

# Agenda



## County of Inyo Board of Supervisors

Board of Supervisors Room  
County Administrative Center  
224 North Edwards  
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

**Public Notices:** (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

**Note:** Historically the Board does break for lunch; the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

**January 16, 2018 \*\*PLEASE NOTE EARLIER START TIME OF 9 A.M.\*\***

**OPEN SESSION** (With the exception of timed items, all open-session items may be considered at any time and in any order during the meeting in the Board's discretion.)

**9 a.m.**

### **PLEDGE OF ALLEGIANCE**

1. **PUBLIC COMMENT**
2. **COUNTY DEPARTMENT REPORTS** (Reports limited to two minutes)
3. **PROCLAMATION** – Request Board: A) approve a proclamation titled, "A Proclamation of the Board of Supervisors, County of Inyo, State of California, Commending Deputy Probation Officer Julie Weier for her Outstanding Contributions to the Inyo County Probation Department and Service to the Citizens of Inyo County and for Being Awarded the Central Region Employee of the Year by the Chief Probation Officers of California;" and B) present the proclamation to Deputy Probation Officer Weier.
4. **COUNTY ADMINISTRATOR – Inyo Film Commission** – Request Board receive Film Commissioner's written 2017-2018 mid-year report on filming activities in Inyo County.
5. **COUNTY ADMINISTRATOR – Inyo Film Commission** – Request Board provide staff direction whether it desires a Request for Proposals to be issued for continuation of contracted Film Commissioner Services.

### **CONSENT AGENDA** (Approval recommended by the County Administrator)

#### **COUNTY ADMINISTRATOR**

6. **Emergency Services** – Recommend Board approve the submittal of the Statewide Flood Emergency Response Grant Program Application on behalf of Inyo County and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application in the amount of \$40,000, as well as any and all accompanying documents, by approving a resolution titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Authorizing the Grant Application for the Statewide Flood Emergency Response Grant Program, Inyo Flood Fight Material Emergency Response Project."
7. **Parks and Recreation** – Request Board approve a purchase order to Doug Clair Construction of Bishop, CA in an amount not to exceed \$15,000 for pond excavation and beach maintenance at Millpond Recreation Area.

## COUNTY COUNSEL

8. Request Board accept, on behalf of the County, anticipated donations/distributions from the Doris Link Trust to the Inyo County Animal Shelter Donation Trust.

## HEALTH AND HUMAN SERVICES

9. **Health** – Request Board approve Health and Human Services' participation in the Medi-Cal County Inmate Program and authorize the HHS Director to sign the county participation forms for Fiscal Year 2018-2019.

## **DEPARTMENTAL** (To be considered at the Board's convenience)

10. **COUNTY ADMINISTRATOR – Public Works Director, Supervisor Jeff Griffiths** – Request Board: A) review and approve Outline of Statement of Intent for Flexibility and Cooperation on the Development of Infrastructure and Programs in Support of the Provision of Reliable and Expanded Commercial Air Service between the County of Inyo and the Town of Mammoth Lakes, and authorize the Chairperson to sign; and B) pending approval by the Mammoth Lakes Town Council, discuss and provide direction as to which other parties should be invited to be signatories to the document as potential financial stakeholders.
11. **TREASURER-TAX COLLECTOR** – Request Board approve the 2018 Inyo County Treasury Investment Policy.
12. **TREASURER-TAX COLLECTOR** – Request Board approve a resolution titled, “A Resolution of the Board of Supervisors of the County of Inyo Delegating to the Inyo County Treasurer its Investment Authority Pursuant to Section 53607 of the Government Code.”
13. **PUBLIC WORKS** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Senior Engineer/Associate Civil Engineer/Associate Engineer/Engineering Assistant position comes from the General Fund, as certified by the Public Works Director and concurred with by the County Administrator, and the Auditor-Controller; B) where no internal candidates meet the qualifications for the position, an external recruitment would be appropriate to best ensure a pool of the most qualified candidates; and C) authorize the hiring of either a Senior Engineer at Range 85 (\$6,407 - \$7,789), an Associate Civil Engineer at Range 82 (\$5,957 - \$7,233), an Associate Engineer at Range 78 (\$5,410 - \$6,575), or an Engineering Assistant I or II at Range 71 (\$4,583 - \$5,572) or Range 75 (\$5,040 - \$6,126) depending on qualifications, and change the authorized strength to reflect the position that is hired.
14. **PLANNING** – Request Board: A) receive presentation from staff regarding storage and shipping containers on properties in the County and their status as accessory buildings, including setback requirements; and B) provide comment and direction to staff on the future and potential regulation of their use.
15. **COUNTY ADMINISTRATOR – Clerk of the Board** – Request Board: A) review the current *Appointment Policy Boards, Committees, and Commissions for which the Board of Supervisors has Appointing Authority*; and B) consider whether to adopt changes to incorporate either a discretionary or automatic interview process, conducted by an ad hoc committee comprised of two members of the Board of Supervisors, when the number of applicants exceeds the number of vacancies available on a board, committee, or commission for which the Board has appointing authority.
16. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the “Here It Comes Emergency” that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County.
17. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the “Rocky Road Emergency” that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February.
18. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff's recommendation to continue the local emergency known as the “Land of EVEN Less Water Emergency” that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while

