

MINUTES



County of Inyo Board of Supervisors

February 20, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on February 20, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, and Mark Tillemans. Absent: Matt Kingsley.

Public Comment Chairperson Totheroh asked for public comment during the first public comment period and there was no-one wishing to address the Board.

Closed Session Chairperson Totheroh recessed open session at 8:31 a.m. to convene in closed session with all Board members present except Supervisor Kingsley to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-61899; and No. 3 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6] – Employee organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.**

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:00 a.m. with all Board members present except Supervisor Kingsley, who was absent due to a medical issue.

Pledge Chairperson Totheroh led the Pledge of Allegiance.

Report on Closed Session County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

Public Comment Chairperson Totheroh asked for public comment during the second public comment period.

Susanne Rizo of Bishop offered her gratitude to the employees of Health and Human Services for all the work they did at the emergency shelter on Sunday when residents had to be evacuated because of the Pleasant Fire. She said they were especially attentive to the elderly population.

County Department Reports CAO Carunchio offered a prelude to Department Heads’ reports on their employees responses to the Pleasant Fire Sunday and Monday, recognizing and praising their efforts as well as those of other citizens and agencies.

Reports came from Lt. Eric Pritchard of the Sheriff’s Department, who reported on evacuation, road closure, and traffic control efforts; HHS Director Marilyn Mann, who reported on efforts to staff the emergency shelter at the Tri-County Fairgrounds, which were aided by private citizens and staff from many other departments; Public Works Director Clint Quilter, who reported on crews’ efforts to save Laws Museum, set up road closures, and help cut fire lines; and Assistant County Administrator Rick Benson, who provided an update on the state of Pleasant Valley Campground, which was relatively unscathed.

Introductions Information Services Director introduced to the Board new Network and Operations Analyst

Knight Porter, and Public Works Director Clint Quilter introduced new Heavy Equipment Mechanic Gilbert Conde and new Office Technician Laura Yarnall.

- Ag Commissioner-OVMAP – Chaparral Motorsports Bid and P.O.* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) award a bid in the amount of \$17,886.68 to Chaparral Motorsports of San Bernardino, CA for the purchase of two (2) 2018 Polaris Sportsman 570 EPS ATVs; and B) authorize a purchase order to Chaparral Motorsports in an amount not to exceed \$17,866.68 for two (2) 2018 Polaris Sportsman 570 EPS ATVs. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- CAO-Advertising County Resources – Final FY 16-17 CPSP Grant Payments* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the following final payments from the 2016-17 Advertising County Resources Budget to the Lone Pine Museum of Western Film History: \$621 for transportation during the 2017 Lone Pine Film Festival and \$250 for the Movie Tours during the film festival. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Info Services – Pitney Bowes Lease Agreement* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a mail metering system rental and service lease agreement with Pitney Bowes for postage metering unit (includes primary and backup equipment located in Independence) in an amount not to exceed \$39,450 over a period of 60 months from the date of the Agreement (approximately \$685 per month), contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- HHS-Behavioral Health – Anne Sippi Contract Amendment 1* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the contract between Inyo County Health and Human Services Behavioral Health and Anne Sippi Treatment Group for residential placement of adults in a locked facility, in an additional amount of \$30,000 for a total amount not to exceed \$65,000 for the period of July 1, 2017 through June 30, 2018, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Planning – Authorization to Execute Caltrans Agreements/Reso #2018-10* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing Cathreen Richards, Inyo County Planning Director, to Execute Agreements with the California Department of Transportation for the County of Inyo for the Olancho Cartago Corridor Study," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Road Dept. – Lily Alley Tree Removal* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the removal of two large elm trees on the County right-of-way commonly known as Lily Alley, at the residence of 137 East Pavilion Street, Independence, CA. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Sheriff – Adamson Sole Source and P.O.* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) declare Adamson Police Products of Los Alamitos, CA a sole-source provider of less-lethal and pepper ball supplies; B) authorize a purchase order to Adamson Police Products in the amount of \$8,338 for less-lethal supplies; and C) authorize a purchase order to Adamson Police Products in the amount of \$4,328 for pepper ball supplies, contingent on the Board's approval of future budgets. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Sheriff – OHV Grant Submittal Authorization/Reso #2018-11* Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Kingsley absent.
- Clerk-Recorder-BOS – Item Postponed* The Board opted to postpone its discussion of a request from Clerk-Recorder Kammi Foote and Supervisor Kingsley to take a SUPPORT position on AB 1915 (Mathis) until Supervisor Kingsley could be present.
- Auditor-Controller/Personnel – Office Tech I* Auditor-Controller Amy Shepherd presented a request to fill a vacant Office Technician I position that would be shared by her office and the Personnel Department. Moved by Supervisor Pucci and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I exists in the General Fund, as certified by the Auditor-Controller and

concurrent with by the County Administrator; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and c) approve the hiring of one (1) Office Technician I, at Range 55 (\$3,150 - \$3,830). Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Child Support Services – Child Support Officer I-II

Child Support Services Director Susanne Rizo requested authorization to backfill a vacancy in her department. Moved by Supervisor Pucci and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Child Support Officer I/II exists in the non-General Child Support fund, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; B) whereas internal candidates meet the qualifications for the position and the vacancy could possibly be filled through an internal recruitment, an open recruitment would be more appropriate to ensure qualified applicants apply; and c) approve the hiring of one Child Support Officer I at Range 57 (\$3,232 - \$4,027) or Child Support Officer II at Range 60 (\$3,471 - \$4,216), depending upon qualifications. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Sheriff – Public Safety Dispatcher I

Lt. Eric Pritchard requested authorization to fill an upcoming vacancy in the department. Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Public Safety Dispatcher I exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and c) approve the hiring of one (1) Public Safety Dispatcher I at Range 55 (\$3,150 - \$3,830). Motion carried unanimously 4-0, with Supervisor Kingsley absent.

