

MINUTES



County of Inyo Board of Supervisors

August 2, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on August 2, 2022 in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present per California Assembly Bill 361: Chairperson Dan Totheroh, presiding, Rick Pucci, Matt Kingsley, and Jennifer Roeser. Also present: County Administrator Leslie Chapman, Assistant Clerk of the Board Darcy Ellis, and County Counsel John-Carl Vallejo. Partially absent: Jeff Griffiths.

- Closed Session* The Chairperson asked for public comment related to Closed Session items and no one requested to speak.
- Public Comment*
- Closed Session* Chairperson Totheroh recessed open session at 8:35 a.m. to convene in closed session with all Board members in attendance except Supervisor Griffiths to discuss the following item(s): No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Name of case: *Inyo County v. Los Angeles Department of Water and Power*, Kern County Superior Court Case Nos. BCV-18-101260-TSC, BCV-18-101261-TSC, and BCV-18-101262-TSC; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Name of case: *California v. Noeldner, Inyo County*, No. ICSI-CVCV-2020-65576; No. 4 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: Water Director; No. 5 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: County Administrator; and No. 6 **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 Leslie Chapman, Assistant County Administrators Sue Dishion and Meaghan McCamman, Deputy Personnel Director Keri Oney, County Counsel John-Carl Vallejo, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson. (Supervisor Griffiths joined the Board in Closed Session shortly after it started.)
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:25 a.m. with all Board members present.
- Pledge of Allegiance* CAO Chapman 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.
- Public Comment* Chairperson Totheroh asked if there was any public comment pending for items not calendared on the agenda.
- No public comment was received.
- County Department Reports* Sheriff Pritchard, Emergency Services Manager Mikaela Torres, Supervisor Kingsley, Public Works Director Mike Errante, and Road Superintendent Shannon Platt provided reports on Monday evening's monsoonal weather and resulting mudslides. Mr. Platt also showed photos of road damage. Board members applauded County staff for their efforts.

Ms. Torres also reported on a public meeting held last night for victims of the Fairview Fire.

Assessor David Stottlemire presented to the Board a summary of the local assessment roll from 2015-2022.

Risk Manager Aaron Holmberg reported on continuing employee safety improvement measures.

Child Support Services – Child Support Awareness Month 2022 Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve a proclamation declaring August 2022 as Child Support Awareness Month in Inyo County.

Ag Commissioner-ESWMA – Surplus Truck Moved by Supervisor Pucci and seconded by Supervisor Roeser to: A) declare Ford F450 truck, VIN 1FDXF47R88EB95204/Asset No. 8524, and Utility Bed as surplus; B) authorize Motor Pool to offer the vehicle for sale utilizing the Public Surplus auction site; and C) authorize Motor Pool to utilize either the previously approved consignment auction agreement with Enterprise Fleet Management or another auctioneer for the removal and sale of vehicle if it remains unsold after the Public Surplus process. Motion carried unanimously.

Motor Pool – Mr. K’s & Bishop Automotive Blanket P.O.s Moved by Supervisor Pucci and seconded by Supervisor Roeser to authorize issuance of blanket purchase orders for vehicle maintenance and purchase of tires for Motor Pool, contingent upon the adoption of the Fiscal Year 2022-2023 Budget, to Bishop Automotive, \$90,000; and Mr. K’s, \$40,000. Motion carried unanimously.

Risk Management – Ordinance 1282 Approval (Insurance Requirements) Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve proposed Ordinance 1282, titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 12.18.100 of the Inyo County Code Pertaining to Insurance Requirements." Motion carried unanimously.

County Counsel – Ordinance 1283 Approval (MH Foundations) Moved by Supervisor Pucci and seconded by Supervisor Roeser to approve proposed Ordinance 1283, titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Repealing Section 18.78.350 of the Inyo County Code." Motion carried unanimously.

Planning – MOU Between BLM & County Moved by Supervisor Pucci and seconded by Supervisor Roeser to authorize the Chair to sign the Memorandum of Understanding between the Bureau of Land Management (BLM), and Inyo County regarding the National Environmental Protection Act process for the Southern California Edison Silver Peak Transmission project and the County Administrative Officer to sign the letter of acceptance to participate. Motion carried unanimously.

County Counsel – Purchasing Policy Ordinance Intro/ Reso # 2022-27 Moved by Supervisor Roeser and seconded by Supervisor Kingsley to: A) Waive further reading of proposed Ordinance 1285, titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Repealing and Replacing Title VI of the Inyo County Code Related to Purchasing," and schedule enactment for August 9, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence; and B) Approve Resolution No. 2022-27, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending the Inyo County Purchasing Policy," and authorize the Chairperson to sign. Motion carried unanimously.

CAO – SBC MOU for SBRC Assistant County Administrator Meaghan McCamman introduced a request to enter into a Memorandum of Understanding with the Sierra Business Council for operation of the Small Business Resource Center (SBRC). She presented a PowerPoint slideshow, and was joined in the presentation by SBC President Steven Frisch, who provided an overview of the organization and its many successes. Public comment was heard from SBC Board Chair Allen Pietrasanta, who noted the SMRC is a project near and dear to his heart with the real power to improve the business climate on the East Side. He credited CAO Chapman, Ms. McCamman, Miquela Beall, Deputy County Counsel Grace Chuchla for bringing the project to this point. Mr. Pietrasanta asked Board members to help the SBC engage their constituents and neighboring agencies in the SBRC.

Moved by Supervisor Griffiths and seconded by Supervisor Roeser to approve the staff recommendation to negotiate a Memorandum of Understanding with the Sierra Business Council to operate the Small Business Resource Center at 269 N. Main St., Bishop and implement the SBRC Business Plan developed by AccompanyCo; and bring the MOU back to the Board for final approval.

*GBUAPCD – Wildfire
Smoke Monitoring
Presentation*

The Board received presentation on wildfire smoke monitoring from Great Basin Unified Air Pollution Control District Air Pollution Control Officer Phill Kiddoo and Research and Systems Analyst Kim Mitchell, who presented a slide show.

Recess/Reconvene

The Chairperson recessed the meeting at 12:20 p.m. and reconvened the meeting at 12:29 p.m. with all Board members present.

*Public Works –
Skydive Mt. Whitney
License Agreement*

Deputy Public Works Director-Airport Ashley Helms presented to the Board a request to approve a license agreement related to skydiving activity at the Lone Pine/Death Valley Airport. Helms noted that the incorrect start date is listed on the agenda. She also distributed copies of a Statement of Intent from Paul Wignall, owner of Skydive Mount Whitney, who also answered questions and explained the planned operation in more detail. Written public comment was submitted by Sharon White and read aloud by the Assistant Clerk of the Board. Moved by Supervisor Roeser and seconded by Supervisor Kingsley to approve the license agreement, with the correct start date, between the County of Inyo and Skydive Yosemite DBA Skydive Mount Whitney of Mariposa, CA for the non-exclusive use of the Lone Pine/Death Valley Airport for conducting skydiving activities for the period of August 3, 2022 through June 30, 2023, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*County Counsel –
TOT Ordinance
Intro/Reso # 2022-26*

The Board was presented a draft ordinance and a resolution regarding extending Transient Occupancy Tax to campgrounds and RV parks. Auditor-Controller Amy Shepherd noted she proffered a very conservative estimate as to how much revenue the County would receive from campgrounds and RV parks. Supervisor Roeser reiterated her concerns from an earlier workshop, including that concessionaires contribute in other ways; raising costs will prevent some families from being able to go camping; going to the voters without a clear plan for spending the tax; and generally pitting one form of visitor against another.

The Chairperson asked for public comment. Doug Thompson of Whitney Portal Store expressed his support for levying the same tax on campgrounds and RVs that is levied on hotels. He added that he views it as more of a user fee – and these visitors are using County services, whether through the Sheriff’s Department, Search and Rescue, or waste disposal. He said residents should be able to vote for who pays for those services. He also noted that this is one of his busiest seasons in years and would like to see more of a return on the proposed 12% tax by the County using it support tourism-related items and ideas.

Supervisors Kingsley, Griffiths, and Totheroh reiterated their support of the ballot measure, noting that they were willing to make a commitment to reinvest the money back into destination development but don’t feel the need to bring the measure forward with the revenue specifically dedicated. They also said they continue to see this as an equity issue and believe campground and RV park visitors should also be contributing TOT because they’re also using County services. Supervisor Kingsley added that camping is available in Inyo County at all price points, and doesn’t see a TOT preventing lower-income individuals and families from visiting.

Supervisor Pucci, who voted previously against staff bringing back an ordinance and resolution to allow for a ballot measure, said he still believes this is an especially bad time to be implementing a tax, but also noted there never really is a good time. He said after listening to the various arguments, he thinks it was a mistake not to include campgrounds and RV parks in the TOT when it was last approved. He said he also took Mr. Thompson’s words to heart and added that while not included as a mandate in the ballot measure, the Board is publicly saying its goal is to put the new revenue back into park and campground improvements.

County Counsel Vallejo noted that the County cannot tax campgrounds that are operated by governmental entities – only those that are private or operated by a concessionaire. He said in order to level the playing field, the County can increase fees at the ineligible campgrounds by 12% so that the fees are equal to the proposed TOT. The Board asked for a brief recess.

