

MINUTES



County of Inyo Board of Supervisors

December 13, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:36 a.m., on December 13, 2022, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present per California Assembly Bill 361: Vice Chairperson Jennifer Roeser, presiding, Jeff Griffiths, Rick Pucci, and Matt Kingsley. Also present: Assistant County Administrator Sue Dishion, County Counsel John-Carl Vallejo, Assistant Clerk of the Board Darcy Ellis, and Office Technician Hayley Carter. Absent: Dan Totheroh.

- Public Comment* The Vice Chairperson asked for public comment related to Closed Session items, and no one requested to speak.
- Closed Session* Vice Chairperson Roeser recessed open session at 8:37 a.m. to convene in closed session with all Board members except Supervisor Totheroh to discuss the following item(s): No. 2 **Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to § 54956.9(d)(4)** - Number of cases: one. Facts and circumstances: Fire Damage to Commander's House Property; No. 3 **Public Employee Performance Evaluation – Pursuant to Government Code §54957** – Title: County Counsel; and No. 4 **Conference with Legal Counsel – Existing Litigation – Pursuant to Government Code §54956.9(d)(1)** – Name of case: *Inyo County v. Wilder Barton Inc.* (Case No. SICVCV 19-64071).
- Open Session* Vice Chairperson Roeser recessed closed session and reconvened the meeting in open session at 10:00 a.m. with all Board members present except Supervisor Totheroh.
- Pledge of Allegiance* Supervisor Pucci led the Pledge of Allegiance.
- Report on Closed Session* County Counsel Vallejo reported that no action was taken during closed session that is required to be reported.
- Introductions* The following new employees were introduced to the Board: Aurelio Lopez Gurrola, Residential Caregiver, Marilyn Scott, Program Services Assistant, and Sheena Vanvelzer, Program Services Assistant, HHS; and Levi Mallory, Gate Attendant, and Doug Watterson Jr., Heavy Equipment Operator, Public Works.
- Public Comment* Vice Chairperson Roeser asked if there was any public comment pending for items not calendared on the agenda.
- Public comment was received from Lauralynn Hundley.
- County Department Reports* Public Works Director Mike Errante reported that the Diaz Lake boat dock project is scheduled to be complete the end of this week and the new Diaz water system project will start next month; bridge beams and girders will be placed tomorrow at the north Round Valley bridge; and commercial flights start this Thursday out of Bishop Airport.
- HHS Director Marilyn Mann said that the annual Toy Shop is going well with over 500 toys and gifts donated; and that the Bishop Senior Center giftwrapping workshop opened yesterday in Bishop.
- CAO- Information Services – ISP Non-Disclosure Agreement/* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) Authorize CAO to enter into non-disclosure agreements with internet service providers, in a form substantially consistent with the attached example, in order to facilitate discussions of potential broadband network expansion within the County; and B) Approve Resolution No. 2022-50, titled, "A

Reso #2022-50

Resolution of the Board of Supervisors, County of Inyo, State of California, Authorizing the County Administrative Officer, or Designee, to Destroy Records Received From Internet Service Providers Under A Nondisclosure Agreement Pursuant to Government Code Section 26205.1." Motion carried 4-0, with Supervisor Totheroh absent.

*Planning –
Yucca Mountain
Federal Funding
Certification*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) Certify that \$49,566.17 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425 and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); B) Authorize the Chairperson to sign the certification; and C) Direct Staff to submit the certification to the U.S. Department of Energy. Motion carried 4-0, with Supervisor Totheroh absent.

*Ag. Commissioner –
Commercial Cannabis
Business License
Fees Workshop*

Ag Commissioner Nathan Reade gave a presentation and asked for direction from the Board, explaining that current revenues are not covering the cost of the cannabis program and that fewer applications are being received.

The Board discussed the challenges and changes occurring within the cannabis industry and discussed several ideas to remedy the lack of revenue in Inyo, including the possibility of increasing fees or adding an hourly rate; streamlining the inspection process by consolidating Ag services when traveling to remote locations; and penalties that could be applied to remediate the cost of illegal grows.

Supervisor Griffiths and County Counsel Vallejo asked about tax revenue generated from the program and Tax-Collector Alisha McMurtrie explained that monies were coming in for the business side but that the cultivation side was not on board yet.

Auditor-Controller Amy Shepherd clarified that the Cannabis Tax Trust had been created to hold revenues for a five-year period and the funding does not go into the General Fund.

Reade explained that the difference between the retail side of cannabis versus the cultivation side is that it takes longer to establish mostly because of the process of going through CEQA to get cultivation licenses.

Public comment was received by business owner Spencer McNeal on behalf of Desert Greens.

The Board advised Reade that it was not interested in raising the regular fees at this point but asked him to look into cost recovery through possible increases on inspections, hourly charges, or additional visits needed for compliance.

*CAO- Museum –
Application for Grant
Funds Approval/
Reso # 2022-51*

Museum Director Shawn Lum explained that an application had been submitted last March to the highly competitive California Natural Resources Agency for the Museum Grant Program, where it went through a rigorous evaluation. She provided an overview of the project for which she is seeking funding.

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Resolution No. 2022-51 to approve the application for grant funds from the California museum grant program. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Administrator/
Public Guardian –
Item Postponed*

The following item was pulled from the agenda at the request of the department:

14. Presentation on Office of the Public Administrator

Public Administrator-Public Guardian | Patricia Barton
20 minutes (15min. Presentation / 5min. Discussion)

Recommended Action: Requestion Board hear presentation about the Office of the Public Administrator.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the minutes from the regular Board of Supervisors meeting of December 6, 2022. Motion carried 4-0, with Supervisor Totheroh absent.

Public Comment Vice Chairperson Roeser asked if there was any public comment pending for items not calendared on the agenda.

Public comment was received from Lauralynn Hundley.

Board Member & Staff Reports Supervisor Griffiths said he attended the Bishop City Council meeting.

Supervisor Roeser said she had attended various constituent meetings and attended the annual Eastern Sierra Shop with a Cop.

Supervisor Kingsley said he had attended meetings with constituents, noting the popular discussion involved the recent moratorium on short term rentals.

Closed Session Vice Chairperson Roeser recessed open session at 11:52 a.m. to convene in closed session with all Board members present except Chairperson Totheroh to continue discussion and possible action as appropriate on previously noted closed session item #4.

Open Session Vice Chairperson Roeser recessed closed session and reconvened the meeting in open session at 1:01 p.m. with all Board members present except Chairperson Totheroh.

Report on Closed Session County Counsel Vallejo reported that no action was taken during closed session that is required to be reported.

Adjournment Vice Chairperson Roeser adjourned the meeting at 1:02 p.m. to 8:30 a.m. Tuesday, December 20, 2022, in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: NATE GREENBERG
Clerk of the Board*

by: _____
Darcy Ellis, Assistant