

MINUTES



County of Inyo Board of Supervisors

November 12, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 10:01 a.m., on November 12, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

Pledge

County Counsel Marshall Rudolph led the Pledge of Allegiance.

Public Comment

Chairperson Pucci asked for public comment during the first public comment period.

Nicholas Bartlett of Bishop told the Board he and 50 other tenants in the same Bishop apartment complex were served notices that their rent will be increased by 50% to over 100% and then notices that their tenancy will be terminated by December 14. He said he believes the apartment building's owners have done this to circumvent the rent control law taking effect across California on January 1. He said over half of the tenants facing eviction are children and noted that many of these families have no alternative housing. Bartlett requested the Board agendaize an item to place a moratorium on these actions until January 1.

Mike Godbey, a staff attorney for California Indian Legal Services speaking as a private citizen, provided background and details about the rent control legislation, AB 1482, and noted that it protects existing tenants from exorbitant rent increases, including retroactively, but not "new" tenants. He said property owners are moving to increase rent and/or evict tenants across the state in anticipation of January 1 and several cities have adopted moratoriums to protect renters. He said Inyo County passing a similar moratorium would not put an albatross around landlords' necks, but could stop 60 people, half of whom are children, from becoming homeless.

Bonita Huerta, an organizer with the Service Employees International Union, introduced herself to the Board and said SEIU has started preparations for negotiations on behalf of the estimated 100 In-Home Support Services providers it represents.

Christina Rockwell of Bishop said she was representing IHSS workers to report that many are making minimum wage to take care of individuals over their allotted hours. She discussed issues with the current third-party entity administering the client registry, such as difficulty accessing it and people needing care who are not included on it. She also questioned whether the County has a current contract with the third-party and noted the MOU between the registry and workers expired in 2017.

Earl Wilson of Lone Pine expressed concerns about big rig traffic speeding through Inyo County's small towns late at night.

County Counsel Rudolph provided the Board additional information about AB 1482 and the Board's options if it wished to explore the idea of a moratorium. The Board asked that the issue be agendaized for next week's meeting.

Supervisor Totheroh announced a United Blood Services blood drive happening today and tomorrow at the Elks Lodge in Bishop.

County Department Reports

Clerk-Recorder Kammi Foote announced today is the start of the filing period for residents to officially declare themselves as candidates for office for the March primary. She also updated the Board on a complete elections system upgrade occurring in her office and said letters will be sent to all Inyo County voters notifying them of their current party registration.

Sheriff Jeff Hollowell introduced Deputy Tim Noonan, who introduced his new K-9 partner, Feit.

Introduction

Water Director Dr. Aaron Steinwand introduced to the Board new Senior Scientist Meredith Jabis.

*Clerk-Recorder – CA
Secretary of State
Contract Amendment
1/Reso # 2019-50*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) approve Amendment No. 1 to the contract between the County of Inyo and the California Secretary of State for Voting System Replacement, increasing the contract to an amount not to exceed \$360,153.90, and authorize the Clerk-Recorder to sign, contingent upon all appropriate signatures being obtained; and B) approve Resolution No. 2019-50, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving Inyo County Entering Into Contracts with the State of California and the California Secretary of State for Any and All Funds Available to Inyo County, for Voting Systems, Election Management Systems and/or Any Other Election Related Expenses," and authorize the Chairperson to sign. Motion carried unanimously.

*Coroner – Duane
Eugene Whitbey
Contract
Amendment 1*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Amendment No. 1 to the contract between the County of Inyo and Duane Eugene Whitbey, for Personal Services as a County Officer, amending the contract by: A) changing the end date of the contract to December 31, 2021; and B) increasing the contract amount by \$45,000 for a total contract amount not to exceed \$90,000. Motion carried unanimously.

*Planning – Haiwee
Pumped Storage
Project FERC Letter*

Planning Director Cathreen Richards gave a brief presentation to the Board regarding the Federal Energy Regulatory Commission's notice of preliminary permit application accepted for filing and soliciting comments, motions to intervene and competing applications related to Premium Energy Holdings LLC's proposed Haiwee Pumped Storage Project. She asked for direction regarding submitting a comment letter. The Chairperson asked if there was anyone from the public wishing to speak on the matter. Bryan Hatchell, representing Friends of the Inyo (FOI), said they were supportive of the Planning Department's letter but wanted to suggest some additions, based on FOI's letter to FERC. He reviewed the four suggested additions, which the Board was provided copies of in a letter distributed by Planning Director Richards. Earl Wilson of Lone Pine offered historical and geographical context for the proposed project sites, noting potential conflicts with mining projects, issues with pipelines stemming from historic mining activity, and the proximity of one of the sites to land owned by Indian Wells Valley. Supervisor Griffiths asked whether the Planning Department could add the points suggested by FOI. Supervisor Kingsley said it would be better to not list the deficiencies individually, but to note their existence and a desire to obtain more details about the project before it moves forward. The Board directed Planning Director Richards to add a statement to the letter noting that FERC's concerned parties list is incomplete, and that the Board looks forward to more detail because it is currently lacking.

