

MINUTES



County of Inyo Board of Supervisors

February 11, 2020

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 11, 2020, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Jeff Griffiths, Rick Pucci, and Mark Tillemans.

- Public Comment* Chairperson Kingsley asked for public comment during the first public comment period and there was no one wishing to address the Board.
- Closed Session* Chairperson Kingsley recessed open session at 8:30 a.m. to convene in closed session with all Board members present 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]** – Name of case: *LADWP v. Inyo County et al.* (Kern County Superior Court Case No. BCV-18-101513-KCT [CEQA]); No. 3 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS** – Regarding 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. County designated representatives – Administrative Officer Clint Quilter, Assistant County Administrator Leslie Chapman, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson.
- Open Session* Chairperson Kingsley recessed closed session and reconvened the meeting in open session at 10:07 a.m. with all Board members present.
- Pledge* CAO Clint Quilter 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 Kingsley asked for public comment during the second public comment period.
- Joann Lijek of Bishop noted that it is hard to hear the Board members from the audience and suggested they speak directly into their microphones.
- Memorial Adjournment* Chairperson Kingsley commented on the recent passing of Mammoth Mountain Ski Area founder Dave McCoy, calling him an iconic figure who left a mark on the entire U.S. 395 corridor and within both Inyo and Mono counties.
- Supervisor Pucci said he has known and worked on many projects with Mr. McCoy since 1982, and called him a great man, from a great family, whose visionary ideas created tremendous opportunity for Inyo and Mono counties. He offered his condolences to the McCoy family.
- Supervisor Tillemans offered his thoughts and prayers to the McCoy family and urged everyone to think positive about how much Mr. McCoy did for our communities.
- Supervisor Totheroh said he had the opportunity to work with Mr. Coy many times, and found him to be congenial, innovative, caring, and focused on what is best for our area.
- Supervisor Griffiths said without Mr. Coy, the community colleges in Bishop and Mammoth would not exist.

Chairperson Kingsley said the meeting would be adjourned in honor of Dave McCoy.

County Department Reports

Emergency Services Manager Kelley Williams updated the Board on Southern California Edison's wildfire mitigation plan, and added that a representative of the California Fire Safe Regional Council will be visiting Inyo County in March so she is trying to set up meetings with some of the tribes and communities interested in starting their own fire safe councils.

Chairperson Kingsley provided a report regarding the power being out in Death Valley for four days last week before anyone from the County became aware of it, expressing disappointment in some of the entities' lack of communication. He noted that both HHS and the Sheriff's Office sprang into action once they were made aware of the situation.

Introductions

HHS Director Marilyn Mann introduced to the Board new Social Worker IV Eman Khan; and Sheriff Jeff Hollowell introduced new Correctional Officer Adam Graham.

Auditor-Controller – Admin Analyst I-III

Moved by Supervisor Totheroh 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) Administrative Analyst I, II or III exists in the General Fund as certified by the Auditor-Controller and concurred with by the County Administrator; B) the vacancies can be filled by internal candidates within the department, meeting the qualifications for the positions; C) approve the closed internal department recruitment and hiring of one (1) Administrative Analyst at Range 68-72 (\$4,444 - \$5,931); and D) authorize the Auditor-Controller to backfill the resulting vacancy. Motion carried unanimously.

Water Department – 5 Seasonal Field Assistant I's

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists as certified by the Water Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through internal recruitment, but an open recruitment would be more appropriate; and C) approve the hiring of five (5) seasonal Field Assistant I's at Range 050PT (\$15.66 - \$19.01 per hour), from June 1, 2020 through August 27, 2020, contingent upon the Board's adoption of the Fiscal Year 2020-2021 budget. Motion carried unanimously.

Clerk of the Board – Indy Cemetery District Appointment

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to reappoint Ms. Marilyn Bracken to a four-year term on the Independence Cemetery District Board of Trustees, ending March 1, 2024. Motion carried unanimously.

CAO – Letter of Support for Campground Grant

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve letter of support for an Inyo National Forest grant application to do a feasibility and profitability study on 72 campgrounds on the Inyo National Forest and adjacent lands, including Inyo County campgrounds. Motion carried unanimously.

CAO-Advertising County Resources – Final FY 18-19 CPSP Payment

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve a final payment of \$1,500 from the Fiscal Year 2018-19 Advertising County Resources Budget to Mule Days to use digital media to help promote the 50th Anniversary Commemorative Video. Motion carried unanimously.

County Counsel – LTC Conflict of Interest Code

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve a Conflict of Interest Code adopted by the Inyo County Local Transportation Commission. Motion carried unanimously.

