

MINUTES



County of Inyo Board of Supervisors

January 9, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:31 a.m., on January 9, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, and Mark Tillemans. Matt Kingsley arrived at 9 a.m.

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 8:32 a.m. to convene in closed session with all Board members present except Supervisor Kingsley 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 (two cases); and No. 3 **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 Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo. Supervisor Kingsley joined Closed Session at 9 a.m.

OPEN SESSION Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present.

PLEDGE Supervisor Kingsley led the Pledge of Allegiance.

REPORT ON CLOSED SESSION County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported. He did, however, read a statement in which he reported that on January 5, the County filed litigation challenging the legality of a “negative declaration” adopted by the City of Los Angeles’ Department of Water and Power (LADWP) pursuant to the California Environmental Quality Act (CEQA) in November when it approved a two-month pump test of Well 385R, claiming that prior mitigation measures prohibiting the well’s operation no longer applied. He said that under CEQA, the County had until January 5, 2018 to file a legal challenge of the legality of the negative declaration. If the County did not challenge the legality of the negative declaration by January 5, LADWP would be free to conduct its proposed pumping test in the future and the County would be unable to seek to stop the test under CEQA. Rudolph said a press release would be forthcoming. The Board had also not finished its closed session business, and would recess to closed session later in the meeting to continue discussions.

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 HHS Director Marilyn Mann presented and distributed the new quarterly wellness newsletter for area seniors.

INTRODUCTIONS Assessor David Stottlemire introduced new employee Cyndee Kiddoo, Appraiser; Deputy Personnel Director Sue Dishion and Auditor-Controller Amy Shepherd introduced Sarah Grable,

an Office Technician I being shared by both departments; and Clerk-Recorder Kammi Foote introduced Brenda Delgado Botello, a new Office Technician I in her office.

*INYO COUNTY
ADDICTIONS TASK
FORCE –
PRESCRIPTION DRUG
TAKEBACK PROGRAM
PRESENTATION*

Terrance Vestal, representing the Inyo County Addictions Task Force, provided the Board of Supervisors an overview of the group before introducing its new prescription drug mail-in program, which is launching January 18 and is backed by community outreach and education. He said the group is focused on opioid use and aims to reduce overdoses and misuse of the drugs. He said special envelopes – purchased with County funding – will be distributed to key locations throughout Inyo County. He explained residents will be encouraged to send their unused, unwanted, and expired prescription medications to the collection company on the pre-addressed envelopes, with the goal being to keep the substances out of the water systems and landfills, as well as medicine cabinets where teens might be tempted to steal them. Vestal said distribution of the envelopes will be controlled so that the Task Force can keep data on the program. He added that the Task Force will be seeking federal funding to continue the program.

*BOS –
PROCLAMATION –
COFFEE WITH A COP*

Supervisor Kingsley said he was late to today's meeting because he was attending the first-ever Coffee with a Cop Event in Lone Pine. He then read aloud the Board of Supervisors proclamation in support of the event. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a proclamation titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California Declaring Its Support of the Inaugural 'Coffee With a Cop' Event and Encouraging Widespread Participation." Motion carried unanimously. Chairperson Tothoroh signed the proclamation and Supervisor Kingsley presented it to Lone Pine and Bishop McDonald's restaurant owners Kevin Mazzu, who helped organize the event. He thanked the Board for the proclamation and noted he just came from both sessions in Lone Pine and Bishop, where the local law enforcement community was well represented. He said a couple dozen citizens attended to have individual conversations with law enforcement personnel at each event. He said everyone involved is committed to holding the events on a quarterly basis and he anticipates public participation to increase. Supervisor Pucci thanked Mazzu and his wife, Lis, for their contributions to the community.

*CSS – PLAN OF
COOPERATION W/
INYO COURT*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the Plan of Cooperation Agreement between Eastern Sierra Department of Child Support Services and Inyo County Superior Court. Motion carried unanimously.

*CSS – PLAN OF
COOPERATION W/
MONO COURT*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the Plan of Cooperation Agreement between Eastern Sierra Department of Child Support Services and Mono County Superior Court. Motion carried unanimously.

*CAO-PERSONNEL –
CPS HR CONSULTING
CONTRACT*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve Agreement between the County of Inyo and CPS HR Consulting for Executive Recruitment Services for Assistant Health and Human Services Director, in an amount not to exceed \$24,000 for the term January 9, 2018 through December 31, 2018, and authorize the County Administrator to sign. Motion carried unanimously.