considering how to address the ongoing hydrologic issues in West Bishop.

19. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff’s recommendation regarding continuation of the local emergency known as the “Gully Washer Emergency” that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.
20. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff’s recommendation regarding continuation of the local emergency known as the “Death Valley Down But Not Out Emergency” that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

**TIMED ITEMS** (Items will not be considered before scheduled time but may be considered any time after the scheduled time)

- 11 a.m. 21. **CAO/COUNTY COUNSEL/PLANNING/PUBLIC WORKS/AG COMMISSIONER** – Request Board enact the following:
- an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 18.06.030, 18.12.040, 18.21.040, 18.44.030, 18.45.030, 18.48.030, 18.49.040, 18.56.040, and 18.57.040, and Adding Sections 18.06.161, 18.06.162, 18.06.163, 18.06.181, 18.06.182, and 18.78.360 to the Inyo County Code,” approving Zone Reclassification No. 2017-05/Inyo County - Commercial Cannabis Activities (Attachment 1);
  - an ordinance titled: “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 18.82 to the Inyo County Code,” approving Zone Reclassification No. 2017-06/Inyo County Expedited Abatement Procedure for Nuisances Caused by Cannabis Cultivation (Attachment 2);
  - an ordinance titled: “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 5.40 to the Inyo County Code” (Attachment 3);
- 1:30 p.m. 22. **BOARD OF EQUALIZATION MEETING** – The Board will recess and reconvene as the Inyo County Board of Equalization (separate agenda).

**Note: The agenda items listed below may be considered by the Board at any time during the meeting in the Board’s discretion, including before scheduled timed items.**

**COMMENT** (Portion of the Agenda when the Board takes comment from the public and County staff)

23. **PUBLIC COMMENT**

**CORRESPONDENCE – INFORMATIONAL**

24. **Department of Alcoholic Beverage Control** – Application for On-Sale General - Eating Place alcoholic beverage license filed by Inyo Properties, LLC for Lone Pine Smokehouse, 325 S. Main St., Lone Pine, CA.

**BOARD MEMBER AND STAFF REPORTS**

**A PROCLAMATION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA, COMMENDING  
DEPUTY PROBATION OFFICER JULIE WEIER FOR HER OUTSTANDING CONTRIBUTIONS  
TO THE INYO COUNTY PROBATION DEPARTMENT AND SERVICE TO THE CITIZENS OF INYO COUNTY  
AND FOR BEING AWARDED THE CENTRAL REGION EMPLOYEE OF THE YEAR  
BY THE CHIEF PROBATION OFFICERS OF CALIFORNIA**

**WHEREAS**, the role of a Deputy Probation Officers in a rural departments serve markedly different than roles than their counterparts in urban departments, handling all aspects of probation work, from pre-sentence investigations to making arrests, writing reports, providing recommendations to the courts and advocating for the victims of crimes; and

**WHEREAS**, rural Deputy Probation Officers routinely supervise probationers who are also their neighbors, fellow parishioners, family members, high school friends and others, while frequently making probation contacts while off duty in their personal lives; and

**WHEREAS**, the role of Deputy Probation Officer in a rural community demands an exceptional level of professionalism, discretion and commitment, with the daily successes and failures of one employee having direct and profound impact on the entire department; and

**WHEREAS**, Julie Weier has consistently contributed to the success of the Inyo County Probation Department since commencing employment on May 1, 2003; and