HHS-Social Services – MOU with Wild Iris, Courts, and Mono Social Services

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the Memorandum of Understanding between the County of Inyo Health and Human Services and Wild Iris Family Counseling and Crisis Center, Inyo and Mono County Courts, and Mono County Social Services, and authorize the HHS Director to sign. Motion carried unanimously.

Public Works – Prior-Year Invoice

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize payment to the USDA Forest Service of Portland, OR for a prior-year invoice in the amount of \$7,486.48, dated March 31, 2019. Motion carried unanimously.

*Water Department –
Direction to OVGA
Reps*

Water Department Director Dr. Aaron Steinwand sought direction from the Board for the County's Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority meeting scheduled for February 13, 2020 in Bishop, CA. He distributed and reviewed the finalized meeting agenda, noting in particular items 7 and 8. He sought direction as to whether the County should join the Owens Lake Groundwater Working Group, and said he will bring back on agenda item for the Board to consider at a later date whether it wants the County to take on additional funding responsibility – and receive additional votes – to make up for the shortfall being created as more members decide to leave the OVGA. It was Board consensus that the County should have a presence at the Owens Lake meetings.

*Emergency Services
– Cargo Trailer Bid
Award and P. O.*

Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to declare Global Diving & Salvage, Inc. of Vallejo, California, the successful bidder for one (1) enclosed cargo trailer complete with specified oil spill prevention response equipment, per Bid No. 2019-19; B) authorize a purchase order in an amount not to exceed \$35,000 for the purchase of one (1) enclosed cargo trailer complete with specified oil spill prevention response equipment from Global Diving & Salvage, Inc.; and C) authorize the County Administrative Officer, as the Director of Emergency Services, to sign the proposal agreement with Global Diving & Salvage, Inc. Motion carried unanimously.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the minutes of the regular Board of Supervisors meeting of February 4, 2020. Motion carried unanimously.

*Board Member and
Staff Reports*

Supervisor Tillemans reported he attended last night's Big Pine Civic Club meeting where there was a candidate's forum for Superior Court Judge hopefuls and a carrot cake contest afterward, and said he has an LTC meeting next week.

Supervisor Totheroh said he met last week with the subcommittee working on the Owens Valley Groundwater Authority communications plan, attended the *LADWP v Inyo County et al* trial in Bakersfield on Friday, had a Behavioral Health Advisory Board meeting Monday, will attend Thursday's OVGA meeting, and has Eastern Sierra Transit Authority and Eastern Sierra Council of Governments meetings Friday.

Supervisor Griffiths said he attended last Wednesday's Poetry Out Loud contest at Inyo Council for the Arts, had an IMACA board meeting on Thursday, cooked food on Friday for Rotary's International Feast fundraiser, ran the 5K fundraiser for Search and Rescue on Saturday and then cooked all day for the International Fest, attended a Laws Railroad Museum board meeting Monday and a Bishop City Council meeting later that night. He added he'll be in Sacramento on Wednesday and Thursday for CSAC (which asked him to represent counties on a Behavioral Health Task Force) and has ESTA and ESCOG meetings with Supervisor Totheroh on Friday.

Chairperson Kingsley said he was able to travel to Loma Linda last week to visit the two Lone Pine youths injured in a rollover vehicle collision, and said they are on the mend. He added that he will be absent from next week's meeting due to a family obligation in Washington.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 10:47 a.m. and reconvened at 11 a.m. with all Board members present.

*Planning – Ordinance
1251 (Short-Term
Rental Revisions)*

Planning Director Cathreen Richards reviewed for the Board the steps the County has taken in regards to allowing for and regulating short-term ordinances, including a review of the program after a year and workshops in which suggestions for revising the short-term rental ordinance were discussed and directed. She reviewed the revisions now being proposed, based on Board direction, with an ordinance to amend and add sections and subsections to Title 18 in Inyo County Code. Board members asked a few questions for clarification.

The Chairperson opened the public hearing at 11:15 a.m.

Susan Bunes said she was confused by what appeared to be conflicting language regarding whether short-term vacation rentals are considered residential or commercial. She also expressed concern about the fact that Conditional Use Permits granted for these rentals will stay with the properties – in effect allowing new property owners to operate new vacation

rentals. Richards clarified that the CUP allows for certain activities on particular properties, and require a zoning change. She also said short-term rentals are not classified as commercial because they are an extension of a residential use. Joann Lijek of Bishop wondered if the rental's "designated representative" could be the individual(s) renting the property, whether neighbors will have a way to contact this person, and whether neighbors will be notified if a permit is revoked. Richards said the short-term renter cannot qualify as the designated representative and that all notification processes will remain the same, such as providing neighbors with contact information, but said there is currently no notification in place for revocations.