*ASSESSOR – REAL
PROPERTY
APPRAISER I OR II*

Assessor David Stottlemyre said his office is without a Real Property Appraiser following a resignation just before Christmas. He said the position is critical as thousands of Real Property appraisals are required annually and the Real Property Appraiser represents the Appraiser's Office in Real Property assessment appeals. Moved by Supervisor Griffiths 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) Appraiser I or II exists in the General Fund, as certified by the Assessor and concurred with the Auditor-Controller and County Administrator; B) where internal candidates may meet the qualifications for the positions, an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Appraiser I at Range 68 (\$4,272 - \$5,190) or one (1) Appraiser II at Range 70 (\$4,479 - \$5,448). Motion carried unanimously.

*PLANNING – NSH
CORRIDOR PLAN
PRESENTATION*

Tom Schaniel with the Planning Department came before the Board to announce that Phase I of the North Sierra Highway Planning Project, development of a mobility-focused Corridor Plan with a grant from Caltrans and in conjunction with the City of Bishop, is complete. He said this is the last time to provide comments on the Corridor Plan before it will be sent off to Caltrans. Schaniel said Phase I also included development of a Specific Plan, although it was originally intended to be a Strategic Plan that looked more broadly at the planning area and possibilities for future

development and economic growth. He said that development around North Sierra Highway would likely be very limited due to Los Angeles Department of Water and Power land ownership, so the consultants, RRM Design Group, honed in on five opportunity sites instead. Jamie Williams of RRM presented a PowerPoint presentation that included a refresher of the Corridor Plan and its components, which were based on significant public input, as well as the five opportunity sites: A. Redevelopment of Bishop Plaza; B. North Sierra Highway and Cherry Lane; C. Existing Fire Station Site; D. Adjacent to Bishop Veterinary Hospital; and E. Northwest corner of Wye Road and U.S. Highway 6. Supervisor Griffiths said he was disappointed because the original goal was to develop a long-term vision for the area unfettered by land use tenure patterns, and not limit the scope of the vision because of doubts about what might or might not ever come to fruition. Williams said that's not what they did. She said they wanted to give the County at the conclusion of Phase I a blueprint for making real-world changes – zoning changes, infrastructure upgrades – that will incentivize developers to come in sooner rather than later. She said if the County wanted to invest in a broader, more comprehensive plan for the area, she recommended hiring an economist because there are serious real-world issues about redevelopment and market demand that need to be considered. Supervisor Pucci said having an overall plan would incentivize developers in that they could determine whether their project fit into the big picture for the area. He added that it would aid in obtaining grant funding. Supervisor Totheroh said the opportunity sites are low-hanging fruit that can be picked off now, but there's no way to gauge whether they're a fit for the area without a holistic plan. Supervisor Kingsley said he liked the idea of streamlining the process to incentivize developers and was keen on the County focusing in on what it could actually accomplish. The Board was presented with three options for moving forward: 1. Fully implementing the Strategic Plan, focusing on the 5 key opportunity sites; 2. Pursuing a Specific Plan for the County portions of the Planning Area and environmental review; or 3. Pursuing a multi-jurisdictional comprehensive Specific Plan that would cover both County and City jurisdictions, and an environmental review. It was noted that each successive plan is more costly than the last. The Board directed staff to return with more information on the rezoning requirements and vision for the key sites identified in Option 1, while continuing to explore costs and requirements of Option 3.

RECESS/RECONVENE Chairperson Totheroh recessed the meeting at 11:20 a.m. for a break and reconvened the meeting at 11:30 a.m. with all Board members present except Supervisor Tillemans, who excused himself from the proceedings.

*CAO-COUNTY
COUNSEL-PW-
PLANNING-AG
COMMISSIONER –
ORDINANCES 1221,
1222, 1223 FIRST
READING (CANNABIS)*

Planning Director Cathreen Richards summarized the process that staff and the Board have undertaken up to now on commercial cannabis regulations and the revisions the draft ordinances have gone through, including the addition of language on January 2 to allow non-volatile manufacturing in Rural Residential zones as well as for microbusinesses that can include cultivation and manufacturing. Richards said the addition raises a fundamental policy issue: manufacturing is not allowed in any of the County's residential zones and a zoning code change would not be possible without a General Plan amendment. She also noted the proposed was not presented to the public as an option during the year-long outreach process. Staff recommended rejecting the addition and keeping the ordinances as drafted following the December 5 meeting.