**WHEREAS**, DPO Weier has continued to rise through the ranks, taking on a variety of assignments and responsibilities that have included case-managing in the Adult Division; case-managing drug offenders on Probation through the Inyo Narcotics Task Force until 2015; training other DPOs in field tactics, officer safety, probation searches; and radio protocol; and coordinating Probation field operations such as multi-agency task force operations and probation sweeps; and

**WHEREAS**, in 2011, along with her taskforce duties, DPO Weier was assigned supervision of the AB 109 caseload, including PRCS and Mandatory Supervision, and her contributions to the creation of AB 109 policy and procedure were instrumental in Inyo County's transition into the AB 109 era; and

**WHEREAS**, after 12 years in a primarily law enforcement role within the department, DPO Weier proved to be the most effective practitioner of Cognitive Behavioral Therapy-based interventions with clients; and

**WHEREAS**, in 2016, DPO Weier was certified as a Moral Reconation Training (MRT) facilitator and tasked with implementing this program within the Department and coordinating the provision of MRT groups to probation clients, including afterhours groups that led to significant client success stories; and

**WHEREAS**, in 2016, DPO Weier was promoted to DPO III and assigned to Drug Court in addition to continued case management of the AB 109 caseload, Prop 36 and non-Prop 36 drug caseloads, proving instrumental to the continued success of Drug Court as well as the implementation of Inyo County's new Reentry Court program and the development of Reentry Court policy and procedure; and

**WHEREAS**, in addition to her regular case management duties, DPO Weier assumed responsibility for the management of all Probation Department drug testing, including the development of department drug testing policy and procedure and implementation and integration of Redwood Toxicology Laboratory and Caseload Pro; and

**WHEREAS**, since her promotion to DPO III, DPO Weier has assumed a critical leadership role by assuming supervision of the Department in the absence of the Chief Probation Officer and Deputy Chief Probation Officer, managing day-to-day operations, dealing with personnel-related issues and conflict, and consistently demonstrating sound decision-making and exceptional leadership skills; and

**WHEREAS**, DPO Weier has proven to be the embodiment of the role Deputy Probation Officers play as corrections professionals within the community and is the employee that every Probation Administrator needs within their department to compel confidence in the success of the mission; and

**WHEREAS**, on December 7, 2017, DPO Weier was recognized among thousands of state probation professionals as the Chief Probation Officers of California Central Region Employee of the Year for her commitment, dedication, and excellence in "Leading the Change," promoting the probation mission and making our communities a safer place to live.

**NOW THEREFORE BE IT PROCLAIMED**, the Inyo County Board of Supervisors commends Deputy Probation Officer Julie Weier for her outstanding contributions to the Inyo County Probation Department and service to the citizens of Inyo County and for being awarded the Central Region Employee of the Year by the Chief Probation Officers of California.

**PASSED AND PROCLAIMED** this 16<sup>th</sup> day of January, 2018.

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*Chairperson, Inyo County Board of Supervisors*

# MID-YEAR INYO COUNTY FILM COMMISSION REPORT JULY TO DECEMBER 2017



***Charlie:*** A California-Canadian independent feature

Presented to Inyo County Supervisions  
On January 16, 2018  
Christopher Langley  
Inyo County Film Commissioner  
Box 99  
Lone Pine, California 93545  
[lonepinemovies@aol.com](mailto:lonepinemovies@aol.com)  
760 937 1189





## 1. Introduction

Filming continues strong in Inyo County during the first six months of the fiscal year 2017-2018. The formats and projects remain diverse; flexibility and creativity are called for constantly. In this report, we will examine the six months in more detail, explore progress on the new website, and talk about on-going road conflicts between the County and Inyo National Forest. I'll share my visit to the COLAS (California On Location Awards) organized by FLICS (Film Liaison In California State) and some specific film project highlights.

## 2. Review of half year

While it is no longer possible to keep an accurate tally of the projects and permits, I estimate this to be one of the strongest years with a steady stream of companies, filmmakers, talent, crews and support people hired local arriving almost every week.

As reported over the last two years we now are experiencing a reliable stream of work. Before highs and lows were significant, determined by weather, business conditions, and marketing trends. In the last two years the commission has been kept busy every week. We have even had back-to-back projects as with Kia commercial and an episode from the Amazon series "The Man in the High Castle" filming at locations within sight of each other, except separated by a day. The television series had about 150 people, the Kia commercial had two separate units, at the same time. One was about 20 people and the other probably in excess of seventy people.