*Ag Commissioner –
Proposed Cannabis
Delivery License
Ordinance*

Supervisor Tillemans recused himself from this agenda item at 11:14 a.m. and left the Board Chambers.

Ag Commissioner Nate Reade presented to the Board a proposed ordinance to update Chapter 5.4 of Inyo County Code to add non-storefront retail (delivery) as a license type to the County's commercial cannabis zones, based on previous direction from the Board. He noted that updating Chapter 5.4 would also require an amendment to Chapter 18, and those changes would be coming before the Board next week. Reade asked for direction from the Board regarding how many delivery licenses to add to what cannabis zones. After some discussion, the Chairperson called a brief recess while Reade and Planning Director Cathreen Richards researched exactly which cannabis zones would allow for delivery licenses based on County zoning designations.

Recess/Reconvene

The Chairperson recessed the meeting at 11:23 a.m. for a break and reconvened the meeting at 11:33 a.m. with all Board members present.

*Ag Commissioner –
Proposed Cannabis
Delivery License
Ordinance*

Ag Commissioner Reade informed the Board that delivery licenses can be added to cannabis zones 1, 2, 4, 5A, 5C, 5D, 5E, and 5F. After more discussion, the Board directed Reade to add 2 delivery licenses in 5C and one each in the rest of the applicable zones. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) add a total of nine new non-storefront retail licenses to Zones 1, 2, 4, 5A, 5C, 5D, 5E, and 5F, with two in Zone 5C and one

(continued)

in the rest of the aforementioned zones; B) read title and waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 5.40.070 of the Inyo County Code;" and C) schedule enactment for 11 a.m. Tuesday, November 19 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Supervisor Tillemans rejoined the meeting at the conclusion of the agenda item, at 11:39 a.m.

*Water Dept. –
Direction for Inyo
OVGA Reps*

Water Director Dr. Aaron Steinwand sought direction from the Board to the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority meeting scheduled for November 14, 2019 in Bishop. He distributed the final agenda for the OVGA meeting, and noted continued delay with the State Department of Water Resources' basin reprioritization. He said some OVGA members have indicated their desire to leave the group if the DWR gives the basin a low-priority rating. Steinwand also said it was the consensus of the OVGA board to re-start/accelerate work on the Groundwater Sustainability Plan in the meantime and there would be a review of a new timeline and discussion of an OVGA mission statement at the meeting. It was the consensus of the Board that the mission statement should be restricted to OVGA meeting the mandates of the State Groundwater Management Act. The Board also directed staff to draft a letter from the Board to DWR requesting the reprioritization process be expedited, at least as it applies to the Owens Valley Basin.

Discussion was temporarily halted to accommodate a timed break allowing the Board to attend a ribbon-cutting ceremony.

Recess/Reconvene

The Chairperson recessed the meeting at 11:58 a.m. so that the Board could attend a ribbon-cutting ceremony in the Courthouse Pavilion to commemorate the new Property Tax Management System "going live." The Chairperson reconvened the meeting at 12:30 p.m. with all Board members present.

*Water Dept. –
Direction for Inyo
OVGA Reps
(continued)*

After the break, Earl Wilson of Lone Pine provided public comments in the form of updates on the status of the Indian Wells Valley Groundwater Sustainability Plan.

*Sheriff – Budget
Amendment & Board
of State and
Community
Corrections
Agreement
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) amend the Fiscal Year 2019-2020 Jail Budget (Budget 022900) as follows: increase estimated revenue in Federal Grants (Revenue Code 4555) by \$6,750 and increase appropriation in Salaries (Object Code 5001) by \$4,750, and Overtime (Object Code 5003) by \$2,000 (*4/5ths vote required*); and B) ratify the agreement between the County of Inyo and State of California Board of State and Community Corrections agreement in an amount not to exceed \$6,750 for the period of May 1, 2019 through September 30, 2020, contingent upon the Board's approval of future budgets and authorize the Sheriff or designee to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Recycling & Waste
Management –
Permit Areas A & B
Floor Rate Increases*

Assistant County Administrator Leslie Chapman introduced an item to correct solid waste collection and hauling floor rate increases that were adopted on April 9; approve new increases based on the Consumer Price Index adjustment of 2.8%; and then adopt the new schedule of minimum charges for Permit Areas A & B. She explained that not all of the rates that needed to be adjusted were included in the exhibit presented to and approved by the Board on April 9, and correcting those first would bring them in line with the rest of the rates before proceeding with another increase. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve corrections to the Solid Waste Collection and Hauling Floor Rate Increase for Residential and Commercial Service for Permit Areas A & B that was approved on April 9. Motion carried unanimously.