Chairperson Totheroh opened the public hearing at 11:47 a.m. Spencer McNeal of Tecopa thanked staff for their hard work and asked for a Type 2 manufacturing license in Zone 5F so he could be competitive with nearby Zone 5G. Matt Nitschke expressed concerns with the competitive license process. He said the market will sort itself out and the Board should not be deciding who does and doesn't get a license. Lowell Schade of Stewart Valley said his question about volatile manufacturing had been answered and he looked forward to working with the Planning Department. Roz Gorham said she wanted the Board to limit licenses and agreed with staff's analysis that manufacturing in residential zones conflicted with the General Plan. She also supported the 12-acre plot minimum for cultivation in Rural Residential zones, said she appreciated the exhaustive effort undertaken by the County, and asked the Board to consider the increased crime experienced in other areas as a result of cannabis activity. Beth Porter of Olancho encouraged the Board to approve the ordinances as recommended by staff, without additional changes. She urged the Board to keep the license levels as currently written and to consider necessary adjustments in the future. Gayla Wolf of Bishop asked the Board to consider the affects commercial cannabis will have on the community, especially youth. She objected to marijuana being sold in the open and hoped the County would limit children's exposure to it. She also called marijuana a gateway drug and presented a personal story as a cautionary tale. Chairperson Totheroh closed the public hearing at 12:07 p.m.

Supervisor Kingsley proposed changing the number of licenses in Zone 5F from 5 Level 1 Manufacturing and 0 Level 2 Manufacturing to 10 total manufacturing licenses, either for Level 1 or Level 2 – the same as Zone 5G. Supervisor Griffiths said he was proud of the way the County, Board of Supervisors and staff approached the entire issue: putting the question before voters to find out via secret ballot whether the County should allow commercial cannabis activity, and then soliciting more public input than for anything else he's been involved in during his career in public service. He said he was happy to move forward with staff's recommendation. Supervisor Pucci concurred, and wanted to make sure the township descriptions were attached to the Zones in the ordinance. Chairperson Totheroh noted that not only did the County listen to the public and strive for compromise, but it also sought ways to mitigate issues where possible. He thanked the public for participating in the process. Supervisor Kingsley said he hoped for policies that are sensitive to youth. He also noted that it's a tribute to staff's work that commenters from both sides of the issue offered their gratitude today.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci – with the license numbers changed in Zone 5F to 10 total manufacturing, the township delineations included with zones, and the proposed addition to allow non-volatile manufacturing in Rural Residential zones NOT included – to: A) approve a resolution titled, "A Resolution of the Board of Supervisors of the County Of Inyo, State of California Certifying That the Provisions of the California Environmental Quality Act (CEQA) Have Been Met and Making Certain Findings with Respect to and Approving Zone Reclassification No. 2017-05/Inyo County - Commercial Cannabis Activities and Zone Reclassification No. 2017-06/Inyo County - County Expedited Abatement Procedure for Nuisances Caused by Cannabis Cultivation and An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 5 .40 to the Inyo County Code;" and B) waive further reading of the following ordinances and set enactment for 11 a.m. Tuesday, January 16, 2018 in the Board of Supervisors Room, County Administrative Center, Independence: "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 18.06.030, and Adding Sections 18.06.161, 18.06.162, 18.06.163, 18.06.181, 18.06.182, 18.12.040, 18.21.040, 18.44.030, 18.45.030, 18.48.030, 18.49.040, 18.56.040, 18.57.040, and 18.78.360 of the Inyo County Code," "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 18.82 to the Inyo County Code," and "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 5.40 to the Inyo County Code." Motion carried unanimously 4-0, with Supervisor Tillemans absent.

PUBLIC COMMENT

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

RECESS FOR LUNCH/CLOSED SESSION

Chairperson Totheroh recessed the meeting at 12:26 for lunch and then at 1 p.m. convened the meeting in closed session with all Board members present except Supervisor Tillemans 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 1:52 p.m. with all Board members present except Supervisor Tillemans. County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

CLERK OF THE BOARD – APPROVAL OF MINUTES

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of December 5, 2017 and December 12, 2017. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

BOARD MEMBER AND STAFF REPORTS

Supervisor Griffiths said he attended last night's City Council meeting and in addition to his monthly report there was cake to celebrate Fire Chief Ray Segue's retirement. He said he attended the California Regional Broadband Consortia Summit in Sacramento. He said he also met with CSAC staff while there after officially being named Vice Chair of the HHS Policy Committee.

Chairperson Totheroh said he attended a Behavioral Health Advisory Board meeting and on Thursday will attend a meeting of the Great Basin Air Pollution Control District in Independence.

The Assistant Clerk of the Board gave the Board an update on the status of the live streaming

service.

ADJOURN

Chairperson Totheroh adjourned the meeting at 1:58 p.m. to 9 a.m. Tuesday, January 16, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant