

# MINUTES



# County of Inyo Board of Supervisors

**July 3, 2018**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:33 a.m., on July 3, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, Mark Tillemans, and 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 8:34 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); No. 3 **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*, Kern Superior Court Case No. BVC-18-101261 (Eminent Domain - Independence); Case No. BVC-18-101260 (Eminent Domain – Lone Pine); and Case No. BVC-18-101262 (Eminent Domain - Bishop); No. 4 **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 Ken Walker, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 5 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: County Administrator; No. 6 **PUBLIC EMPLOYMEE EVALUATION [Pursuant to Government Code §54957]** – Title: County Administrative Officer; and No. 7 **PUBLIC EMPLOYMEE EVALUATION [Pursuant to Government Code §54957]** – Title: Public Works Director.

*Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:18 a.m. with all Board members present.

*Pledge* Chairperson Totheroh led the Pledge of Allegiance.

*Report On Closed Session* County Counsel Rudolph reported that with regard to agenda item 2, the Board, by unanimous decision of all members present, took action to opt into a class action lawsuit regarding the recovery of federal PILT (payments-in lieu of taxes) funding from years 2015, 2016 and 2017.

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

*County Department Reports* Sheriff Bill Lutze reported on the June 29, 2018 passing of retired Inyo County Sheriff (1971-1982) Floyd Barton. Sheriff Lutze shared some of Sheriff Barton's law enforcement background, and said he was a very popular sheriff and an incredible man.

Undersheriff Jeff Hollowell updated the Board on an incident that occurred in Big Pine on Sunday in which a vehicle was burned and nine horses were stabbed or slashed with knives at the Big Pine Stable Club. He said every available resource is being devoted to the investigation and the Sheriff's Office is in the process of offering a reward in conjunction with the County.

<i>Introductions</i>	District Attorney Tom Hardy introduced to the Board new Investigator Assistant Yolanda Cortez; HHS Director Marilyn Mann introduced new Office Tech II Cherish Hegi; Information Services Director Scott Armstrong introduced new Deputy IS Director Jamie Westervelt; and Public Works Director Clint Quilter introduced new Building Maintenance Worker Casey Dean and new Equipment Operator Jeff Smith.
<i>Memorial Adjournment</i>	Supervisor Kingsley asked that today's meeting be adjourned in memory of retired Inyo County Sheriff Floyd Barton.
<i>HHS – Pitney Bowes P.O.</i>	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the issuance of a blanket purchase order for Pitney Bowes in the amount of \$15,000 for postage in the Social Services programs for Fiscal Year 2018-2019, contingent upon the Board's adoption of the Fiscal Year 2018-2019 Budget. Motion carried unanimously.
<i>HHS-Social Services – County Welfare Directors Assoc. Dues</i>	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the payment of County Welfare Directors Association of California dues for Fiscal Year 2018-2019 in an amount not to exceed \$18,715, contingent upon the Board's adoption of the Fiscal Year 2018-2019 Budget. Motion carried unanimously.
<i>Planning – Alta Planning + Design Sole-Source Contract</i>	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) declare <i>Alta Planning + Design</i> a sole-source provider of planning and design services on the Olancha Cartago Corridor Plan Project; B) approve the contract between the County of Inyo and <i>Alta Planning + Design</i> consultant services for a not-to-exceed amount of \$204,933; and C) authorize the chairperson to sign the contract, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>HHS – SIP Ratification</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the Child Welfare System Improvement Plan (SIP), which includes the Office of Child Abuse Prevention plan, and authorize the Chairperson to sign the SIP cover sheet and Notice of Intent for CAPIT/CBCAP/PSSF plan contracts. Motion carried unanimously.
<i>CAO – Hollowell Sheriff Appointment</i>	CAO Carunchio reviewed for the Board some of its options for filling the unexpired term of Sheriff Lutze, ending January 2019, when he retires on June 12, 2018. He noted that in the past the Board has opted to recruit for candidates, however given that Undersheriff Jeff Hollowell was just elected Sheriff in June and will take office in January, it seems expedient and appropriate to appoint Hollowell to serve out the remainder of Sheriff Lutze's term. Supervisor Griffiths agreed, but said under other circumstances he would consider it good policy for the Board to do its due diligence with a recruitment. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to appoint Jeff Hollowell as Sheriff, effective July 13, 2018, for the unexpired-term for the Office of Sheriff ending January 2019. Motion carried unanimously.
<i>Here It Comes Emergency</i>	Emergency Services Manager Kelley Williams provided an update on the status of the County's declared, open emergencies. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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.
<i>Rocky Road Emergency</i>	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.
<i>Land of Even Less Water Emergency</i>	Moved by Supervisor Pucci and seconded by Supervisor Kingsley 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.
<i>Gully Washer Emergency</i>	Moved by Supervisor Kingsley 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.

*DV Down But Not Out Emergency*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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.

*Clerk of the Board – Approval of Minutes*

The Assistant Clerk of the Board noted, per the Chairperson, the need to add the result of the Board’s motion to the bottom of page 3 in the June 19, 2018 minutes. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the minutes of the regular Board of Supervisors meetings of June 12, 2018 and June 19, 2018, with the above-noted addition. Motion carried unanimously.

