

MINUTES



County of Inyo Board of Supervisors

December 17, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:03 a.m., on December 17, 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

Chairperson Pucci led the Pledge of Allegiance.

Public Comment

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

Supervisor Kingsley announced that a press release that went out this morning mentions the Board of Supervisors but it did not come from the Board of Supervisors.

County Department Reports

HHS Director Marilyn Mann distributed flyers advertising gift wrapping services at the Bishop Senior Center, reported on a trip to Tecopa to deliver iridium devices to staff there, and provided a recap of the inaugural Neighbor Fest celebration held at Highlands Mobile Home Park.

Public Works Director Mike Errante gave an update on road projects and reported that he and Associate Engineer Ashley Helms recently met with FAA staff in Southern California and are planning to continue monthly meetings to ensure the County is on track for commercial airline services by October 2020.

Water Director Dr. Aaron Steinwand briefed the Board on testing of Well 385, noting that all related disputes were resolved.

Sheriff Jeff Hollowell reported that the annual Shop With A Cop event went well on Saturday, with approximately 72 children participating. He thanked the Tri-County Fairgrounds, Lions Club, and Inyo-Mono law enforcement for their assistance with the program.

Chief Probation Officer Jeff Thomson updated the Board on the Elevate Justice Act.

Introductions

HHS Director Marilyn Mann introduced the following new HHS employees: HHS Specialist IV Orion L. Boucher, Social Worker IV Savannah Cole, Prevention Specialist Emily Faircloth, Prevention Specialist Katelyn Lent, and Administrative Analyst II Amber Williams.

CAO – Code Enforcement Officer

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to: A) approve the job description for Code Enforcement Officer; and B) find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for one (1) Code Enforcement Officer exists in the General Fund CAO Budget, as certified by the County Administrator and Auditor-Controller; 2) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Code Enforcement Officer at Range 68 (\$4,444 - \$5,400). Motion carried unanimously.

HHS-Fiscal – Office Tech III

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists in the various non-General Fund HHS budgets (no County General Funds), as certified by the HHS Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, an external recruitment is more appropriate; C) approve the hiring of one (1) Office Technician III at Range

63 (\$3,944 - \$4,799); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy. Motion carried unanimously.

*Personnel –
Employer Paid
Contribution/Reso #
2019-59*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Resolution No. 2019-59, titled, "Resolution of the Board of Supervisors, County of Inyo, State of California, Paying and Reporting the Value of Employer Paid Member Contribution," and authorize the Chairperson to sign. Motion carried unanimously.

*Coroner – William D.
Stinnett Contract
Amendment 1*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Amendment #1 to the contract between the County of Inyo and William D. Stinnett, for Personal Services as a County Officer, amending the contract by: A) Changing the end date of the contract to June 30, 2020; and B) Increasing the contract amount by \$10,000 for a not to exceed amount of \$68,000. Motion carried unanimously.

*Planning – Yucca
Mtn. Funding
Certification*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to certify that funds expended by Inyo County through the Yucca Mountain Repository Assessment Office for Federal Fiscal Year 2019 (October 1, 2018 - September 30, 2019) were expended in accordance with the provisions of applicable laws, and authorize the Chairperson to sign the certification. Motion carried unanimously.

*Sheriff – Axon
Enterprises Contract
Amendment 1*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Amendment No. 01 to the Taser Assurance Plan Agreement between the County of Inyo and Axon Enterprises, Inc. of Scottsdale, AZ, adding the redaction assistant license, five (5) additional body cameras and increasing the contract to an amount not to exceed \$127,262, 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.