The Chairperson closed the public hearing at 11:23 a.m.

Supervisor Totheroh asked whether there would be a way to add the revocation notification without delaying approval of the ordinance. Assistant County Counsel John Vallejo suggested that the Board can simply direct staff to make those notifications as part of their internal procedures. Supervisor Tillemans said he was happy with where the process has ended up as a result of public participation, staff's patience, and the public's persistence, and supported enactment of the ordinance. Supervisor Pucci said the new ordinance probably isn't perfect but it's a lot better than the original attempt, and noted staff has done a great job being flexible with the revisions. Supervisor Totheroh said the process was flexible because of a lot of public input, and the County is in a better place than it was when the rentals were not regulated at all. Chairperson Kingsley said he is happy with the proposed changes, and also wants to ensure there is a way for neighbors to know when a permit has been revoked. He added that property owners should know by now that there is a required permit process in place, and claims of ignorance by those operating unpermitted short-term vacation rentals won't be valid. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) direct staff to make revocation notifications; B) certify that the zone text amendment is exempt from CEQA; and C) waive further reading of and enact a proposed ordinance, titled, "'An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Inyo County Code Sections 18.73.010, 18.73.020, 18.73.030; 18.73.060, and 18.73.080; Amending Inyo County Code Subsections 18.73.040.A.9, 18.73.040.A.10, 18.73.070.A, and 18.73.070.B; and Adding Subsection 18.73.070.C to the Inyo County Code.'" Motion carried unanimously.

*Ag Commissioner-
Cannabis –
Ordinance 1250 (Title
5 Amendments)*

Supervisor Tillemans recused himself from the rest of the meeting at 11:32 a.m. Noting the Board held the first reading last week, Ag Commissioner Nate Reade presented for enactment an ordinance to make certain changes to County Code with respect to the number of available commercial cannabis licenses and which were inadvertently omitted from the Board of Supervisors' prior modification of Chapter 5.40. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve an ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Subsections 5.40.070A.2, 5.40.070A.5A, 5.40.070A.5C, 5.40.070A.5F, and 5.40.070A.5G of the Inyo County Code." Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Ag Commissioner-
Cannabis –
5 Commercial
Cannabis Licenses*

Ag Commissioner Nate Reade presented for the Board's consideration the latest round of license applications for various commercial cannabis operations throughout the County, received when the window for applications opened in June. He said six total were received but only 5 made it to the second/final round of scoring because the sixth did not have permission from the property owner, LADWP. Reade reviewed the licenses being requested that met the 80% minimum scoring threshold: 1 for retail operations in the Lone Pine area; 1 for a microbusiness north of Trona; 2 for cultivation sites larger than 5,000 acres in the Charleston View area; and 1 for distribution in the Charleston View area. He noted that Ordinance 1250, just approved by the Board, adds in the retail license for the Lone Pine area, thus that license, if awarded, will be put on hold until the ordinance takes effect in 30 days. Supervisor Kingsley asked whether the application for the microbusiness discussed public benefit, and Reade said he didn't have the specifics off hand.

The Chairperson opened the public hearing at 11:42 a.m.

Suzi Dennet of Tecopa, representing the Southern Inyo Fire Protection District chief, reiterated concerns about applicants providing fully fleshed out safety plans, noting that some have been great and some have been terrible. She also expressed concern about water usage in the event of drought, and noted that she has discovered applicants are not aware that they will have to go through the Lahontan Water Quality Control Board's cannabis cultivation permit

process. She suggested the County make them aware earlier on.

John Mays of Tecopa said he is really glad to see economic development in that area of the County.

The Chairperson closed the hearing at 11:48 a.m.

Assistant County Counsel John Vallejo provided Reade with specific community benefit information from the microbusiness application, and Reade read it aloud to the Board.

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to:

- A) conditionally approve the following licenses that exceeded the 80% minimum threshold as set forth in Inyo County code section 5.40.090(H) and authorize issuance of licenses contingent on the applicant paying the fees established, and applicants obtaining all applicable permits and licenses required by the County and the State of California including payment of all required fees and taxes:
- one (1) retail classification license in cannabis zone 5A
 - one (1) microbusiness classification license in cannabis zone 5E
 - two (2) cultivation in excess of 5,000 sq. ft. classification licenses in zone 5G
 - one (1) distribution classification license in zone 5G; and

B) deny those applications that failed to meet minimum requirements.

Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Comment

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

Adjournment

Chairperson Kingsley adjourned the meeting in honor of Dave McCoy at 11:51 a.m. to 8:30 a.m. Tuesday, February 18, 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