<i>Recess/Reconvene</i>	The Chairperson recessed the meeting at 2 p.m. and reconvened the meeting at 2:32 p.m. with all Board members present.
<i>Treasurer-Tax Collector – TOT Ordinance Intro/Reso # 2022-26 (Continued)</i>	<p>County Counsel Vallejo presented a revised ordinance that included the following language:</p> <p style="text-align: center;">SECTION TWO: RESORT FEE.</p> <p style="text-align: center;"><i>Inyo County shall charge a Resort Fee to all County operated transient occupancy facilities in an amount of twelve percent of the rent charged by the County.</i></p> <p>A majority of the Board was satisfied with the change. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to:</p> <ul style="list-style-type: none"> A) Approve proposed Resolution No. 2022-26 calling an election to present to the voters a proposed Ordinance amending Chapter 3.20 of the Inyo County Code to authorize collection of Transient Occupancy Tax on all short-term rental activities located within the unincorporated area of the County and ordering consolidation of said election with the consolidated general election called for November 8, 2022 (<i>4/5ths vote required</i>); and B) Introduce and waive further reading of proposed Ordinance 1284, amending Chapter 3.20 of the Inyo County Code to authorize collection of a Transient Occupancy Tax on all short-term rental activities located within the unincorporated area of the County, subject to voter approval; and C) Direct staff to agendize the ordinance for adoption at the Board's next regularly-scheduled meeting after the November 8, 2022, election, or as soon thereafter as possible, if the Transient Occupancy Tax Equal Share Act is approved by a majority of the voters. <p>Motion carried 4-1, with Supervisor Roeser voting no.</p>
<i>Environmental Health – MEHKO Presentation</i>	<p>Environmental Health Director Jerry Oser presented a PowerPoint slideshow to the Board explaining the concept of Micro-Enterprise Home Kitchen Operations (MEHKO), authorized since 2019, and said the County must soon decide whether it wants to opt-in or -out of the program. He discussed the regulations surrounding MEHKOs and their pros and cons.</p> <p>Written public comment was submitted by Sharon White and read aloud by the Assistant Clerk of the Board.</p> <p>Board members agreed with Mr. Oser that it would be prudent to postpone a decision until SB 972, which proposes allowing compact mobile food facilities as methods of sale for MEHKOs, is decided in the state legislature. They requested additional information in the meantime on what restrictions the County can place on MEHKOs and where they might apply.</p>
<i>Change in Attendance</i>	Supervisor Griffiths left the meeting at 3:31 p.m.
<i>Emergency Services – Temporary Emergency Dwelling Ordinance Intro</i>	Moved by Supervisor Pucci and seconded by Supervisor Roeser to: A) waive further reading of proposed Ordinance 1286 titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Inyo County Code Section 18.78.190 and Adding Chapter 18.83 to the Inyo County Code to Permit the Habitation of Temporary Emergency Dwellings After a Disaster," and schedule enactment for August 9, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously 4-0, with Supervisor Griffiths absent.
<i>Clerk of the Board – Approval of Minutes</i>	Moved by Supervisor Roeser and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of July 19, 2022. Motion carried unanimously 4-0, with Supervisor Griffiths absent.
<i>Correspondence-Action – Millpond Closure</i>	Moved by Supervisor Kingsley and seconded by Supervisor Roeser to authorize closure of the Millpond Recreation Area to the public from 2 p.m. Thursday, September 15, 2022 through 12 p.m. Monday, September 19, 2022, to accommodate the 30th Annual Millpond Music Festival. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

Public Comment

Chairperson Totheroh asked if there was any public comment pending for items not calendared on the agenda.

No public comment was received.

Board Member and Staff Reports

Supervisor Kingsley reported he went to the NACo National Conference in Colorado and then a conference of the Western Governors Association in Alaska. He also thanked CAO Chapman for traveling to Darwin in his stead during a recent emergency.

County Counsel Vallejo gave the Board an update on the Indian Wells Valley Groundwater Authority.

CAO Chapman said the County has been making its best efforts to find ways to help residents impacted by the recent fires and flooding. She added that she attended last night's meeting on fire relief for Fairview Fire victims, staff is wrapping up the budget to present to the Board, and the Board will be interviewing CAO candidates on Friday.

Adjournment

Chairperson Totheroh adjourned the meeting at 3:45 p.m. to a special session at 8:30 a.m. Friday, August 5, 2022 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: LESLIE L. CHAPMAN
Clerk of the Board*

by: _____
Darcy Ellis, Assistant