*Board Member and Staff Reports*

Supervisor Kingsley reported on the birth of a new granddaughter over the weekend.

Supervisor Tillemans said he attended his first Inyo FIRST 5 meeting since being added back to the committee on June 26.

*Correspondence-Action – Closure of Millpond for Music Festival*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the closure of Millpond Recreation Area to the public from 7 a.m. Friday, September 21, 2018 to 11 p.m. Sunday, September 23, 2018 so that ICA can hold the 27<sup>th</sup> Annual Millpond Music Festival. Motion carried unanimously.

*Recess/Reconvene*

The Chairperson recessed the meeting at 10:46 a.m. for a break and reconvened the meeting at 11:03 a.m. with all Board members present.

*Planning – Cook General Plan Amendment/ Proposed Ordinance*

Supervisor Tillemans recused himself from discussions and deliberations of the agenda item, and left the room. Assistant Planner Josh Dan presented a proposed zone reclassification and General Plan Amendment requested by property owner Reginald Cook of Lone Pine that would allow him to legally cultivate commercial cannabis if compliant with all County and State licensing and permitting requirements. Dan said the property is surrounded by vacant open space managed by the BLM, and the Planning Department received no public comment on the proposal, nor any response from local Tribes who were sent Consultation invitations. He said the Planning Commission unanimously voted to recommend the Board certify the project as being exempt from CEQA and to approve the General Plan Amendment and zone reclassification. The Chairperson opened the public hearing at 11:14 a.m. Cook said the U.S. Fish and Wildlife Service has inspected his property and told him no mitigation will be required if he were to use the land for commercial cannabis activity. He said the Department of Water Resources told him its input would not be required. Cook also noted that the property is located in a boxed canyon, with one road in and one road out, obscured from public view and without neighbors that might be affected. The Chairperson closed the public hearing at 11:16 p.m. Supervisor Kingsley recalled that while the Board was adopting the County’s commercial cannabis policy, it advocated for individual property owners whose land fell outside of the regulations to seek zone reclassifications and other remedies rather than the Board adding exceptions or making changes to the County’s ordinances that would only apply to a select few. He said he believed Cook’s request was reasonable and he supported it, since it was the process the Board laid out months ago. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) certify that the provisions of the California Environmental Quality Act have been met and make certain findings with respect to and approving Zone Reclassification No. 2018-02/Cook and General Plan Amendment No. 2018-01/Cook; and B) waive the first reading of an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2018-02/Cook and Amending the Zoning Map of the County of Inyo by Rezoning a 28.04-Acre Parcel Located at 1 Hidden Valley Ranch Road, Lone Pine, CA (APN 026-070-09) from Commercial Recreation with A 5-Acre Minimum (C5-5.0) to Open Space with a 40-Acre Minimum (OS-40)” and schedule enactment for 11 a.m. Tuesday, July 10, 2018 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Environmental Health – Proposed Ordinance Revising*

Environmental Health Director Kathe Barton presented to the Board a proposed ordinance that would amend sections and subsections of County Code pertaining to Onsite Wastewater Treatment Systems in order to accommodate changes to the County’s draft Local Area Management Plan that were suggested by the Lahontan Regional Water Quality Control

*Code/LAMP  
Resolution  
No. 2018-28*

Board, so that the changes are not in conflict with Chapter 7.12 of Inyo County Code. She also presented a resolution for approval that would adopt the County's LAMP. There was some discussion about whether the LAMP changed setback requirements for septic systems, and Barton said the plan left most of them unchanged. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) waive the first reading of an ordinance titled, "An Ordinance of the Inyo County Board of Supervisors Amending Section 7.12.020 and Subsections 7.12.030(a)(3), 7.12.030 (a)(4), 7.12.050(c)(3), 7.12.050(c)(9), 7.12.050(d)(7), 7.12.060(b)(8), and 7.12.100(a) of the Inyo County Code, Pertaining to Onsite Wastewater Treatment Systems," and schedule enactment for 11 a.m. Tuesday, July 10, 2018 in the Board of Supervisors Room, County Administrative Center, Independence; and B) approve a resolution titled, "A Resolution of the Inyo County Board of Supervisors Adopting a Local Area Management Plan."

*Recess for Lunch  
and Grand Jury  
Swear-In/Reconvene  
for Closed Session*

Chairperson Totheroh recessed the meeting at 11:29 a.m. for lunch and so that the Board members could attend the swearing-in ceremony of the 2018-2019 Grand Jury at noon at the County Courthouse, and reconvened the meeting into closed session at 1 p.m. with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items.

*Open Session*

Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 4:07 p.m.

*Report on Closed  
Session*

County Counsel Rudolph reported that no action was taken in closed session that is required to be reported.

*Adjournment*

Chairperson Totheroh adjourned the meeting at 4:07 p.m., in memory of Sheriff Floyd Barton, to 8:30 a.m. Tuesday, July 10, 2018 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*