Attached) addressing the Perdito Mine Exploratory Mine Project EA; provide comments; and potentially authorize the Chairperson to sign.

SUMMARY DISCUSSION:

Silver Standard US Holding Inc. submitted a plan of operations in late 2015 for an exploratory drilling project on land managed by the Bureau of Land Management (BLM). The project, referred to as Perdito, is located in the Inyo Mountains between Cerro Gordo and Malpais Mesa (Attached Map). It consists of using seven previously drilled exploratory sites. Silver Standard is proposing to re-drill at these exact same locations, but deeper. The drill sites are within the California Desert Conservation Area and in an area considered to have 'wilderness characteristics'. Two of the sites are within the Cerro Gordo Area of Critical Environmental Concern (ACEC). The project area is also subject to the Desert Renewable Energy Conservation Plan, Land Use Plan Amendment requirements.

The EA describes how the exploratory project will be managed under the BLM landuse plans including conservation measures and avoidance and mitigation measures, all based on the various landuse classifications each site falls within. There are four alternatives in the EA, they are:

1. Silver Standards Proposed Action Alternative
2. Minimum Road Construction Alternative
3. BLM's Preferred Access Alternative
4. No Action Alternative.

Alternatives 1 and 2 will cause ground disturbance from regrading previously existing roads that have been reclaimed; from some overland travel; and, at the drilling sites (7.75 and 7.28-acres respectively). Alternative 3 would cause very minimal ground disturbance around 0.20-acres as it proposes the use of helicopters to bring materials and people in and out of the project site. If Alternatives 1 or 2 are selected, subsequent projects will be subject to the California Surface Mining and Reclamation Act (SMARA) and the California Environmental Quality Act (CEQA).

The EA does not state what mineral this exploratory project is searching for. Information from Silver Standard press releases does indicate that they are verifying and extending previous site studies regarding

¹ For a copy of the EA - <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=91166>

gold. The EA also does not include information about potential subsequent mining projects, mining methods and/or timeframes and there is no reliable information at this time to speculate on what possible future projects may or may not be. Comments provided by staff for your Board's review focus on the EA as provided by the BLM.

Based on the information provided in the EA addressing the current project proposal, and past correspondence from your Board regarding mining and BLM landuse plans, staff has prepared a letter supporting this exploratory project for your Board's review. The letter points out your Board's history in questioning the wisdom of the DRECP Mineral Withdrawal requirements. It also states that Alternatives 1 and 2 are subject to SMARA and CEQA and that the BLM neglected to include the County's General Plan in the Relationship to Statutes, Regulations or other Plans and Requirements section.

OTHER AGENCY INVOLVEMENT:

Bureau of Land Management; potentially, the California Department of Conservation - Division of Mine Reclamation.

FINANCING:

Resources from the Planning Department's general budget are utilized to monitor federal activities.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 11/8/17

- Attachments:
- Draft letter
 - Maps



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: dellis@inyocounty.us

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Clerk of the Board

DARCY ELLIS
Assistant Clerk of the Board

November 14, 2017

Bureau of Land Management
Randall Porter
Ridgecrest Field Office

RE: Perdito Exploration Project, Environmental Assessment (EA)

Mr. Porter:

On behalf of the Inyo County Board of Supervisors, I would like to express our appreciation for the opportunity to comment on the Perdito Exploration Project EA. The proponents of the project provided the Board of Supervisors with a presentation on their plans earlier this year. Inyo County believes that exploratory projects, such as this, are important and provide essential information to inform decisions by mining operators as well as federal, state and local governmental agencies and the public at large.

As you know, Inyo County was extremely active in the preparation of the Desert Renewable Energy Conservation Plan, and expressed concerns throughout the process about the impacts of any potential losses to multiple uses on Bureau of Land Management (BLM) managed lands; especially with regard to possible mineral withdrawal in Inyo County. The County still opposes the mineral withdrawal language proposed by the December 28, 2016 Federal Register notice, and is engaged in efforts to eliminate the actions proposed in the notice. We note this because we hope that the mineral withdrawal language is not ultimately used to hinder this project, or other potential mining projects in the County. A sweeping moratorium runs counter to the County's belief that there needs to be an appropriate balance between historic multiple uses and environmental protections.

The Inyo County General Plan includes the stated goal:

“Protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.”

We note that the Inyo County General Plan was not included in the list of other plans and documents in the EA. We would like to remind the BLM that the Inyo County General Plan should be included in the EA and coordinated with during the review process. The General Plan further states that 60 percent of land in the County is thought to have mineral potential. In a County where less than 2 percent of the land is privately owned, any losses to possible use of these resources and the associated economic development benefits are magnified.

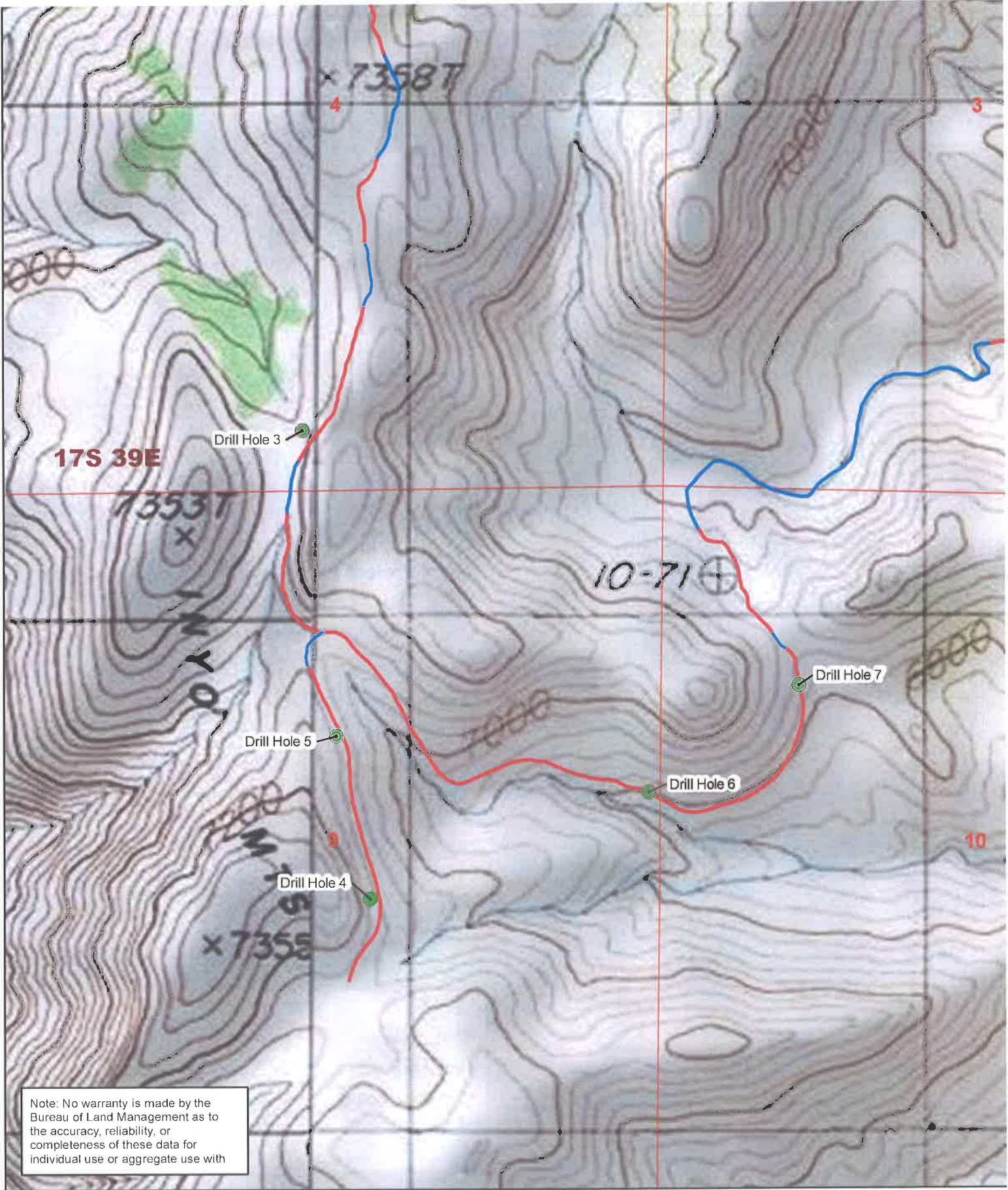
With regard to Alternatives, the County wants to remind all parties that both Silver Standard's Preferred Alternative and the Minimum Road Construction Alternative will be subject to the California Surface Mining and Reclamation Act (SMARA) as they project surface disturbance in excess of one acre.

Once again, I would like to extend our appreciation for the opportunity to comment on the Perdito Exploration Project EA and the good relationship the County shares with the BLM. We are in support of this exploration project and look forward to reviewing related mining projects that might result from this process.

Respectfully,

Mark Tillemans
Chairperson, Inyo County Board of Supervisors

cc: Brian Steed, Deputy Director, Programs & Policy, BLM
Thomas Baptiste, Advisor, Office of the Director, BLM
Inyo County Board of Supervisors
Kevin Carunchio, CAO



Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with



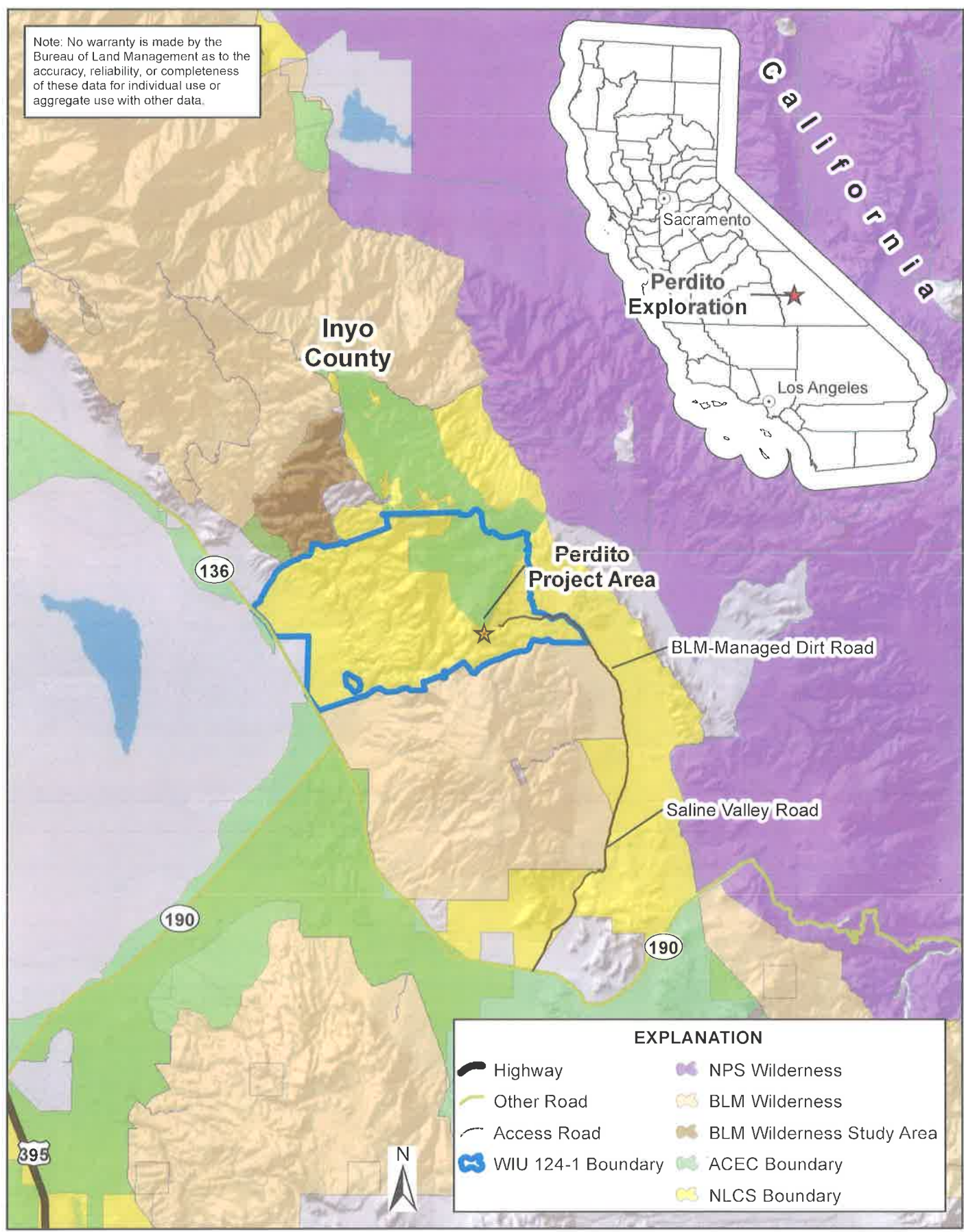
California Desert
BLM District
Ridgecrest Field Office

NAD 1983 UTM Zone 11N

SCALE: 1 inch = 800 feet

**PERDITO
EXPLORATION PROJECT
ENVIRONMENTAL
ASSESSMENT**

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



EXPLANATION	
	Highway
	Other Road
	Access Road
	WIU 124-1 Boundary
	NPS Wilderness
	BLM Wilderness
	BLM Wilderness Study Area
	ACEC Boundary
	NLCS Boundary



California Desert
BLM District
Ridgecrest Field Office

PERDITO EXPLORATION PROJECT ENVIRONMENTAL ASSESSMENT

DRAWING TITLE:
PROJECT LOCATION

NAD 1983 UTM Zone 11N
SCALE: 1 inch = 4 miles

DRAWING NO.	FIGURE 1	REVISION NO.
DATE:	3/7/2017	A



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

- Consent Departmental Correspondence Action
- Public Hearing Schedule time for Closed Session Informational

For Clerk's Use Only:
AGENDA NUMBER
20

FROM: Public works

FOR THE BOARD MEETING OF: NOVEMBER 14, 2017

SUBJECT: Request the Board approve the sole source contract with Raftelis Financial Consultants, Inc. for Water Rate Study Services for the Lone Pine, Independence and Laws Town Water Systems for an amount not to exceed \$30,985.

DEPARTMENTAL RECOMMENDATIONS:

Request Board: A) declare Raftelis Financial Consultants, Inc. of Los Angeles a sole-source provider of Water Rate Study Services; B) approve a contract with Raftelis Financial Consultants, Inc. for the provision of Water Rate Study Services for the Lone Pine, Independence, and Laws Town Water Systems in an amount not to exceed \$30,985 for the term of November 14, 2017 to June 30, 2018; and C) authorize the Chairperson to sign, contingent on all appropriate signatures being obtained.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

Since taking over the three town water systems, Inyo County has struggled to balance provision of adequate services with revenues that are being generated by the systems. This situation has led to stress on the systems and an extreme lack of efficiency. Currently, many hours are spent prioritizing funding for things as simple as meter, service or hydrant replacements. This is only magnified by incidents such as water leaks. All of these are things that should be readily funded through a fair rate structure. The rates for the water systems have been essentially static for a number of years. In order to continue to operate these systems and provide water for these communities in future, a re-examination of rates is essential.

We are recommending Raftelis Financial Consultants, Inc. as a sole source provider. Sanjay Gahr, a Vice President for Raftelis Consultants, Inc., is an acknowledged expert in rate setting and has authored numerous scholarly works on rate setting, including a number for the American Water Works Association. Given the sensitive nature and complex issues of the Inyo County Town Water Systems, staff believes that this level of skill is necessary. Normally, someone of Mr. Gahr's caliber would not be available for a project as small as this. Mr. Gahr's resume is attached.

The above recommendation is justified as follows:

Inyo County Purchasing Policy Section I.2(a) Capability of proposed contractor that is critical to the specific effort and makes the contractor clearly unique compared to other contractors in the same general field. *Sanjay Gahr, Vice President of Raftelis Financial Consultants, Inc. and the principle for this project has authored a number of articles and procedures regarding rate setting for the AWWA. Given the unique nature of the Owens Valley's relationship to water and to the Town Water Systems, this sort expertise will be necessary to develop and support the rate analysis.*

Inyo County Purchasing Policy Section I.2(b) Prior experience of a highly specialized nature that contractor has that is vital to the proposed effort. *Mr. Gahr and his team have a history of performing complex and politically sensitive rate analyses. The experience will be vital for this undertaking.*

Raftelis will perform a complete rate analysis for the Town Water Systems. Also, included in the base scope of work is one in-person meeting to present and discuss results. Raftelis has also provided a cost per additional in-person meetings in its fee schedule. Staff has included one additional meeting in the not-to-exceed cost of the contract should the Board determine that is desired.

ALTERNATIVES:



1. To not approve this contract with Raftelis Financial Consultants, Inc. and direct staff complete a full Request for Proposals. This is not recommended as it would likely increase the cost and would not improve the level of expertise that we require.
2. To not proceed with a rate analysis. This is not recommended as the Town Water Systems as currently funded are not sustainable.