*Treasurer-Tax
Collector – HdL
SOFTWARE Sole-
Source Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare HdL SOFTWARE, LLC of Brea, CA a sole-source provider of business licensing software services; B) approve the contract between the County of Inyo and HdL SOFTWARE, LLC of Brea, CA for the provision of business licensing software services in an amount not to exceed \$57,000.00 for the period of January 1, 2020 through December 31, 2020, contingent upon the Board's approval of future budgets; and C) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Recycling & Waste
Management –
Owens River
Cleanup Fee Waiver/
Reso # 2019-60*

Supervisor Tillemans asked that the agenda item be moved from the Consent Calendar to Departmental for discussion. He noted that he has a lot of constituents who appreciate the solid waste disposal and gate fee waivers for community clean-up events. He also passed on his appreciation, and brought to Assistant County Administrator Leslie Chapman's attention that sage is inconsistently being accepted as green waste. Chapman said the department became aware of the situation yesterday and is working to resolve the discrepancies. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve Resolution No. 2019-60, waiving solid waste disposal and gate fees up to \$100 for trash and litter removed during the Owens River Clean-Up event, Saturday, February 8, 2020, and authorize the Chairperson to sign. Motion carried unanimously.

*Water Dept. –
Water Commission
Appointments*

Water Director Dr. Aaron Steinwand presented for the Board's consideration three Letters of Interest received for two vacancies on the Water Commission, submitted by Mr. Nate Gratz, Dr. Mark Nechodom, and Dr. Holly Alpert. Dr. Nechodom was in attendance and addressed the Board to describe his qualifications and reasons for applying. The Board discussed the candidates' qualifications, noting that all three were top quality applicants and the decision was going to be difficult. They ultimately agreed that Mr. Gratz should be reappointed as he is doing a good job and asking to continue doing so. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to reappoint Nate Gratz to a four-year term on the Inyo County Water Commission ending December 31, 2023. Motion carried unanimously. The Board discussed the remaining two candidates, determining that Dr. Nechodom would bring a fresh pair of eyes to the commission and that Dr. Alpert's expertise will continue to benefit the County in her professional capacity. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to appoint Dr. Mark Nechodom to a four-year term on the Inyo County Water Commission ending December 31, 2023. Motion carried unanimously.

*Clerk of the Board –
Fish & Wildlife
Commission
Appointment*

The Assistant Clerk of the Board presented for the Board's consideration three Letters of Interest received for one vacancy on the Inyo County Fish and Wildlife Commission. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to appoint Mr. Warren Allsup to an unexpired four-year term on the Inyo County Fish and Wildlife Commission ending October 6, 2021. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote. Chairperson Pucci added that the alternate position, which Mr. Allsup will be leaving to assume the regular-member term, is an important one. The Assistant Clerk of the Board said she would advertise the new vacancy as soon as possible.

*CAO/County Counsel
– Wolverine/Inyo LLC
Financing/ Reso #
2019-61*

County Counsel Rudolph provided an explanation of a request from the Consolidated Office Building owners to assist them in obtaining financing, noting that there is no risk to or financial obligation excepted of the County as a result of the requested actions. He also reviewed the involved documentation as well as corrections and revisions made to those documents. The Board, County Counsel, and CAO engaged in discussion. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve proposed Resolution No. 2019-61, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Approving and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, Approving the Obtaining of a Loan by the Authority for the Purpose of Financing or Refinancing the Acquisition, Construction and Improvement of Certain Facilities for the Benefit of Wolverine/Inyo LLC, and Approving the First Amendment to Build to Suit Lease Agreement," and authorize the Chairperson to sign. Motion carried unanimously.

*Planning – Short-
Term Rental
Workshop*

Planning Director Cathreen Richards conducted a workshop on proposed changes to the County's Short-term Rental of Residential Properties Ordinance. She provided an overview of the history of short-term rental regulations, and reviewed the changes to the ordinance as concurred with and/or suggested by the Board during an October 15 workshop (including eliminating non-hosted short-term rentals). Discussion ensued between Richards and the Board.

The Chairperson opened the floor to public comment, noting that the emails and letters already received on the subject will be added to the permanent record. The following individuals shared their opinions and/or asked for clarification on various points:

- Robert Huizar said he operates both a hosted and non-hosted rental and is glad to find out they will be grandfathered in, but he would like clarification on what exactly is being grandfathered. He said he also has concerns about language in the ordinance that makes the rentals sound like hostels – which he said are rented at lower price points and might attract the wrong people.
- Jan Almquist of Aspendell said continuing to allow non-hosted rentals has value to the community, and new restrictions can be placed on them to alleviate remaining concerns, like limiting the number allowed countywide per zone or only allowing residents to have rentals on a single property.
- Susan Bunes of Big Pine suggested requiring applicants to leave a comment card or similar when they are circulating their notification forms throughout the neighborhood, so that residents who are not home at the time of the canvassing still have the opportunity to speak with the applicant and are simply not marked down as being unavailable. She also asked whether the existing regulations would be grandfathered in to applications currently under review, and suggested a yearly renewal fee due at the time permits undergo annual reviews.
- Joann Lijek of Bishop said she takes issue with the “designated representative” requirement and wondered what constitutes a “substantiated complaint” to the Planning Department.
- Liane Herrick, operator of a hosted short-term vacation rental in Lone Pine, spoke to the benefits of these types of rentals and also questioned how the changed policies will be enforced and why rental operators are being charged the same property tax rate as businesses on Main Street.
- Larry Kraus of Darwin said the requirement to post an address outside of a rental will not work in Darwin where there are no street addresses.
- Charisse Rudolph of Bishop asked whether there would be a distinction in the rules between manufactured and stick-built homes.
- Russ Monroe said he thinks the Board is headed in the right direction with the proposed changes, which address a number of issues, and added that the new position for a Code Enforcement Officer can only help the situation.

- Sharon White of Lone Pine asked for clarification on the hosted rental requirements and auxiliary units on the property, and whether homeowners within 300 feet of a rental will be notified if the permit is revoked.
- Paul Payne of Lone Pine, operator of a non-hosted rental, said he appreciated the fact that current permittees would be grandfathered in. He noted his property is exclusive and they screen renters carefully for neighbors' and the community's sake.
- Michael Dorame of Lone Pine thanked the Board for its flexibility in re-addressing the ordinance, and said there is an issue with parking on his street by renters. He said he understood residents have a duty to report these issues, but did not know where or to whom. He said he also supported a temporary moratorium on new permit applications and stronger penalties for infractions.
- Michael Campbell said he operates a non-hosted short-term rental and was glad to hear existing permittees would be grandfathered in. He added that he thinks limiting the number of rentals by zone is a good idea. Mr. Campbell then read a letter he wrote in the context of believing his non-hosted rental would be eliminated.

Recess/Reconvene

Chairperson Pucci recessed the meeting at 11:50 a.m. for a break and reconvened the meeting at 11:58 a.m. with all Board members present.

Planning – Short-Term Rental Workshop (continued)

Following the break, Planning Director Richards addressed the Board to answer questions posed by the preceding speakers and the Supervisors. The Board engaged in additional discussion. Supervisor Kingsley said the “big picture” issue is striking a balance between preserving property rights and neighborhood character. He added he was in support of a renewal fee, and said the Board should consider a moratorium on new permits until the changes are in place. Supervisor Tillemans said he was never in favor of non-hosted rentals and supports the changes being recommended except for assigning permits by zone. Supervisor Totheroh said the reality is Planning has only received two legitimate complaints about short-term rentals. He added he likes the idea of having a designated representative on the property and wondered whether adjacent neighbors could serve in that capacity. Supervisor Griffiths said the letters submitted and testimony given today show that it's impossible to create a policy that pleases everybody. He said his consistent concern has been preserving affordable workforce housing, and allowing hosted rentals only would not take critical housing away and would still allow homeowners to earn needed income and provide a good experience for visitors. Supervisor Pucci said the overriding issue is permitting a commercial activity in residential areas, and he thinks requiring a designated representative be on the property while it's rented will solve 90% of people's concerns – especially about speculators and permittees gaming the system. He added that he doesn't want any of the proposed changes to be imposed retroactively on residents who came to the County in good faith and did what they were asked in order to get their permit(s). Supervisor Griffiths said he didn't want the changes to affect those in the middle of the process either. Assistant County Counsel John Vallejo said staff could not find legal justification for a moratorium, but noted that there should not be a rush on non-hosted permits with the Planning Commission not meeting again until January 22. After additional discussion, the Board came to the consensus that any changes to the current ordinance would only affect new permit applications and renters should be required to post a sign outside of their homes with their addresses on them.