HHS-Behavioral Health – Ratify Nicholas Dogris Contract

HHS Director Marilyn Mann presented for ratification and approval a contract between the County and Nicholas Dogris, Ph.D. She said he is a unique provider of neuro-therapy treatment services in the area. Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and Nicholas Dogris, Ph.D. for neuro-therapy treatment services for a total amount not to exceed \$50,000 for the period of February 1, 2018 to June 30, 2019 (estimated to be \$25,000 for remainder of Fiscal Year 2017-2018 and \$25,000 for Fiscal Year 2018-2019), pending the Board's adoption of the Fiscal Year 2017-2018 Midyear Budget and future budgets, and authorize the Chairperson to sign the contract and the HIPAA Business Association Agreement. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

HHS-ESAAA – Ratify Mono County Agreement Amendment 1

HHS Director Marilyn Mann presented for ratification and approval an amendment to the existing agreement between Inyo and Mono counties for aging services. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve Amendment No. 1 to the four-year agreement with the County of Mono for the provision of Eastern Sierra Area Agency on Aging services to Mono County eligible residents, in the total amount not to exceed \$88,696 for the period beginning July 1, 2017 through June 30, 2018 and not exceeding the total four-year amount of \$385,101 for the period of July 1, 2016 through June 30, 2020. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Water Dept. – 6 Seasonal Field Assistants

Chairperson Totheroh noted for the record that the hire dates presented for approval, June 4, 2017 through August 31, 2017, should actually be June 4, 2018 through August 31, 2018. Moved by Supervisor Griffiths and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for six (6) Seasonal Field Assistants exists, as certified by the Water Director and concurred with by the County Administrator and Auditor-Controller; B) whereas internal candidates meet the qualifications for the position and the vacancy could possibly be filled through an internal recruitment, an open recruitment would be more appropriate to ensure qualified applicants apply; and c) approve the hiring of six (6) Seasonal Field Assistant I's at Range 050PT (\$15.25 - \$18.07), June 4, 2018 through August 31, 2018, as corrected, contingent upon the Board's adoption of the Fiscal Year 2018-2019 Budget. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Planning – Bishop Tribe Gas Station

Planner Steven Karamitros notified the Board that Planning Department staff reviewed the Environmental Analysis for the Bishop Paiute Development Corporation's planned convenience

*NEPA Review
Comment Letter*

store/gas station project for consistency with the County's General Plan, and drafted a response letter featuring comments on key such areas such as light and glare issues, impacts to special status plant and animal species, and coordination between the project team, Caltrans and Public Works with regard to driveway location and signage. Supervisor Griffiths said he is concerned about the size of the parking lot and the potential for a heat island, and suggested adding into the letter concerns about shade. Chairperson Totheroh said he was also surprised about the size of the parking lot. Karamitros noted there could be the potential for cumulative noise impacts. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to authorize the Chairperson to sign and staff to send the response letter, with additions related to shade trees and noise pollution. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Recycling & Waste –
Equipment
Operator I-II*

Assistant County Administrator Rick Benson presented a request to hire an Equipment Operator for the Independence and Lone Pine landfills. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths for the Board to find that: A) consistent with the adopted Authorized Position Review Policy, the availability of funding for one (1) Equipment Operator I-II position exists in the Recycling and Waste Management Budget, as certified by the Assistant County Administrator and concurred with by the County Administrator and Auditor-Controller; B) authorize the internal recruitment of one (1) full-time Equipment Operator I-II, Range 58 (\$3,376 - \$4,108) to Range 60 (\$3,541 - \$4,301), depending on qualifications; and C) authorize the recruitment and filling of the vacancy resulting from the internal recruitment. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Here It Comes
Emergency*

Public Works Director Clint Quilter provided an update on the effort to repair the Round Valley Road Bridge, for which the County was awarded about \$2.7 million by CalOES and which he said could take about 18 months to two years to complete. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to continue the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Rocky Road
Emergency*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to continue the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Land of Even Less
Water Emergency*

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to continue the local emergency known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Gully Washer
Emergency*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to continue the local emergency known as the "Gully Washer Emergency" that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*DV Down But Not
Out Emergency*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to continue the local emergency known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Clerk of the Board –
Approval of Minutes*

The Assistant Clerk of the Board noted that the minutes incorrectly state the Board met in special session when they should state the Board met in regular session. She said she would correct the error. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of February 6, 2018, as corrected. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Correspondence-
Action – Board of
Education Election*

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to order the consolidation of the Inyo County Board of Education election for trustee areas 1, 3, and 5 with the June 5, 2018 Direct Primary Election. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Consolidation

Board Member and Staff Reports

Supervisor Griffiths said he attended a CSAC Board meeting last week in Sacramento where there was a lot of talk about the Governor's budget, particularly a potential loss of specialty mental health funds that could be passed along to Counties. He also noted that the budget sets aside money for courthouse funds, but Inyo County failed to make the list, and offered another update on the water bonds coming up for a vote in June and November.