Having two separately organized companies with separate permits filming at the same time working on the same project is becoming a bit more common. This usually involves commercials, where one is working with the product, and the other the "B roll" or background and straight landscape. The other other doing "B roll," or shots focused on background.

Products for the Internet also are growing in number as this digital marketplace explodes in growth and people realize shopping on-line is very convenient and often less expensive.

Companies leaving the state remain a challenge, but the new incentive program, the availability of experienced personnel, and film-friendly locations make it happen here. Public and government attitudes definitely benefit Inyo County. County employees, Federal permit writers, and the general attitude of residents regardless of possible inconvenience are really important to creating an environment attractive to film companies who frankly can go other places. The cooperation of my fellow film commissioners Doug Lueck in Ridgecrest and Alisha Vennos from Mammoth/ Mono make a strong unit. What we want to do is make certain the filmmakers get the best location and support to make them successful. The group of film commissioners at large as represented by FLICS are also very supportive: there to answer questions and share experiences, warn of con men masquerading as film people, or units that damage locations, roads, or property. It is a strong community.

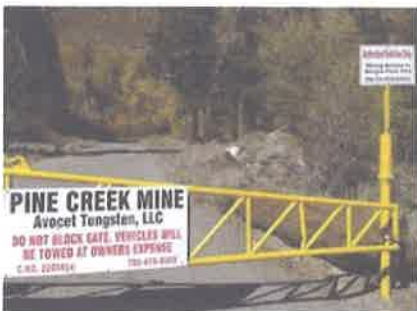
### **3. Website**

Finally graphic designer Judyth Greenburgh, located locally has been able to move ahead with a "cutting edge" design for the new website, that will be located on the Inyo County Website. Supervisors Jeff Griffith and Matt Kingsley steered us to GIS employee Michael Hay to helped us develop interactive maps to allow location managers to choose sites that have needed attributes based on how close they are to each other and services.

Hay is presently developing some pilot examples, and hopes to have them in hand within two weeks. Not only was he easy to understand without the techie condescension, he also seemed to have a natural sense of "permitting" locations, display of information on maps, and how to make the needed details available to the film visitor all in one place. Before that we were working with a young company in Tel Aviv, Israel. The availability of Mike in Bishop sure beats that.

### **4. Pine Creek Mine**

The Pine Creek Road continues to present a difficulty. JJ Hook, a location manager I have known and liked for quite awhile, called me to say that he would be filming at the Pine Creek Mine. I warned him that jurisdictional disputes had made that very difficulty. He went to the owners and they explained that had been resolved. Because the road appeared to be a County road, and maintained by the county, Inyo Roads permit employee Cap Aubrey issued a permit fee of in



excess of \$4000 and Hook was happy. *Transformers 5* would be filming there with star Mark Walberg, and it would include pyrotechnic displays one night. The film company hired security and that man apparently parked his car inside the gate on that road.



JJ called me to say that after filming wrapped, Inyo Forest presented him with an invoice for more than \$5000 because the company was operating on Forest land. I was advised to work with Diana Pietrasanta from Inyo Forest. I have known Diana for years. She informed me that the forest jurisdiction, the land they manage, actually goes beyond the gate by quite a bit. When I went back to Cap, after discussion he said this was a problem beyond his "pay grade" to solve and said he would have to send it up to his superior. Diana assured me that this road was not the only one where there was this problem with Forest and County jurisdictional conflicts. A couple of years ago I had a big problem with an excellent location manager doing a Chevy commercial on Sherwin Grade. He was presented an Inyo Forest bill for a fee after the fact because they worked on Forest Land with CalTrans saying it was their right of way. I turned it over to the California Film Commission (CFC) because they have been working with various California offices to establish jurisdictions and MOUs and they didn't want this dispute to effect these other agreements. Six weeks later the CFC said they couldn't solve it and handed it back to me. Frankly, I neither had the standing nor the knowledge to solve it. The location manager left angry because he felt it made it look like he had not done his due diligence. To my knowledge he has not come back.

I am not certain how to deal with this problem, but if it is as widespread as Diana thinks it is, the problem is and will continue to have a deleterious effect on Inyo filming.

## 5. COLA

The COLA Awards present a wonderful opportunity to get together with other film professionals at the Beverly Hilton and network, dress up and bring positive notice to our locations. It turned out to be more difficult than it first seemed to nominate the team that worked on the locations for the back projected images for the U2 Joshua Tree World concert tour, but finally it was done, and all details in place.

