

MINUTES



County of Inyo Board of Supervisors

May 28, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:01 a.m., on May 28 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Tothoroh, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

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

Closed Session Chairperson Pucci recessed open session at 9:01 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] – Bishop Paiute Tribe v. Inyo County; Jeff Hollowell, Inyo County Sheriff; Thomas Hardy, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT; No. 3 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, 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 Pucci recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present.

Pledge County Counsel Rudolph 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 Pucci 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 thanked the Board for wearing green during May in recognition of Mental Health Awareness Month and noted that June will be Elder Abuse Awareness Month and encouraged the Board to wear purple in recognition of that observance.

Planning Director Cathreen Richards provided updates on the proposed hydro pumpback energy storage projects, two preliminary exploratory lithium mine proposals, and a proposed expansion of geothermal leasing in the Coso area.

Chief Probation Officer Jeff Thomson distributed a flyer about power safety shut-offs planned by utilities in the event of severe weather, and gave a legislative update from the Chief Probation Officers of California.

Library – BPAR Library Specialist I-III, APAR Librarian I, Librarian II Moved by Supervisor Tillemans and seconded by Supervisor Tothoroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) BPAR Library Specialist I-III, one (1) APAR Librarian I, and one (1) Librarian II exists in the Library budget, as certified by the Library Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates may meet the

qualifications for the position, the vacancies 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 one (1) BPAR Library Specialist I-III, Range PT46-PT 50 (\$13.96 - \$18.63/hr.), one (1) APAR Librarian I, Range PT54 (\$16.81 - \$20.44/hr.), and one (1) Librarian II, Range 57 (\$3,363 - \$4,086). Motion carried unanimously.

Parks & Recreation – Preferred Septic South County Contract

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve and award the contract for Waste Disposal Hauling Services at County Parks and Campgrounds in the South County Areas to Preferred Septic and Disposal of Bishop, CA in an amount not to exceed \$75,889 for the three-year term of July 1, 2019 through June 30, 2022, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign contingent upon all appropriate signatures being obtained. Motion carried unanimously.

Parks & Recreation – Bishop Waste Disposal North County Contract

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve and award the contract for Waste Disposal Hauling Services at County Parks and Campgrounds in the North County Areas to Madera Disposal Systems (dba Bishop Waste Disposal, Inc.) in an amount not to exceed \$68,038 for the three-year term of July 1, 2019 through June 30, 2022, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign contingent upon all appropriate signatures being obtained. Motion carried unanimously.

County Counsel – Great Basin APCD Contract

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the agreement between Great Basin Unified Air Pollution Control District and the County of Inyo for the County Counsel's Office to provide certain legal services to the District for the sum of \$13,500 during the period of July 1, 2019 to June 30, 2020, contingent upon the Board's approval of the Fiscal Year 2019-2020 Budget, and authorize the Chairperson to sign. Motion carried unanimously.

HHS – Criminal Record Info/Reso # 2019-23

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve Resolution No. 2019-23, authorizing HHS staff to obtain criminal record information from the Department of Justice for employees with access to Federal Tax Information, as required by the California Department of Social Services, and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Behavioral Health – FY 18-19 MHSA Plan Update

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the Mental Health Services Act Plan Update for Fiscal Year 2018-2019 in order to access funds under the approved MHSA Agreement, and authorize the HHS Deputy Director-Behavioral Health Division, as the Mental Health Director, to sign. Motion carried unanimously.

Planning – TEAM Engineering Contract

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) approve an agreement between the County of Inyo and TEAM Engineering & Management, Inc. for the term of May 28, 2019 to December 27, 2020, allowing TEAM to initiate work as the third-party contractor for environmental services pursuant to the MOU between Inyo County and the U.S. Forest Service related to the Inyo County road jurisdiction National Environmental Policy Act review project, contingent upon the Board's approval of the Fiscal Year 2019-2020 Budget; and B) authorize the Chairperson to sign the contract with TEAM Engineering contingent upon all appropriate signatures being obtained. Motion carried unanimously.