Recess/Reconvene

Chairperson Pucci recessed the meeting at 12:51 p.m. for lunch and reconvened the meeting at 1:48 p.m. with all Board members present.

Planning – BLM Alabama Hills Management Plan Scoping Comments

Planning Director Cathreen Richards presented for the Board's consideration a draft scoping comment letter for the Bureau of Land Management's Alabama Hills Management Plan. She provided background information on the issue and reviewed the letter's key points, which she said were based on values expressed by the Board with regard to other management plans. She also noted that the County has been invited to meet with the BLM to begin the consultation process and needed to appoint two Board members to the consultation committee. Supervisor Kingsley and Chairperson Pucci volunteered to sit on the consultation committee. With the exception of one sentence being too long, the Board was in agreement with the scoping letter and directed staff to send.

Parks & Recreation – State of the Parks Workshop

Assistant County Administrator Leslie Chapman presented the State of the Parks report in a workshop with the Board, noting that the full analysis would have to be done in installments. She provided an overview of the parks and campground system, and the characteristics of each park and campground. Chapman reviewed the Parks & Recreation staffing structure. The

Board and Chapman engaged in a lengthy conversation about deferred maintenance, funding, and prioritization of repairs and projects. Chapman also presented a list of potential current year projects totaling \$250,000, a rough estimate of \$5 million for future projects, and potential resources that can be used to complete the projects and ongoing maintenance, including an internship program and campground hosts. The Board agreed that the more maintenance issues the Parks are able to address, the more time it frees up for larger projects, and that anything presenting liability issues to the County should be tackled first. It was also in agreement with the proposed Statement of Philosophy for park maintenance and a list of guiding principles to assist in the development of a long-term Park and Campground Improvement Plan – with the addition of a statement at the start of the Statement of Philosophy about the County recognizing the economic importance of recreation on the economy in a world-class vacation destination. Chapman said she would return with additional considerations for the Board.

*HHS – Brian
McKinney, M.D.
Contract Ratification*

Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to ratify and approve the contract between the County of Inyo and Brian McKinney, M.D. Inc. for jail psychiatry services in an amount not to exceed \$5,000.00, for the period of July 1, 2019 to September 30, 2019, and authorize the County Administrative Officer to sign the contract and HIPPA Business Associate Agreement. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

*HHS – Per Diem
Reimbursement
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve the payment of \$1,633.00 to Maria Serna for per diem reimbursement for the period of FY 16/17 through FY 18/19. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

*HHS-Fiscal – Kitchen
Equipment Purchase
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify and approve purchases from Pueblo Hotel Supply for kitchen equipment in the amount of \$14,190.37. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

*CAO-Emergency
Services – CDFW
Grant Budget
Amendment*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to amend the Fiscal Year 2019-2020 Budget as follows: A) create a new budget titled CDFW-Oil Spill Prevention Response Grant (budget number to be determined by the Auditor-Controller); and B) increase revenue in State Grants (Revenue Code #4498) by \$35,000 and increase appropriation in Equipment (Object Code #5650) by \$35,000 (*4/5ths vote required*). Motion carried unanimously.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the minutes of the regular Board of Supervisors meeting of December 10, 2019. Motion carried 4-0-1, with Chairperson Pucci abstaining.

Public Comment

Chairperson Pucci asked for public comment during the final public comment period and there was no-one wishing to address the Board.

*Board Member and
Staff Reports*

Supervisor Kingsley wished everyone a great holiday season.

Supervisor Totheroh said he attended meetings of the Eastern Sierra Area Agency on Aging and the Owens Valley Groundwater Authority last week.

Supervisor Griffiths reported attending meetings of the Owens Valley Groundwater Authority, Eastern Sierra Council of Governments, and Eastern Sierra Transit Authority; going in costume to the Independence Fruitcake Festival; attending Inyo Associates' December gathering; and having the pleasure of discussing civics with the Bishop Webelo troop.

Adjournment

Chairperson Pucci adjourned the meeting at 3:40 p.m. to 8:30 a.m. Tuesday, January 7, 2020 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