Here is my nominating essay:

[U2 JOSHUA TREE 2017 TOUR PERFORMANCE BACKGROUND](#)



Finding locations for U2's Joshua Tree 2017 Revival Tour Video fell to the team of Gil Evans, Marie-Paule Goislard, and Osceola Refetoff. The success of this project hinged on their seasoned experience, knowledge of locations, and established relationships with local film support professionals. Each of the team members has exceptional people skills, allowing them to obtain permits that usually take 30 days or more within their extremely limited production schedule. Their understanding of how to work effectively film commissions, allowed them to make the most of vital support provided by the Inyo County and Antelope Valley film commissions and the National Park Service.

The assignment tasked the Evans-Goislard-Refetoff team with matching locations from the original hour-long movie that accompanied the album release in 1987, including significant footage filmed in Death Valley. Working with the original director/photographer Anton Corbijn, Goislard and Evans at the same time



worked to find abandoned buildings, a factory, a mine, and "no name" desert roads included in video footage projected on giant screens during the band's 30-year anniversary tour.

Securing Death Valley, especially Zabriskie point, fell to Refetoff, most familiar with the area. Problems included the permit ranger being out of town, extreme climatic conditions, and high creative ambitions, despite a limited budget. Through the local film commissioner, Refetoff was able to work directly with Superintendent Mike Reynolds, who has been instrumental in making Death Valley significantly more "film friendly." Even with a severely contracted time frame and the unavailability of housing anywhere in the park, he was able to obtain the necessary scouting photos and film permits.



Scouting the U2 video on highway 136      Footage in U2 Joshua Tree Concert

I nominate the team of Evans, Goislard, and Refetoff for dealing with challenging locations in severely rural and remote areas, and working within exceptionally challenging budget and time constraints. Their success was based on using the highest professional standards developed over years of experience and communicating effectively with local support personnel based on a clear understanding of what was needed to achieve the elevated creative goals of this hybrid commercial/music video project.

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While I submitted the project under the commercial category, the organizers asked if they could move it to the Music Video category, which I readily agreed to. After the first round of competition and voting it was awarded *finalist* award recognition. I attended with the team to see how they did in the final stage of competition. While another project won, it was a great honor to have made it that far.

During the ceremony the Location Manager of the Year award went to Alison Taylor for *A Wrinkle In Time*. In her acceptance speech she spoke at length about the challenges of working in the Fossil Falls area because the land was both BLM and private. The private section is owned by seven attorneys and run by their representative, a caretaker. I had already experienced problems with Geoff Jukes, another excellent scout/ location manager who had paid the fees to the lawyers who then decided to rescind permission. Consternation ensued.

*Wrinkle* also scouted in the Alabamas and Fossil Falls but I knew they had changed their mind, and until Allison's acceptance speech I hadn't realized they had gone ahead with Fossil Falls. She fully deserved "Location Manager of the Year." But now perhaps filming in Fossil Falls will go smoother. As I write this I am working on a Walmart ad set on a foreign planet where a spaceship has crashed. That would be in the cinder area near Red Hill south of Olancho. The commercial has also been looking at Fossil Falls. Stay tuned.

## 6. Location Magazine

I have been working with Doug Lueck on splitting the costs for an ad in the Locations 2018 annual magazine. Last year we got a free landscape spread with a picture taken by Mandi Dillin, who I met working on *Iron Man*. I get to see her at the COLAS each year but hope she'll come back to Inyo. She was nominated for another project in 2017.

Doug and I worked on the concept for the ad at the COLAS but I have not seen a proof yet.

## 7. Highlights of 6 months

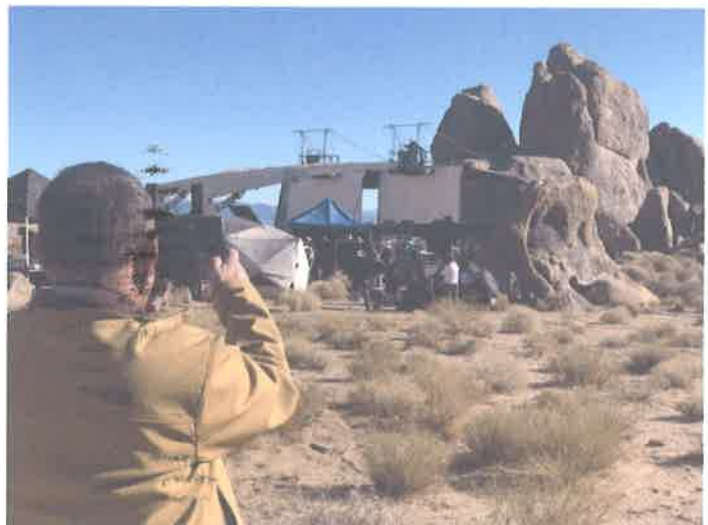
Here are some projects I would like to spotlight.

### a. *Transformers 5*

*Transformers 5* was a big production and benefitted the northern businesses. I have focused on the road challenge, but Matt Helt from the Forest showed me a phone film of the pyrotechnics used at Pine Creek. It should be spectacular. You may remember *Transformers 2: The Revenge of the Fallen Part 2* was filmed locally as well, and we had to deal with Michael Bay and two tigers out in the rocks. By the way it grossed 836 million world wide, over 400 million in the U.S.

### b. *The Man in High Castle*

The Amazon series *The Man in the High Castle* came to town with over 150 people to do one day of shooting. They film in British Columbia so they came a long way to find a desert in which a character becomes lost. There are closer deserts to Canada but I think our reputation brought them



here. Among other things, they wanted to seal one of our rocks in plastic and paint over it. BLM permit officer Dione Perkins took a dim view so they brought several



artificial (not FAKE!) rocks to get the effect. I asked why come all that way for one day, and the location manager assured me it is a very important, pivotal scene in Season 3. It is based on a Phillip K. Dick book of the same name. The concept is the United States has lost World War 2, and the Japanese have established an empire on the West Coast, and the Nazis a Reich on the East Coast. In the middle, the Great basin, Rockies and the Owens Valley is the neutral zone where all the resisters, freedom fighters, and "degenerates" live. An excellent show but very dark indeed for these times.

NOTE: By the way, there was an important look-i-loo to the set you might spy in one of the photos if you look closely.

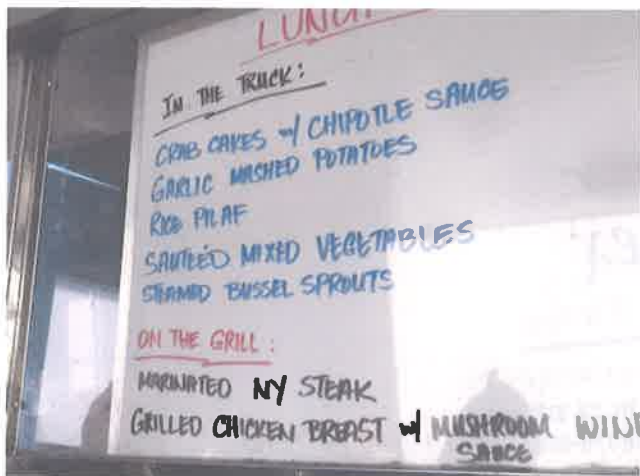
### c. Jeep

The producer and director of a recent jeep commercial wanted as a "hero" shot to put the jeep on top of an Alabama rock from which the driver can look in all directions. I carefully explained that wasn't going to happen because you are not allowed to put vehicles on rocks for obvious reasons. I told him I would try to find dome areas, on hills not rocks, that might simulate the "hero" elements. They were not happy and I had to go to L.A. to visit Inyo's charters and I was afraid they would do the shot when no one was looking. Keep an eye out for a jeep commercial, and let me know.



### d. Kia

For me what was most interesting about this project besides the size and the fact that there were two distinct



companies, was that an old friend, a guy I worked with when I began this film

f. Bear Grylls

This prolific "outdoor hero" made his name and fame with his show "Man Vs. Wild." He came to Inyo with a new idea in which guests from the Internet apply and are accepted to share their lives while having an outdoor experience. The challenge is to find a course they can complete and film in about 2.5 hours. No name for series yet.

It has been a very productive and interesting six months. The spring already offers some more adventures. If any County supervisors would like to come out and experience filming let me know. The two filming mottos are "Hurry up and wait," and "we need it yesterday."

**Thanks for letting me have the fun of representing Inyo County to the film world.**

Another small independent film.







**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER  5
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- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** County Administrator – Film Commissioner

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Film Commissioner Services

**DEPARTMENTAL RECOMMENDATION:**

Request your Board provide staff direction regarding whether it desires a Request for Proposals to be issued for continuation of contracted Film Commissioner Services.