CAO Carunchio said he would be having a meeting with local HHS leaders regarding mental health funding this week. Regarding the courthouse funding, he said Inyo County's courthouse had a good chance of getting funded had it moved beyond the site selection phase. He noted that the Board has made every effort to put the Court in a good position to do so.

Planning – Ordinance 1224 Enactment (Short-Term Rentals)

Planning Director Cathreen Richards presented for Board enactment, following last week's re-introduction and lengthy discussion, an ordinance establishing regulations for short-term vacation rentals in Inyo County. She noted the ordinance includes the revision requested by the Board last week. The Chairperson opened the floor to public comment. Earl Wilson of Lone Pine asked how many complaints it will take before the County determines a property is no longer eligible for short-term vacation rentals. Richards said all complaints will come to the Planning Department, where the Planning Director will make the determination. She said there is no set number that will trigger pulling a permit, but said it could be as few as one if the violation is especially egregious. David Tanksley of Aspendell reiterated his comments from last week regarding the unique conditions in Bishop Creek Canyon, where a majority of second- and third-homeowners will be able to turn their homes into business properties. He questioned what kind of enforcement will be done to ensure the rentals are operating legally, since many have been operating illegally for years with impunity. He also expressed concerns about liability and impacts to property values, and said he wasn't asking the Board to scrap the entire ordinance but look at Bishop Creek Canyon from a unique perspective. Supervisor Griffiths and Chairperson Totheroh reiterated that residents opposed to rentals in their neighborhood would have the chance to be heard before the Planning Commission, but Tanksley pointed out the permanent residents would be outnumbered by second-homeowners in favor of the rentals on a purely democratic basis. Supervisor Tillemans said he did not see who the County was protecting by allowing non-hosted rentals but acknowledged he was in the minority on the Board. Jared Smith of Parcher's Resort said an increase in short-term vacation rentals is a concern for those in the lodging business and took issue with not being personally notified of the proposed ordinance as someone who pays a considerable amount of Transient Occupancy Tax to the County. Olivia Ower, owner of Bishop Creek Lodge, shared similar concerns, and said her business faces enough challenges without having to compete against a huge increase in the number of room rentals available in the area. Richards reminded those in attendance that there is currently nothing in County Code addressing short-term vacation rentals and that the County has to receive a written complaint to act against them. She said the proposed ordinance explicitly says the renters must have a permit or they are in violation of County Code. Assistant County Counsel John Vallejo said the ordinance also prohibits advertising of rentals without a permit, and noted that with good cause, Richards can add conditions to the permit to address neighbors' concerns. Supervisor Pucci said the intent of the ordinance is to crack down on unlawful operations and create easier ways to enforce the rules. He said a lot of people who own homes in Aspendell live in Southern California, and wouldn't be eligible to apply for a non-hosted permit unless they obtained a hosted permit first. Vallejo added that the issue is not a zero-sum game between short-term rentals and existing lodging establishments. Discussion continued about potential conditions that could be placed on permits on case-by-case bases. Supervisor Pucci surmised that, with the level of restrictions being put in place, the number of existing rentals would shrink. Supervisor Griffiths said he didn't have an answer to how the ordinance would impact the economy of Bishop Creek Canyon, but said the policy was written to give maximum flexibility to the Planning Department in dealing with issues that may arise and to ensure notification of surrounding neighbors. He said he would again defer to the rest of the Board, since the majority of his constituents live in the City of Bishop. Supervisor Tillemans said he was very concerned about impacts to Bishop Creek Canyon and was interested in a possible overlay for the area. Supervisor Pucci said he believes the ordinance tries to strike a balance and allows those who would operate righteously to do so. Chairperson Totheroh said public comments have run the gamut, and the Planning Department and County Counsel have done a good job balancing those multiple concerns and views. He said it's possible that with additional restrictions and easier enforcement, vacation

rental numbers will decrease, but the ordinance offers enough flexibility that policy changes can be made if needed. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to enact an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 18.73 Short-Term Rental of Residential Property to the Inyo County Code." Motion carried 3-1, with Supervisor Tillemans opposed and Supervisor Kingsley absent.

Public Comment

Earl Wilson of Lone Pine said, as a former mining claimant, he believes a lot of mining claims in Inyo County are being sold on eBay and possibly the dark web. He said the County has an opportunity to set a fee scale for mining claims based on the number of claims filed.

Adjournment

Chairperson Totheroh adjourned the meeting at 12:09 p.m. to 8:30 a.m. Tuesday, February 27, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

by: _____
Darcy Ellis, Assistant