Chapman then reviewed for the Board the next round of proposed increases, authorized by the County's Franchise Agreement with contracted commercial waste haulers. A question about some of the totals prompted Assistant CAO Chapman to request the item be tabled for the moment so she could verify the figures.

CAO-Emergency

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the submittal

*Services – FFY 2019
Homeland Security
Grant
Application/Reso #
2019-51*

of the Fiscal Year 2019 Homeland Security Grant Program Application in the amount of \$94,114 and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application, as well as any and all accompanying documents, by approving “Governing Board Resolution No. 2019-51” designating the County Administrator/Director of Emergency Services as the County’s Authorized Agent to execute for, and on behalf of Inyo County, an application to be filed with the California Governor’s Office of Emergency Services for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub awarded through the State of California; and B) authorize the Chairperson to sign the Resolution Addendum letter. Motion carried unanimously.

*CAO-Emergency
Services – FFY 2019
EMPG Grant
Application/Reso #
2019-52*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) approve the submittal of the Federal Fiscal Year 2019 Emergency Management Performance Grant (EMPG) Program Application and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application, as well as any and all accompanying documents, by approving “Governing Board Resolution No. 2019-52” designating the County Administrator/Director of Emergency Services as the County’s Authorized Agent to execute for, and on behalf of Inyo County, an application to be filed with the California Governor’s Office of Emergency Services for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub awarded through the State of California; and B) authorize the Chairperson to sign the Resolution Addendum letter. Motion carried unanimously.

*CAO-Emergency
Services – Receipt of
CalOES PSPS
Allocation/Budget
Amendment*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) authorize the receipt of the State of California Office of Emergency Services 2019 Public Safety Power Shutoff Resiliency one-time allocation in the amount of \$154,797; B) authorize the Inyo County Administrator, as the Designated Director of Emergency Services and Authorized Agent for the Emergency Management Performance Grant Program, to enter into an agreement with the State of California Office of Emergency Services by signing the Notification of Subrecipient Allocation; and C) amend the Fiscal Year 2019-2020 Board Approved Budget as follows: increase revenue in the General Relief Budget (Budget Number 010205) State Other (Revenue Code 4499) by \$154,797, and increase appropriations in Advertising (Object Code 5263) by \$2,000, General Operating Expense (Object Code 5311) by \$2,797, and Equipment (Object Code 5650) by \$150,000 (*4/5th vote required*). Motion carried unanimously.

*Recycling & Waste
Management –
Permit Areas A & B
Floor Rate Increases
(continued)*

The Board resumed discussion of the agenda item, with Assistant CAO Chapman verifying that the 2.8% CPI adjustment had been correctly applied to all rates in the exhibit presented. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to: A) approve the Consumer Price Index (CPI) adjustment of 2.8%, to the portion of the Service Fee Floor rates not associated with the tipping fees, effective January 1, 2020, in accordance with Franchise Agreements between the County of Inyo and contract waste haulers; and B) adopt the new schedule of Minimum Charges for Waste Hauling Services for Areas A & B in Inyo County as presented in Exhibit A. Motion carried unanimously.

*CAO – ESCOG Joint
Powers Agreement*

CAO Quilter introduced a request from the Eastern Sierra Council of Governments for the Board to consider entering into a Joint Powers Agreement creating the ESCOG Joint Powers Authority (JPA). He referred the Board to a staff report developed by ESCOG board members and to the proposed Joint Powers Agreement, which must be also be approved by Mono County, City of Bishop, and Town of Mammoth Lakes in order to create the JPA. Supervisor Griffiths spoke more in detail about the document, which he said addresses the individual jurisdictions’ concerns about the JPA taking on issues or policy matters not approved by their individual boards and councils. He pointed out a needed correction to Section 4.02b, to remove the reference to members having four-year terms – since ESCOG members are actually appointed annually by their respective boards. He also reiterated from previous discussions that a formal regional entity such as a JPA would be able to apply for regional grants where, at present, the ESCOG does not have that ability.

The Board engaged in a lengthy discussion about the JPA, its pros and cons, its purpose, and whether the need truly exists. Supervisor Kingsley and Chairperson Pucci expressed reservations about creating another layer of government when ESCOG is currently able to collaborate regionally, and no clear, stated focus of the JPA moving forward has been provided. Chairperson Pucci said he was not in favor of creating an autonomous entity that wasn’t legally bound to adhering to member agencies’ directives. He added that if ESCOG cannot apply for regional grants, individual member agencies can apply on its behalf.

Supervisor Kingsley said he was in favor of the ESCOG taking a regional approach to recreation, and supported the funding contribution for an independent staff member, but believed both could be accomplished without creating a JPA. Supervisor Totheroh said for him it boiled down to whether the downside to creating another layer of government was outweighed by the benefits it can bring to the region in the form of funding opportunities. He said with the safeguards in place in the Joint Powers Agreement to keep the JPA from acting autonomously, he believed the benefits are worth it. Supervisor Tillemans said he wanted the benefits and objectives more clearly defined. He said grant funding opportunities are better if applied for regionally, but he wanted more assurance that creating a JPA would help in that regard and that the extra layer of government is needed.

County Counsel Rudolph clarified that a JPA is governed by the terms of its governing agreement and this particular Joint Powers Agreement includes two safeguards to protect the interests of individual members: the overall programmatic restriction that no program or project can move forward without the approval of the governing body of each member agency; and the provision that no vote can be taken without representation at the meeting from all member agencies and no vote will pass unless at least one member from each agency votes in the affirmative. He said the concern was ESCOG moving in policy directions at odds with its member agencies and the Agreement as written prevents that. Supervisor Griffiths said if his fellow supervisors are philosophically opposed to the JPA, now is the time to say it. He added there are 47 other COGs around the state that are JPAs, and ESCOG is one of the few that isn't, supposedly because someone a long time ago forgot to file the paperwork with the Secretary of State. He said the ESCOG has been operating regionally for 12 years and this is the next logical step, with safeguards in place to prevent a rogue agency. Supervisor Griffiths said that regional grants can be applied for without a JPA, but one member agency must do it on behalf of the rest and that causes issues and concerns with relying on one member to administer regional funding.

Supervisor Kingsley said he would hope there would be agreements in place on how to administer grants before they are applied for. Supervisor Kingsley said he supported asking the ESCOG board to form a set of MOUs that the four agencies can agree on for the staff position, with the same safeguards in place that are proposed in the JPA. CAO Quilter asked the Board whether it would be interested in funding a regional staff position for a trial period to ascertain whether a JPA would make sense. Supervisor Griffiths said if the Board was willing to hire someone to do the work and understood the benefit of applying for regional grants but still didn't support the JPA, he didn't understand what the problem was other than philosophical opposition. Supervisor Tillemans said the staff position seemed like a key benefit of the JPA and would be interested in a test run. He also said he'd like the matter brought back after the other member agencies voted.

Supervisor Griffiths noted, referring to the ESCOG staff report, that the request is for Inyo County to decide, now, to: 1. Approve the draft JPA agreement as proposed and vote in concept to the requested funding commitments; 2. Provide input on the document and propose changes, that will have to be recirculated among the four member agencies; or 3. Not approve the JPA and request the ESCOG stop working on its establishment. Discussion continued. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the JPA agreement, with the correction to Section 4.02b, and to approve in concept the initial funding for the remainder of Fiscal Year 2019-2020 and as a baseline for Fiscal Year 2020-2021 budget planning purposes. The CAO requested a roll-call vote, which resulted in the following: Supervisor Griffiths – yes; Chairperson Pucci – no; Supervisor Totheroh – yes; Supervisor Kingsley – no; and Supervisor Tillemans – yes. Motion carried 3-2, with Supervisors Kingsley and Pucci voting no.

Public Comment

Chairperson Pucci asked for public comment during the final public comment period.

Earl Wilson of Lone Pine said he thinks the Board made the right vote with regard to creating an ESCOG Joint Powers Authority. He also reported on a trip to New Mexico where he discovered a local library created out of a converted railroad terminal.

Board Member and Staff Reports

Supervisor Kingsley said he attended a Great Basin Unified Air Pollution Control District meeting Bridgeport last week and will be going to the Inyo Associates meeting in Lone Pine next Monday.

Supervisor Tillemans reported attending the Veterans Day ceremony in Big Pine on Monday, as well as the Big Pine Civic Club meeting and pumpkin pie contest.

Supervisor Tothoroh said he also attended the Great Basin Unified Air Pollution Control District meeting Bridgeport last week, and will be attending the Owens Valley Groundwater Authority meeting on Thursday and the Behavioral Health Advisory Committee meeting on Monday.

Supervisor Griffiths said he attended board meetings for IMACA, Inyo Council for the Arts, the Eastern Sierra Foundation, and Eastern Sierra Transit Authority, and had a meeting with Laws Museum yesterday.

CAO Quilter said he attended the Lone Pine Veterans Day ceremony yesterday and will be traveling Thursday.

Chairperson Pucci announced he will be unable to attend the December 10 Board meeting because of a medical appointment.

Adjournment

Chairperson Pucci adjourned the meeting at 3 p.m. to 8:30 a.m. Tuesday, November 19, 2019 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER
Clerk of the Board*

*by: _____
Darcy Ellis, Assistant*