

MINUTES



County of Inyo Board of Supervisors

March 3, 2020

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 March 3, 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 8:33 a.m. to convene in closed session with all Board members present to discuss the following items: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9: one potential case. Circumstances: threatened litigation regarding road issue in Keeler; and No. 2 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – 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 10:00 a.m. with all Board members present.
- Pledge* The Assistant Clerk of the Board 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 and there was no one wishing to address the Board.
- County Department Reports* Public Works Director Mike Errante reported on the upcoming start of the South Lake Road Project.
- HHS Director Marilyn Mann provided the Board an update on the COVID-19 (corona virus) threat, nationally and locally, and offered tips for staying healthy. She also reported on a trip to Sacramento with HHS staff and community partners to discuss keeping kids in school and outside of the pipeline leading to criminal activity.
- Assistant CAO Leslie Chapman reported that she would be leaving the meeting soon to observe testing of a tule boat at Diaz Lake, being done in partnership with LADWP.
- Museum Services Director Jon Klusmire acknowledged the work done by Carson & Colorado volunteers last weekend and gave an update on the Community Project Sponsorship Program.
- Introductions* HHS Director Marilyn Mann introduced to the Board new Social Services Aide Tiffany Montanez; and Sheriff Jeff Hollowell introduced new Public Safety Dispatcher Cianni Martinez.

<i>Parks & Rec – Three Seasonal Maintenance Helpers</i>	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 the requested positions exists in the General Fund, as certified by the Assistant County Administrator and concurred with by the County Administrator and Auditor-Controller; B) 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 C) approve the hiring of three (3) seasonal Park and Campground Maintenance Helpers, Range PT50 (\$15.66 - \$19.01/hr.) and one (1) seasonal Park and Campground Attendant, Range PT50 (\$15.66 – \$19.01/hr.). Motion carried unanimously.
<i>Recycling & Waste – Gate Attendant</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position exists, as certified by the Assistant County Administrator and concurred with by the County Administrator and Auditor-Controller; and B) authorize the hiring of one (1) Gate Attendant at Range 48 (\$2,795-\$3,386) from the recently established eligibility list. Motion carried unanimously.
<i>CAO-Adv. County Resources – Final FY 18-19 CPSP Payment</i>	approve a final payment of \$1,000 from the 2018-19 Advertising County Resources Budget to the Bishop Area Chamber of Commerce and Visitors Bureau for the 2019 Inyo County Familiarization Tours. Motion carried unanimously.
<i>Emergency Services – ESRI Sole-Source Contract</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) declare Environmental Systems Research Institute, Inc. (ESRI) of Redlands, CA a sole-source provider of Geographic Information System software; B) approve the purchase of a three (3) year renewal of the ESRI Enterprise License Agreement (ELA) in an amount not to exceed \$81,000; and C) authorize the County Administrator to sign on behalf of the County of Inyo to enter into the three-year ELA with ESRI, for the time period of March 14, 2020 through March 14, 2023.. Motion carried unanimously.
<i>Motor Pool – Surplus of Vehicle 9277</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to declare Vehicle No. 9277 as surplus and authorize Motor Pool to dispose of the vehicle as scrap. Motion carried unanimously.
<i>Recycling & Waste – Bishop Waste Amendment 1</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the contract between the County of Inyo and Bishop Waste Disposal increasing the contract limit payable under the agreement from \$17,271 to \$22,271, for processing of recyclables collected at the Bishop-Sunland Landfill, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>HHS-Social Services – WIOA JPA</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve the Joint Powers Agreement (JPA) between the counties of Kern, Inyo, and Mono to specify their responsibilities under the Workforce Investment Opportunity Act to be operated in the Workforce Development Area; B) authorize the HHS Director to sign the JPA indicating approval of content; C) authorize the Chairman to sign the JPA and have the Board Clerk attest the signature; and D) authorize County Counsel to sign the JPA indicating approval as to form. Motion carried unanimously.
<i>Planning – LP Architectural Review Board Re-appointments</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to re-appointment Brian Webb, Kathi Hall and Linda Haun to the Lone Pine Architectural Design Review Board, pursuant to Section 18.69.020(B) (1), (4) & (5) of the Inyo County Code, with Mr. Webb to serve as the "Qualified Licensed Architect;" Ms. Hall to serve as the "Lone Pine Chamber of Commerce" member; and Ms. Haun to serve as the "public" member. Motion carried unanimously.
<i>Public Works – Annex HVAC Plans & Specs/Annex IS Server Room Re-bid</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve the plans and specifications for the Annex HVAC Retrofit Project; B) authorize the Public Works Director to advertise and bid the project; and C) authorize the Public Works Director to re-advertise and re-bid the Annex IS Server Room HVAC Retrofit Project. Motion carried unanimously.
<i>Parks & Recreation –</i>	Assistant CAO Leslie Chapman presented for approval new, 25-year leases for the County-