Probation – Tulare County Agreement Amendment 3

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve Amendment No. 3 to Agreement No. 27885 between Inyo County and Tulare County for the provision of facilities and services for the detention and/or commitment of juvenile offenders, extending the term of the agreement through June 30, 2020, and authorize the Chairperson to sign. Motion carried unanimously.

Public Works – Maintained Mileage/Reso # 2019-24

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) approve Resolution No. 2019-24, titled, "Resolution of the Board of Supervisors, County of Inyo, State of California, Annual Certification of the 2018 Maintained Mileage Log," and authorize the Chairperson to sign; and B) authorize the Public Works Department to file the resolution with the District 9 Office of the State of California Department of Transportation. Motion carried unanimously.

Public Works – CDFW Permit Fee

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to authorize payment in an amount not to exceed \$25,600 to the California Department of Fish and Wildlife for the

<i>Payment</i>	Incidental Take Permit application fee for the Walker Creek Road Bridge Replacement Project. Motion carried unanimously.
<i>BOS – 2019 NACo Conference Voting Delegate</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to appoint Chairperson Pucci as voting delegate and Supervisor Kingsley as alternate for the upcoming 84 th Annual NACo Conference, being held July 12-16, 2019 in Las Vegas, NV, and authorize the Chairperson to sign the NACo credentials form on behalf of Inyo County. Motion carried unanimously.
<i>BOS – 2019 GSFA Debt Limit Allocation</i>	CAO Quilter explained that every year, the Board assigns its allocation of private activity bonds to the Golden State Finance Authority so that Inyo County residents are eligible for the GSFA's affordable housing programs. He said efforts will be made to find out how local residents can take better advantage of those programs, and Supervisor Griffiths said it would be important to do so since Inyo County's allocation goes into a statewide pot of funding. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) approve a letter to the California Debt Limit Allocation Committee, requesting the assignment of Inyo County's 2019 allocation of private activity bonds to Golden State Finance Authority in order to participate in GSFA's affordable housing programs, and authorize the Chairperson to sign; and B) authorize the County Administrator to sign the Housing Element Certification Form. Motion carried unanimously.
<i>Planning – SB 2 Project Direction</i>	Planning Director Cathreen Richards provided a brief presentation regarding Senate Bill 2 funding, noting that Inyo County is eligible to receive approximately \$160,000 this year for planning projects aimed at achieving affordable housing goals. She said the application is due by November 20, 2019, and reviewed potential projects on which the grant could be spent. Richards said staff recommended using a consultant to conduct an evaluation of and update to its current residential zoning. The Board directed the Planning Department to apply for the grant in order to proceed with the project as recommended by staff.
<i>Planning – Short-Term Rental Update</i>	<p>Chairperson Pucci noted for the record that the Board and Planning Department had received written correspondence in response to the following agenda item, and said it would be added to the official record. Planning Director Cathreen Richards provided an update on the status of short-term vacation rental issues in the County's Residential Zones, including a history of the rentals in Inyo County, current issues being dealt with, and suggestions for moving forward to resolve those issues. Staff's suggestions included eliminating the requirement to obtain a hosted permit in order to obtain a non-hosted rental permit; changing the allowance of two parcels with short-term rentals per owner to one; changing the application/notification process to require a County mailing in addition to having the applicant notify neighbors door to door; and calling the "Neighborhood Approval Form" a "Neighborhood Acknowledgement Form" instead. Richards listed other alternatives, such as limiting the number of short-term vacation rentals by permit zones, introducing a short-term rental business license, conducting annual permit renewals, and disallowing non-hosted short-term rentals entirely.</p> <p>The Chairperson opened the floor to public comment. Tom Carr of Big Pine spoke about his neighbor operating an illegal, unlicensed short-term vacation rental that is disruptive to the neighborhood. He said he has spoken with the homeowner several times without remedy, and made complaints to the Sheriff's Office to no avail. Linda Chaplin of Independence said her absentee neighbor operated a short-term rental off and on for several years and now appears to be renting long-term to individuals who are not taking care of the property and as a result are causing what she considers health and safety issues. She said she has also complained about the issues and was told there is no County ordinance dealing with garbage blowing in the wind. Judyth Greenburgh of Darwin said she used to operate a short-term vacation rental out of an Air Stream trailer on her property on the edge of Death Valley National Park, before the County put its ordinance in place prohibiting the activity. She said her experiences were always positive and she described a niche market for these rentals in that area, especially with hosts such as herself who act as ambassadors/quasi-tour guides for the County. She said these rentals would allow residents the opportunity to give back to the County in the form of bed tax dollars collected from renters. Realtor Jenifer Castaneda said she operates both hosted and non-hosted rentals and has had zero complaints. She said there is a right and responsible way to do it in order to fulfill a need among visitors who find these rentals highly desirable and preferable to hotels and motels. She urged the Board not to throw the baby out with the bathwater, and said that visitors who stay in AirBnBs have more money to spend in restaurants and shops because it hasn't all gone to expensive hotel bills. Sharon White of Lone Pine expressed frustration with a lack of enforcement of the County's ordinance. She said she agrees there is a need for these rentals but believes the</p>

permits are not being used as intended.

The Board engaged in lengthy discussion with staff and amongst itself, ultimately directing Planning to return with a more refined list of options that cover each of the following issues, at which time the Board will give direction for moving forward with revisions to the ordinance: tightening up the enforcement, noticing and complaint processes; whether Conditional Use Permits or licenses will work better, and how annual renewals can be incorporated; allowing more transient facilities (yurts, RVs) to be used as short-term vacation rentals; defining hosted versus non-hosted rentals, and what should be allowed where; and possibly allowing hosted short-term rentals in R2 zones.

*CAO-Purchasing –
Surplus Property
Transfer & Auction
Authorization*

A) declare certain property surplus; B) authorize transfer thereof to other public entities and non-profit organizations (*4/5ths vote required*); C) approve the public auction of County surplus equipment not claimed by those entities/organizations on June 5, 2019; and D) authorize the auction to take place at the Building and Maintenance yard located at 136 S. Jackson St., Independence (*4/5ths vote required*). Motion carried unanimously.

*Correspondence-
Action – Amended
Reso #2019-19 for
ICA*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to, at the request of Inyo Council for the Arts, revise Resolution No. 2019-19, titled, “A Resolution of the Board of Supervisors, County of Inyo, State of California Designating Inyo Council for the Arts as the County’s Partner to the California Arts Council,” and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Griffiths recused.

*Correspondence-
Action – IMACA
Local Government
Approval*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to authorize the County Administrator’s signature on Attachment C to Inyo-Mono Advocates for Community Action’s Grant Application for funding services and activities for homeless and at-risk of homelessness populations. Motion carried unanimously 4-0, with Supervisor Griffiths recused.

Public Comment

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

Linda Chaplin of Independence spoke about the need for regulations on neighborhood weed abatement to reduce fire hazards, and asked what the process is for reporting such hazards. Chaplin was instructed to contact Public Works, and also to get in touch with the individuals in the process of forming an Independence Fire Safe Council, who might appreciate her concern.

*Board Member and
Staff Reports*

Supervisor Kingsley reported attending an RCRC Board meeting last week, meeting with the California League of Cities, working with the Forest Service to get improvements made at the Whitney Portal Pond, attending last Friday’s County Employee Engagement session, and participating in Mule Days activities.

Supervisor Totheroh said he participated in the Mental Health Awareness Month kite-flying activity in Bishop, attended the County Employee Engagement Session in Independence, and congratulated Chairperson Pucci for his work with Mule Days this year.

Supervisor Griffiths said he also enjoyed Mule Days, including volunteering with the security team, attended an IMACA Board meeting, and also had an informal meeting with the Forest Service about the Eastern Sierra Sustainable Recreation Coalition.

CAO Quilter reported that the Employee Engagement endeavor has been reinitiated and two presentations on Friday were live-streamed so that all County employees could participate. He said interest was so high, it temporarily crashed the County’s system.

Chairperson Pucci thanked all the volunteers and everyone else who helped put on the 50th Annual Mule Days Celebration, noting it was one of the biggest years for the event since the mid-80s.

Adjournment

Chairperson Pucci adjourned the meeting at 12:47 p.m. to 8:30 a.m. Tuesday, June 4, 2019 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