OTHER AGENCY INVOLVEMENT:

County Counsel
Auditor-Controller

FINANCING:

Not to exceed cost is \$30,985. 60% will be funded from Budget Unit 152201 Water System -Lone Pine and 40% from Budget Unit 152101 Water System- Independence - 5265

APPROVALS	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) Approved: <u>YES</u> Date <u>10/9/17</u>
AUDITOR/CONTROLLER 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: <u>yes</u> Date <u>10/12/17</u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) Clinton A. Quilter By: Hayden Date: 10-12-17

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF INYO
AND RAFTALIS FINANCIAL CONSULTANTS, INC.
FOR THE PROVISION OF WATER RATE STUDY SERVICES**

TERM:

FROM: Nov. 14, 2017 **TO:** June 30, 2018

SCOPE OF WORK:

TASK 1 – PROJECT MANAGEMENT, INITIATION AND DATA COLLECTION

This task includes general administrative duties including client communication, billing, project documentation, and overall administration of the project and data collection. This task also includes QA/QC by our Technical Reviewer and data collection efforts. We will prepare a detailed data request, review the data and clarify any data needs or questions.

Meetings: Web meetings as needed to discuss data

Deliverables: Data Request List

TASK 2 – FINANCIAL PLAN

The objective of this task is to project the utilities revenue requirements by developing a financial model that compares current rate revenue with projected O&M and capital expenses and reserve needs. We will project expenses such as annual water purchase/production costs, labor, power, materials, capital expenditures, reserve contributions, and debt service (if applicable) using inflationary assumptions. The Financial Plan will show whether the utilities are recovering the true costs to provide water service. Raftelis will develop one financial model that encompass all three service areas.

Meetings: One (1) GoToMeeting webinar with Department Staff to review the Financial Plan

Deliverable(s): Financial Plan in Microsoft Excel 2013

TASK 3 – COST OF SERVICE ANALYSIS

The cost of service analysis equitably allocates costs to customers based on the cost to serve those customers. As part of this task, Raftelis will review and analyze historical customer class usage characteristics and allocate the cost of service to each customer class. Throughout the cost allocation and rate setting process, Raftelis will comply with the Department's rate setting objectives and Proposition 218.

Meeting(s): None

Deliverable(s): Cost of service analysis in Microsoft Excel 2013.

TASK 4 – RATE CALCULATIONS AND CUSTOMER IMPACTS

We will develop one uniform rate structure for all three service areas. The model will have the ability to examine different levels of fixed revenues. We will also assess customer bill impacts from the revised rates.

Meeting(s): One (1) in-person meeting to discuss and present study results

Deliverable(s): Water Rate Model in Microsoft Office Excel®2013 showing proposed rates and customer impacts.

TASK 5 – DRAFT AND FINAL REPORTS

The draft report will detail the assumptions used and the development of the financial plan, cost of service and rates. The report will derive the rates so that a layperson will be able to follow the rate calculations. The report will serve as the Department's Administrative Record to meet Proposition 218. Raftelis will incorporate the Department's comments into the final version.

Meeting(s): None

Deliverables: An electronic copy of the draft report and final report.

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF INYO
RAFTALIS FINANCIAL CONSULTANTS, INC.**

AND _____
FOR THE PROVISION OF WATER RATE STUDY _____ **SERVICES**

TERM:

FROM: Nov. 14, 2017 **TO:** June 30, 2018

SCHEDULE OF FEES:

Task	No. Meetings	Hourly Rate	Hours			Admin \$75	Total	Total Fees
			SG \$280	StG \$230	FC \$175			
1			2	8	6		16	\$3,610
2			1	4	16		21	\$4,210
3			1	6	4		11	\$2,470
4	1		2	18	12		32	\$7,545
5			2	8	24	4	38	\$7,280
Mtgs/Hrs.	1		8	44	62	4	118	
Total Fees			\$2,240	\$10,120	\$10,850	\$300	\$23,510	

The cost for additional meetings is \$4,265. One additional meeting has been included in the not to exceed amount

AGREEMENT BETWEEN COUNTY OF INYO
AND RAFTELIS FINANCIAL CONSULTANTS, INC.
FOR THE PROVISION OF WATER RATE STUDY SERVICES

INTRODUCTION

WHEREAS, the County of Inyo (hereinafter referred to as "County") has the need for the WATER RATE STUDY services of RAFTELIS FINANCIAL CONSULTANTS, INC. (hereinafter referred to as "Consultant"), and in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK.

The Consultant shall furnish to the County, upon its request, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein. Requests by the County to the Consultant to perform under this Agreement will be made by the Director of Public Works. Requests to the Consultant for work or services to be performed under this Agreement will be based upon the County's need for such services. The County makes no guarantee or warranty, of any nature, that any minimum level or amount of services or work will be requested of the Consultant by the County under this Agreement. County by this Agreement incurs no obligation or requirement to request from Consultant the performance of any services or work at all, even if County should have some need for such services or work during the term of this Agreement.

Services and work provided by the Consultant at the County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and County laws, ordinances, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement and, as applicable, as set forth, in Attachment E, attached hereto and incorporated herein.

2. TERM.

The term of this Agreement shall be from November 14, 2017 to June 30, 2018 unless sooner terminated as provided below. In addition, County shall have two options to extend the Agreement for additional one-year periods as follows:

- A. From NA through NA
- B. From NA through NA

County shall exercise such options by giving written notice to Contractor at least thirty (30) days before the expiration of the Agreement, or an extension thereof.

The notice shall specify the period of the options being exercised. The option to extend shall be upon the same terms and conditions stated in this Agreement.

3. CONSIDERATION.

A. Compensation. County shall pay Consultant in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A which are performed by Consultant at the County's request.

B. Travel and per diem. County shall reimburse Consultant for the travel expenses and per diem which Consultant incurs in providing services and work requested by County under this Agreement.

Consultant shall request approval by the County prior to incurring any travel or per diem expenses. Requests by Consultant for approval to incur travel and per diem expenses shall be submitted to the Public Works Director. Travel and per diem expenses will be reimbursed in accordance with the rates set forth in the Schedule of Travel and Per Diem Payment (Attachment C). County reserves the right to deny reimbursement to Consultant for travel or per diem expenses which are either in excess of the amounts that may be paid under the rates set forth in Attachment C, or which are incurred by the Consultant without the prior approval of the County.

C. No additional consideration. Except as expressly provided in this Agreement, Consultant shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Consultant shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

D. Limit upon amount payable under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement shall not exceed \$29,380 (initial term) \$NA (option 1) and \$NA (option 2) for a total of \$29,380 Dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit.

E. Billing and payment. Consultant shall submit to the County, once a month, an itemized statement of all hours spent by Consultant in performing services and work described in Attachment A, which were done at the County's request. This statement will be submitted to the County not later than the fifth (5th) day of the month. The statement to be submitted will cover the period from the first (1st) day of the preceding month through and including the last day of the preceding month. This statement will identify the date on which the hours were worked and describe the nature of the work which was performed on each day. Consultant's statement to the County will also include an itemization of any travel or per diem expenses, which have been approved in advance by County, incurred by Consultant during that period. The itemized statement for travel expenses and per diem will include receipts for lodging, meals, and other incidental expenses in accordance with the County's accounting procedures and rules. Upon timely receipt of the statement by the fifth (5th) day of the month, County shall make payment to Consultant on the last day of the month.

F. Federal and State taxes.

- (1) Except as provided in subparagraph (2) below, County will not withhold any federal or state income taxes or social security from any payments made by County to Consultant under the terms and conditions of this Agreement.
- (2) County will withhold California State income taxes from payments made under this Agreement to non-California resident independent Consultant's when it is anticipated that total annual payments to Consultant under this Agreement will exceed one thousand four hundred ninety nine dollars (\$1,499.00).
- (3) Except as set forth above, County has no obligation to withhold any taxes or payments from sums paid by County to Consultant under this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Consultant. County has no responsibility or liability for payment of Consultant's taxes or assessments.
- (4) The total amounts paid by County to Consultant, and taxes withheld from payments to non-California residents, if any, will be reported annually to the Internal Revenue Service and the California State Franchise Tax Board. To

facilitate this reporting, Consultant shall complete and submit to the County an Internal Revenue Service (IRS) Form W-9 upon executing this Agreement.

4. WORK SCHEDULE.

Consultant's obligation is to perform, in a timely manner, those services and work identified in Attachment A, which are requested by the County. It is understood by Consultant that the performance of these services and work will require a varied schedule. Consultant will arrange his/her own schedule, but will coordinate with County to insure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS.

A. Any licenses, certificates, or permits required by the federal, state, county, or municipal governments for Consultant to provide the services and work described in Attachment A must be procured by Consultant and be valid at the time Consultant enters into this Agreement or as otherwise may be required. Further, during the term of this Agreement, Consultant must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Consultant at no expense to the County. Consultant will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Consultant and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

B. Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration available at: <http://www.sam.gov>.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.

Consultant shall provide such office space, supplies, equipment, vehicles, reference materials, and telephone service as is necessary for Consultant to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Consultant, for any expense or cost incurred by Consultant in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Consultant in providing and maintaining such items is the sole responsibility and obligation of Consultant.

7. COUNTY PROPERTY.

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, etc. provided to Consultant by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Consultant will use reasonable care to protect, safeguard and maintain such items while they are in Consultant's possession. Consultant will be financially responsible for any loss or damage to such items, partial or total, which is the result of Consultant's negligence.

B. Products of Consultant's Work and Services. Any and all compositions, publications, plans, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Consultant's services or work under this Agreement are, and at the termination

of this Agreement remain, the sole and exclusive property of the County. At the termination of the Agreement, Consultant will convey possession and title to all such properties to County.

8. INSURANCE REQUIREMENTS FOR PROFESSIONAL SERVICES.

For the duration of this Agreement Consultant shall procure and maintain insurance of the scope and amount specified in Attachment D and with the provisions specified in that attachment.

9. STATUS OF CONSULTANT.

All acts of Consultant, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as independent Consultant's, and not as agents, officers, or employees of County. Consultant, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. Except as expressly provided in Attachment A, Consultant has no authority or responsibility to exercise any rights or power vested in the County. No agent, officer, or employee of the Consultant is to be considered an employee of County. It is understood by both Consultant and County that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture. As an independent Consultant:

A. Consultant shall determine the method, details, and means of performing the work and services to be provided by Consultant under this Agreement.

B. Consultant shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Consultant in fulfillment of this Agreement.

C. Consultant, its agents, officers, and employees are, and at all times during the term of this Agreement shall, represent and conduct themselves as independent Consultant's, and not as employees of County.

10. DEFENSE AND INDEMNIFICATION.

For professional services rendered under this Contract, Consultant agrees to indemnify, including the cost to defend County and its officers, officials, employees, and volunteers from and against any and all claims, demands, costs, or liability that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant and its employees or agents in the performance of professional services under this contract, but this indemnity does not apply to liability for damages arising from the sole negligence, active negligence, or willful acts of the County.

Consultant shall hold harmless, defend, and indemnify County and its officers, officials, employees, and volunteers from and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the **active negligence**, sole negligence, or willful misconduct of the County.

Consultant's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to, or restricted by, any requirement in this Agreement for Consultant to procure and maintain a policy of insurance. If the Consultant maintains higher limits than the minimum required on the Insurance attachment to this Agreement, the County requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

To the extent permitted by law, County shall defend, indemnify, and hold harmless Consultant, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from, the active negligence, or wrongful acts of County, its officers, or employees.

11. RECORDS AND AUDIT.

A. Records. Consultant shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, and municipal law, ordinances, regulations, and directions. Consultant shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Consultant may fulfill its obligation to maintain records as required by this paragraph by substitute photographs, microphotographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Consultant, which County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Consultant. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

12. NONDISCRIMINATION.

During the performance of this Agreement, Consultant, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age, or sex. Consultant and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Consultant shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said act.

13. CANCELLATION.

This Agreement may be canceled by County without cause, and at will, for any reason by giving to Consultant thirty (30) days written notice of such intent to cancel. Consultant may cancel this Agreement without cause, and at will, for any reason whatsoever by giving thirty (30) days written notice of such intent to cancel to County.

14. ASSIGNMENT.

This is an agreement for the services of Consultant. County has relied upon the skills, knowledge, experience, and training of Consultant as an inducement to enter into this Agreement. Consultant shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Consultant shall not assign any monies due or to become due under this Agreement without the prior written consent of County.

15. DEFAULT.

If the Consultant abandons the work, or fails to proceed with the work and services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, County may declare the Consultant in default and terminate this Agreement upon five (5) days written notice to Consultant. Upon such termination by default, County will pay to Consultant all amounts owing to Consultant for services and work satisfactorily performed to the date of termination.

16. WAIVER OF DEFAULT.

Waiver of any default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in paragraph twenty-two (22) below.

17. CONFIDENTIALITY.

Consultant further agrees to comply with the various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Consultant in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Consultant agrees to keep confidential all such information and records. Disclosure of such confidential, privileged, or protected information shall be made by Consultant only with the express written consent of the County. Any disclosure of confidential information by Consultant without the County's written consent is solely and exclusively the legal responsibility of Consultant in all respects.

Notwithstanding anything in the Agreement to the contrary, names of persons receiving public social services are confidential and are to be protected from unauthorized disclosure in accordance with Title 45, Code of Federal Regulations Section 205.50, the Health Insurance Portability and Accountability Act of 1996, and Sections 10850 and 14100.2 of the Welfare and Institutions Code, and regulations adopted pursuant thereto. For the purpose of this Agreement, all information, records, and data elements pertaining to beneficiaries shall be protected by the provider from unauthorized disclosure.

18. CONFLICTS.

Consultant agrees that it has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement.

19. POST AGREEMENT COVENANT.

Consultant agrees not to use any confidential, protected, or privileged information which is gained from the County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Consultant agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any County, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with the County, or who has been an adverse party in litigation with the County, and concerning such, Consultant by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

20. SEVERABILITY.

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

21. FUNDING LIMITATION.

The ability of County to enter this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to cancel, reduce, or modify this Agreement, or any of its terms within ten (10) days of its notifying Consultant of the cancellation, reduction, or modification of available funding. Any reduction or modification of this Agreement made pursuant to this provision must comply with the requirements of paragraph twenty-two (22) (Amendment).

22. AMENDMENT.

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

23. NOTICE.

Any notice, communication, amendments, additions, or deletions to this Agreement, including change of address of either party during the terms of this Agreement, which Consultant or County shall be required, or may desire, to make, shall be in writing and may be personally served, or sent by prepaid first class mail to, the respective parties as follows:

County of Inyo:	
Public Works	Department
P.O. Box Q	Address
Independence, Ca. 93526	City and State

Consultant:	
Raftelis Financial Consultants, Inc.	Name
445 S Figueroa Street, Suite 2270	Address
Los Angeles, CA 90071	City and State

24. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

///

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**AGREEMENT BETWEEN COUNTY OF INYO
AND RAFTALIS FINANCIAL CONSULTANTS, INC.**
FOR THE PROVISION OF WATER RATE STUDY SERVICES

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
DAY OF _____, _____.

COUNTY OF INYO

By: _____
Signature

Print or Type Name

Dated: _____

CONSULTANT

By: _____
Signature
Sanjay Gaur

Print or Type Name

Dated: 10/2/17

APPROVED AS TO FORM AND LEGALITY:

Spudisher
County Counsel

APPROVED AS TO ACCOUNTING FORM:

[Signature]
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

Personnel Services

APPROVED AS TO INSURANCE REQUIREMENTS:

County Risk Manager

ATTACHMENT C

**AGREEMENT BETWEEN COUNTY OF INYO
RAFTALIS FINANCIAL CONSULTANTS, INC.**

AND _____
FOR THE PROVISION OF WATER RATE STUDY **SERVICES**

TERM:

FROM: Nov. 14, 2017 **TO:** June 30, 2018

SCHEDULE OF TRAVEL AND PER DIEM PAYMENT:

ATTACHMENT D

**AGREEMENT BETWEEN COUNTY OF INYO
AND RAFTALIS FINANCIAL CONSULTANTS, INC.**

FOR THE PROVISION OF WATER RATE STUDY SERVICES

TERM:

FROM: Nov. 14, 2017 **TO:** June 30, 2018

SEE ATTACHED INSURANCE PROVISIONS

ATTACHMENT E

AGREEMENT BETWEEN COUNTY OF INYO

AND ^{NA} _____
^{NA} _____
FOR THE PROVISION OF _____ SERVICES

TERM:

FROM: ^{NA} _____ TO: ^{NA} _____

FEDERAL FUNDS ADDENDUM

1. Section 11, Part B, *Inspections and Audits*, of the contract is amended to read;

"Any authorized representative of the County, or of a *federal, or state agency* shall have access to any books, documents, papers, records, including, but not limited to, financial records of the Consultant, which the County or *federal or state agency* determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Consultant. Further, the County or *federal or state agency* has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement. Copies of any of these records shall be furnished, if requested."
2. **Covenant Against Contingent Fees.** The Consultant warrants that he/she has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that he/she has not paid or agreed to pay any company or person other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award, or formation of this agreement. For breach or violation of this warranty, the local agency shall have the right to annul this agreement without liability, or at its discretion; to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
3. **Delays and Extensions.** The term of the contract may be extended in the case of unavoidable delays, changes in the scope of work or level of effort required to meet the project objectives, and for consideration of corresponding warranted adjustments in payment. An extension of contract time is granted as described in Section 22, *Amendment*, of the contract.
4. **Termination or Abandonment.** The provisions of Section 15, *Default*, will also apply if the contract is terminated because of circumstances beyond the control of the consultant. The provisions of the section entitled "**County Property**" Section 7.B., shall apply to any partially completed work if the contract is terminated or abandoned.
5. **General Compliance with Laws and Wage Rates.** The consultant shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1720 et seq., and all federal, state, and local laws and ordinances applicable to the work. Any subcontract entered into as a result of this contract, if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

ATTACHMENT E - Continued

AND NA AGREEMENT BETWEEN COUNTY OF INYO
FOR THE PROVISION OF NA SERVICES

TERM:

FROM: NA TO: NA

FEDERAL FUNDS ADDENDUM

6. **Consultant's Endorsement on PS&E/Other Data.** The consultant's responsible engineer shall sign all plans, specifications, estimates (PS&E) and engineering data furnished by him/her, and where appropriate, indicate his/her California registration number.
7. **Disadvantaged Business Enterprise Considerations.** Consultants must give consideration to DBE firms as specified in 23 CFR 172.5(b), 49 CFR, Part 26. The Consultant shall comply with the applicable provisions of Exhibit 10-I of the Caltrans Local Assistance Procedure Manual (LAPM), "Notice to Proposers Disadvantaged Business Enterprise Information," and Exhibit 10-J of the Caltrans LAPM, "Standard Agreement for Subcontractor/DBE Participation," that were included in the Request for Statements of Qualifications.
8. **Safety.** The consultant shall comply with OSHA regulations applicable to the Consultant regarding necessary safety equipment or procedures. The Consultant shall comply with safety instructions issued by the county's project manager and other county representatives. Consultant personnel shall wear hard hats and safety vests at all time when working on the construction project site.

Pursuant to the authority contained in Section 591 of the Vehicle Code, the county has determined that such areas are within the limits of the project and are open to public traffic. The Consultant shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. The consultant shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

Any subcontract entered into as a result of this contract shall contain all of the provisions of the Article.

9. **Disclosure of Lobbying Activities.** Exhibit 10-Q of the Caltrans LAPM "Disclosure of Lobbying Activities."
10. **Consultant Management Position Conflict of Interest Confidentiality Statement.** Caltrans LAPM Exhibit 10-U "Consultant in Management Position Conflict of Interest Statement."

Specifications 2

Insurance Requirements for Professional Services

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury, with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$500,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

(Not required if consultant provides written verification it has no employees)

1. **Professional Liability (Errors and Omissions)** Insurance appropriate to the Consultant's profession, with limit no less than **\$1,000,000** per occurrence.

If the Consultant maintains higher limits than the minimums shown above, the Entity requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

1. **The Entity, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the Entity.**

Waiver of Subrogation

Consultant hereby grants to Entity a waiver of any right to subrogation which any insurer of said Consultant may acquire against the Entity by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Entity. The Entity may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Entity.

Claims Made Policies

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of the contract of work.**
3. If coverage is canceled or non-renewed, and not **replaced with another claims-made policy form with a Retroactive Date** prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of **five (5) years** after completion of contract work.

Verification of Coverage

Consultant shall furnish the Entity with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The Entity reserves the right to require complete,

certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

Special Risks or Circumstances

Entity reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

469 South Main Street
Bishop, CA 93514
(760) 872-5960
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

#22



RECEIVED
2017 NOV -6 AM 11:55
INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

October 21, 2017

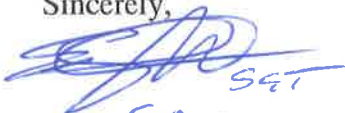
File No.: 825.16631.14437

Inyo County Board of Supervisors
P O Drawer N
Independence, CA 93526

Dear Board of Supervisors:

The enclosed report is submitted pursuant to Health and Safety Code Section 25180.7 (Proposition 65). The report documents information regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. The report is submitted on behalf of all designated employees of the Department of California Highway Patrol.

Sincerely,


SGT
FOR...

T. P. NOYES, Captain
Commander
Bishop Area

Enclosure

cc: Caltrans



HAZARDOUS MATERIALS INCIDENT REPORT

CHP 407E (Rev. 3-15) OPI 062 Refer to HPM 84.2, Chapter 2

OES CONTROL NUMBER 17-7665	COLLISION REPORT <input checked="" type="checkbox"/> Yes NUMBER 9825-2017-00358 <input type="checkbox"/> No
--------------------------------------	---

HAZMAT CASUALTIES	NO. EXPOSED/DECONNED	NO. INJURED	NO. KILLED	CITY	JUDICIAL DISTRICT	PHOTOGRAPHS BY
AGENCY PERSONNEL	0	0	0	Unincorporated	Independence	<input checked="" type="checkbox"/> NONE
OTHERS	0	0	0	Inyo	NCIC 9825	HAZMAT PLACARDS DISPLAYED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
INCIDENT DATE (MM/DD/YYYY) 10/20/2017	INCIDENT TIME 0930 HOURS		TIME CALTRANS/COUNTY ROADS NOTIFIED 0935 HOURS		TIME O.E.S. NOTIFIED 1030 HOURS	STATE HIGHWAY RELATED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

INCIDENT OCCURRED ON
US-395 Northbound

AT INTERSECTION WITH
 OR **South of Cinder Road**

MILEPOST INFORMATION

GPS COORDINATES
LATITUDE **35.584660°** LONGITUDE **-117.552920°**

NAME (FIRST, MIDDLE, LAST) Abel Mendez Coşio, Jr.	DRIVER'S LICENSE NUMBER D4967586	STATE CA	VEH. YEAR 2012	MAKE Volvo	LICENSE NUMBER 2066119	STATE IN
STREET ADDRESS 6531 Gifford Avenue			VEH. YEAR 2018	MAKE HYTR	LICENSE NUMBER U730902	STATE TN
CITY/STATE/ZIP CODE Bell, CA 90201			VEH. YEAR	MAKE	LICENSE NUMBER	STATE

HOME PHONE
(323) 868-0603

BUSINESS PHONE
(859) 455-1503

CARRIER NAME
Sealy Mattress Manufacturing Company, LLC

HAZMAT IDENTIFICATION SOURCES (CHECK ALL THAT APPLY)

On-site fire services Chemtrec
 Private info source Poison Control Center
 Off-site fire services Safety Data Sheet
 On-site non-fire services Placards/Signs
 Off-site non-fire services Shipping papers
 Computer software Emergency Response Guidebook
 Chemist No reference material used
 Other

REGISTERED OWNER SAME AS DRIVER
Penske Truck Leasing Co, LP

OWNER'S ADDRESS SAME AS DRIVER
2675 Morgantown Road, Reading, PA 19607

VEHICLE IDENTIFICATION NUMBER
4V4N39EG9CN556956

VEHICLE TYPE
25 40

CA NUMBER
497490

DOT NUMBER
44645

CHEMICAL/TRADE NAME	UN NUMBER	DOT HAZARD CLASS	QUANTITY RELEASED (LBS., GAL., ETC.)	EXTENT OF RELEASE	PHYSICAL STATE STORED	PHYSICAL STATE RELEASED
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CONTAINER TYPE

CONTAINER CAPACITY (LBS., GAL., ETC.)

CONTAINER MATERIAL

LEVEL OF CONTAINER

CHEMICAL/TRADE NAME	UN NUMBER	DOT HAZARD CLASS	QUANTITY RELEASED (LBS., GAL., ETC.)	EXTENT OF RELEASE	PHYSICAL STATE STORED	PHYSICAL STATE RELEASED
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CONTAINER TYPE

CONTAINER CAPACITY (LBS., GAL., ETC.)

CONTAINER MATERIAL

LEVEL OF CONTAINER

PROPERTY USE
State Highway

SURROUNDING AREA
Open land

PROPERTY MANAGEMENT
State

RELEASE FACTORS
Collision/Overturn

EQUIPMENT TYPE INVOLVED
Vehicle fuel system

HAZMAT CONFIRMED
 Yes No

CITATION ISSUED OR COMPLAINT TO BE FILED
 Yes No Not determined

PRIMARY CAUSE OF INCIDENT
 Violation 22350 VC

OTHER HAZARDOUS MATERIALS VIOLATIONS (NON-CAUSATIVE)
 Yes No

Other Code violation

Other cause

DID WEATHER CONTRIBUTE TO CAUSE OR SEVERITY OF INCIDENT?
 Yes No WEATHER **High wind**

ELEMENTS (OUTLINE THE FOLLOWING ON A CHP 556. INCLUDE ADDITIONAL INFORMATION AS NECESSARY)

Sequence of events Evacuation details Cleanup actions CHP On-scene Personnel (name, rank, ID number, function, exposure, hours)
 Road closures Environmental impact Actions of other agencies

COMPLETE THE FOLLOWING

Incident Action Plan Site Safety Plan Proposition 65 Letters: County Health/County Board of Supervisors

DATE AND TIME SCENE DECLARED SAFE
10/21/2017 1500 HOURS

BY WHOM (NAME, TITLE AND AGENCY)
Dave B. Batchelder, Maintenance Area Superintendent/Hazardous Material Specialist, Cal-Trans

PREPARER'S NAME, RANK, AND ID NUMBER B. Gardea, A/SGT, 016631	DATE 10/21/2017	REVIEWER'S NAME, RANK, AND ID NUMBER P. AZCATORRIETA / SGT / 13741	DATE 10/26/17
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Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)
 ABC 211 (6/99)

State of California

23

Priority 2017

TO: Department of Alcoholic Beverage Control
 4800 STOCKDALE HWY
 STE 213
 BAKERSFIELD, CA 93309
 (661) 395-2731

File Number: **585877**
 Receipt Number: **2463646**
 Geographical Code: **1400**
 Copies Mailed Date: **October 25, 2017**
 Issued Date:

DISTRICT SERVING LOCATION: **BAKERSFIELD**
 First Owner: **ZELLHOEFER, JON WILLIAM**
 Name of Business: **DIAMOND HILLS SPEAKEASY**
 Location of Business: **59 OLD SPANISH TRAIL BLDG 1 STE E
 TECOPA, CA 92389**
 County: **INYO**
 Is Premise inside city limits? **No** Census Tract **0008.00**
 Mailing Address: **PO BOX 34
 TECOPA, CA 92389**
 (If different from premises address)
 Type of license(s): **48**
 Transferor's license/name: _____ Dropping Partner: Yes ___ No *****

RECEIVED
 2017 NOV -6 AM 11:55
 INYO COUNTY
 ADMINISTRATOR
 CLERK OF SUPERIOR COURT

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
48 - On-Sale General Public	ORIGINAL FEES	NA	Y	0	09/18/17	\$13,800.00
48 - On-Sale General Public	ANNUAL FEE	P0	Y	0	10/25/17	\$572.00
Total						\$14,372.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
 Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of INYO Date: September 18, 2017

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

ZELLHOEFER, JON WILLIAM