**SUMMARY DISCUSSION:**

In 2007, as part of its decision to pursue a Film Commission structure whereby an independent contractor is used to provide Film Commission services, the Board of Supervisors made the findings that Chris Langley met the standards set forth in the County Purchasing Policy to be sole-source contractor. However, in 2011, the Board directed staff to prepare a Request for Proposals (RFP) for Film Commissioner Services. Ultimately, this process led to a lapse in contracted Film Commissioner Services.

Mr. Langley submitted the only response to the RFP and was awarded a new, 20-month contract in 2013, with options for two, two-year extensions. On November 17, 2014, the Board approved a three (3) month extension, to March 31, 2015 to allow the Board to discuss and consider if they wanted staff to develop a new Request for Proposals for the Film Commissioner Services, or to extend the contract. On March 17, 2015, the Board approved a fifteen (15) month extension of the contract, to June 30, 2016, with a reduced fee schedule, and did not direct preparation of a new RFP. Subsequently, on June 28, 2016, your Board approved a twenty-four (24) month extension of the Film Commissioner Services contract, to June 30, 2018.

While staff is not recommending issuance of another RFP for Film Commissioner Services, it does want to provide your Board the opportunity to provide such direction and, if preparation of an RFP is so directed, hopefully minimize or avoid any lapse in contracted services as the County experienced in conjunction with the last issuance of an RFP. Staff believes that your Board can continue to make the findings that Mr. Langley meets the qualifications as a sole-source contractor and consider entering into a new agreement with him when his current contract expires at the end of June.

Mr. Langley has served as the Inyo County's only Film Commissioner since 2002. During that time, he has demonstrated himself more than capable of responding to the variety of needs and demands placed on him by a clientele that, to put it mildly, expects to be catered to.

### Deep History

While local citizens have always participated in, and promoted Inyo County's role as a premier filming destination, the County's role in supporting and directly funding commercial filming and photography (beyond issuing permits for the use of County buildings, parks and roads) is a relatively recent phenomenon. During the past 20 years, the County has employed a variety of mechanisms for supporting the film industry, and its role in promoting the region as a filming destination has evolved.

In the late 1990s, the California Film Commission requested that the County of Inyo designate a single entity to represent the entire county in the California Film Commission's "Film Liaisons In California, Statewide" (FLICS) Program. Any city or county or public governmental agency located in California with jurisdiction over filming in its geographic area can participate in the FLICS partnership. To do so, the public entity must delegate, by resolution, a local film office or commission within its jurisdiction to be its "FLICS Designee." The FLICS Designee can be an office, organization, or non-profit enterprise.

Prior to this time, Jim Vanko of Mammoth Mountain Location Service in the north, and the Lone Pine Chamber of Commerce in the south, represented Inyo County to the California Film Commission. In response to the California Film Commission's request for a single point of contact, several other individuals and entities approached the Board of Supervisors to express their interest in serving as the County's liaison to the state Film Commission.

On June 1, 1999, the Inyo County board of Supervisors adopted Resolution No. 99-30 designating:

The Inyo County Administrator, or his designee, as Inyo County's liaison to the California Film Commission and FLICS, until such time as the Board of Supervisors designates another entity.

Subsequently, the County Administrator, as authorized by Resolution No. 99-30, designated the Lone Pine Chamber of Commerce as the Film Commission Liaison Office for Inyo County. In making the designation, the CAO at-the-time placed conditions on the designation that required the Lone Pine Chamber of Commerce to:

1. Contact the State to obtain the necessary paperwork for this change, and submit it to his office for review;
2. Communicate this designation to all other Chambers of Commerce;
3. Work closely with the other Chambers of Commerce to promote the film industry in the County;
4. Understand that no funding will be provided from the County for any activity as a result of this designation; and,
5. Provide a report to the County Administrator's office every six months on the activity of the film industry in the County.

Based on published reports, the Lone Pine Chamber of Commerce assigned Diane Taylor to first head the Film Commission Liaison Office (which publicly represented itself as the Inyo County Film Commission) and, within a year of its designation, produced a 70-page film resource guide and represented the County at the Locations Global Expo, an annual movie locations trade show. Later, in early 2002, representatives from the Lone Pine Chamber of Commerce approached Chris Langley to represent the Film Commission Liaison Office.