25-year Campground Leases

operated campgrounds, which she said resulted from reopened negotiations with LADWP after the County expressed displeasure with the 5-year leases offered last year. She said there are no more favorable terms, such as no 180-day termination notice and no automatic default of the campground leases if any other County leases with LADWP are in default. The Board commended staff and expressed gratitude to LADWP for its flexibility, noting that long-term leases and lease stability are necessary for many grants and grant programs. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve twenty five (25) year leases between Inyo County and Los Angeles Department of Water and Power (LADWP) for the period beginning December 1, 2020 and ending November 30, 2045, for six (6) County campgrounds, and authorize the Chairperson to sign. Motion carried unanimously.

Public Works – LP Dog Park Plans & Specs

Moved by Chairperson Kingsley and seconded by Supervisor Totheroh to: A) approve the plans and specifications for the Lone Pine Dog Park Project; and B) authorize the Public Works Director to advertise and bid the Project contingent on LADWP's approval of the plans and specifications. Motion carried unanimously.

Emergency Services – LADWP Wildfire Plan Presentation

Los Angeles Department of Water and Power Electrical Service Manager Dan Barnes presented and reviewed for the Board LADWP's 2020 Wildfire Mitigation Plan for the Owens Valley.

HHS-Public Health – Proposed Tobacco Product & Sales Ordinance

Inyo County Tobacco Control staff, as requested earlier this year by the Board, returned with a proposed ordinance to regulate tobacco product sales by requiring licensure of tobacco retailers in Inyo County – based on feedback and direction from the Board during previous workshops. Deputy HHS Director-Public Health Anna Scott and Eryn Clarke, Inyo County Tobacco Control Supervisor, reviewed juvenile tobacco use statistics with the Board as well as the recommended three-pronged approach to curbing youth tobacco use that would be implemented by the ordinance: 1) a flavored ecigarette or “vape” ban; 2) a requirement that all little cigars be sold in packs of 20 and cigars be sold in packs of 5 (except cigars that cost more than \$5 each); and 3) a requirement for minimum pricing of \$8 per pack for cigarettes and little cigars and \$5 per cigar. They noted that, if approved, the new regulations will not go into effect for six months in order to give vendors time to sell off their existing stock. Scott explained the ordinance would apply only to the unincorporated areas of the county, but to ensure consistency, the next step will be working with the City of Bishop and Tribes on passing mirroring regulations. She said the recommended license fee is \$0 and rather than charging fees for violations, staff is recommending license suspensions.

The Board engaged in lengthy discussion with staff about the proposed pricing requirements. Clarke noted that the cheapest pack of cigarettes they could find in Inyo County was \$5; the average price is \$7.50. Supervisor Pucci expressed concern about the price increase impacting adults of legal smoking age. Chairperson Kingsley said he wasn't convinced a 50 cent increase on the price of cigarettes would discourage youth from purchasing the products, but also didn't know if it would necessarily put a burden on adult smokers. Scott said the pricing component of the ordinance is important in restricting youth access to the low-priced single products (such as cigarillos), and staff could change the proposed structure if the Board desired.

The Chairperson opened the public hearing at 11:47 a.m.

Debi Schnadt, Tobacco Use Prevention Coordinator for Mono County, said she was proud Mono County and the Town of Mammoth Lakes adopted a full ban of all flavored tobacco products, including menthol cigarettes, and encouraged Inyo County to do so as well to create a broader, regional ban. She said Inyo County youth have already started coming up to Mammoth to sell tobacco products to Mono County youth. Chairperson Kingsley clarified that the County is proposing only to ban and restrict sales by retailers, not possession.

Heleen Welvant expressed support for the tobacco retailer license and vaping sales ban. She said, as a nurse, she sees the long-term effects of tobacco use and people who want to quit but can't. She encouraged the County to ban sales of all flavored tobacco products.

The owner of the Smoke Shop in Bishop said it needs to be mentioned that parents have a responsibility in preventing their kids from obtaining these products, and in a lot of cases parents are the ones buying vaping products for their kids. He said banning the sale of vape

products is no problem, but his shop serves a lot of low-income elderly smokers who can't afford a pack of cigarettes, so buy cigarillos and cigars for \$2 instead.

Emma Bills, speaking as a citizen and cigar smoker, said she opposed raising prices in an attempt to stop youth from using these products. She said it won't discourage youth – who spend hundreds on their clothes, haircuts, and cell phones all the time – but will punish adult smokers. She said it's already illegal for youth to purchase/possess tobacco and encouraged the County to work at the issue from a different angle.

Joseph, from Smoke 4 Less in Bishop, said a ban of the tobacco products would only help black-market sales thrive. He also said a lot of people don't want to smoke a whole pack of cigars or cigarillos and prefer to buy just one or two. He, too, asked the Board to put more pressure on parents to become part of the solution.

The Chairperson closed the public hearing at 12:12 p.m.

The Board continued discussions. Supervisor Totheroh said he is happy the County is taking some action and hoped there would be constant monitoring of the restrictions to determine how well they're working. He suggested if they're not very effective, to consider implementing a full ban like Mono County and Town of Mammoth Lakes. He also said he'd rather land on the side of helping curtailing youth tobacco use over trying not to inconvenience adult smokers.

Supervisor Tillemans said if vaping products were banned, it follows that youth who are addicted to nicotine would seek out the flavored cigarillos instead. He said the rate of local youth who have used tobacco in the last 30 days is alarming, and the real issue is youth being hooked on tobacco products. He noted it's a very hard habit to break once developed, and said it's unfortunate the increased costs of tobacco products can't go towards prevention and education efforts.

Chairperson Kingsley said he agreed that raising tobacco prices will not affect youth tobacco use much, and questioned the statistics showing decreases related to minimum pricing and packaging requirements. He said he also agreed that parents are the ones who should be regulating their children's use, but in the absence of that, he did support the County's efforts overall to curtail youth tobacco access.

Supervisor Griffiths said that during the past year of discussions he has been trying to distinguish from products used by adults and those that are obviously targeted to youth, like flavored cigarillos. He said he is trying to thread the needle and wants people to still be able to get their \$1.50 cigars.

Supervisor Pucci said he has had the same thoughts as Supervisor Griffiths about balancing the rights of adults with protecting youth. He said he doesn't have concerns about the minimum cigar pricing but is concerned about increasing the price of cigarette packs, or potentially banning the sale of menthol cigarettes.

Chairperson Kingsley and Supervisor Griffiths noted that this will be the County's first attempt at such regulations. Supervisor Griffiths said staff did a great job in striking a balanced approach. Chairperson Kingsley and Supervisor Tillemans emphasized the importance of getting the City of Bishop and Tribe on board too.

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to waive further reading of a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California Amending the Inyo County Code to Add Chapter 5.45 to the Inyo County Code Regarding the Regulation of Tobacco Product Sales and Requiring the Licensure of Tobacco Retailers," and schedule enactment for 11 a.m. on March 10, 2020 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously.

*Public Works –
Preferred Septic
Contract Ratification*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to ratify and approve the contract between the County of Inyo and Preferred Septic and Disposal, Inc. for the provision of Trash Disposal and Recycling Services in an amount not to exceed \$180,000.00 for the period of March 1, 2020 through February 28, 2023, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate

signatures being obtained. Motion carried unanimously.

*HHS-Social Services
– University of
California Regents
Contract*

It was noted that the agenda erroneously states this agenda item is a ratification. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the contract between the County of Inyo and the Regents of the University of California, on behalf of its Davis Campus University Extension, for training services in an amount not to exceed \$127,500.00 for the period of July 1, 2020 through June 30, 2021, contingent upon the Board’s adoption of the Fiscal Year 2020-21 budget; and authorize the Chairperson to sign. Motion carried unanimously.

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

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to appoint Mr. Toby Dickinson to the Inyo Fish and Wildlife Commission, to an unexpired four-year term ending October 6, 2021. (*Notice of Vacancy resulted in letter of interest only from Mr. Dickinson.*) Motion carried unanimously.

Public Comment

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

*Board Member and
Staff Reports*

Supervisor Totheroh reported that Mustang Mesa residents are concerned about fire protection and insurance rates in their community, and he will work with Building & Safety about installing hydrants and with nearby communities on the possibility of joining forces.

Supervisor Griffiths reported attended a special City Council meeting on Wednesday, training that IMACA hosted on fundraising for non-profit organizations, numerous events over the weekend, Monday’s First 5 Commission meeting, and a meeting of the Eastern Sierra Recreational Partnership.

County Counsel Rudolph reported he will be out of town Thursday and Friday and as such will not be able to attend the groundbreaking for the Consolidated Office Building in Bishop.

Chairperson Kingsley reported being in Washington, D.C. last week to attend RCRC and NACo meetings, and said he will attend Thursday’s Air Pollution Control District in Bridgeport.

Adjournment

Chairperson Kingsley adjourned the meeting at 1:03 p.m. to 8:30 a.m. Tuesday, March 10, 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