As part of the need to reduce Advertising County Resources funding in 2007, the Board of Supervisors reviewed possible mechanisms for providing the desired Film Commission services. These included the existing model (whereby the Lone Pine Chamber of Commerce was designated as the County's Film Commission Liaison Office); contracting for film commissioner services; providing film commissioner services in-house; and, additionally, the possible creation of an actual, appointed Film Advisory Commission, or an ad hoc advisory group. After discussing these and other considerations on June 5, 2007, the Board of Supervisors decided to contract directly for film commissioner services, and directed that a sole-source contract with Mr. Langley be prepared for providing these services.

**OTHER AGENCY INVOLVEMENT:**

The cost of the Film Commissioner Services contract is funded through the County General Fund without assistance from other local agencies.

**FINANCING:**

The Fiscal Year 2017-2018 County Budget includes \$41,700 for the Film Commissioner contract.

<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____



**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)  
(The Original plus 20 copies of this document are required)

Date: 1/10/18



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only: <b>AGENDA NUMBER</b>
6

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** County Administrator - Disaster Services

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** California Department of Water Resources Statewide Flood Emergency Response Grant Program Application and Resolution

**DEPARTMENTAL RECOMMENDATION**

Recommend your Board Approve the submittal of the Statewide Flood Emergency Response Grant Program Application on behalf of Inyo County and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application in the amount of \$40,000, as well as any and all accompanying documents, by approving Resolution No. 2018-XX entitled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Authorizing the Grant Application for the Statewide Flood Emergency Response Grant Program, Inyo Flood Fight Material Emergency Response Project".

**SUMMARY DISCUSSION**

In November of 2015, due to what was the impending threat of an El Niño event, the California Department of Water Resources (DWR) proposed to deliver shipping containers filled with flood fight materials to Operational Areas (OA's) throughout California. These DWR-owned containers equipped with flood fight materials were intended to be used as an emergency cache, and only should be accessed after the OA had depleted its own supply. Supplies that were removed from the container and used by the OA were then to be replenished and restocked by the OA. Each OA that agreed to be a "host" was required to sign an MOU with DWR that stipulated the terms of usage, responsibility of maintenance and access, and OAs were required to implement an accounting method for tracking the materials. After the MOU was signed, DWR stated they would then work with the OA to have the containers delivered to the site(s) that had been identified by the OA.

Immediately following the DWR proposal in 2015, Inyo County staff quickly responded to DWR directly, as well as through our California Office of Emergency Services (CalOES) Regional Coordinator, indicating that Inyo was very interested in being the host for two or three of the flood fight containers. Having a cache of flood fight materials readily available in our isolated region would better prepare the County for unexpected disastrous flooding events.

Unfortunately, the DWR proposal did not materialize despite Inyo County's continued pursuit of the containers in 2016, and throughout 2017 when the 2017 Spring Runoff Emergency event was in full force. In September of 2017, Inyo County staff attended the California Department of Water Resources - 2017 California Preseason Flood Coordination Meeting in San Bernardino. During DWR's presentation, Inyo staff observed the fact that several of the DWR containers with flood fight materials had been delivered to many OA's throughout the State. The presentation included a map that identified the container distribution sites. The lack of any distribution sites identified in the Eastern Sierra region was very obvious. During the open session portion of the meeting, County staff expressed frustration over not being included in this program, despite its numerous requests and attempts to do so.

DWR representatives approached Inyo staff after the meeting and apologized for the current lack of availability of resources to follow through with its proposal and Inyo's request to be a host for one or two of the containers. DWR

staff encouraged Inyo to apply for upcoming grant opportunities. One of these opportunities is the grant application that is being presented for consideration by your Board today.

The grant project that is being proposed in this application includes the purchase of three (3) deployable enclosed cargo trailers, three (3) portable generators, three (3) portable outdoor/weatherproof lighting systems, 30,000 empty sandbags and sandbag filling tools. If Inyo's grant application is approved, Inyo will receive funding to create its own flood fight material cache, and in doing so, it would become the owner of the material and equipment that is proposed to be purchased with the grant funds. The trailers are proposed to be staged in the North, South and the Southeastern portions of the County.

With the recent adoption of the Inyo County/City of Bishop Multi-Jurisdictional Hazard Mitigation Plan, Inyo is now eligible to consider grant opportunities such as this. These grant funds do not require a match. Any authorized equipment and flood fight materials that are purchased with these grant funds will belong to Inyo County.

**ALTERNATIVES**



Your Board could choose not to apply for these grant funds, but this is not recommended at this time. This is an excellent and infrequent opportunity to receive "match-free" State funds that can be used to contribute to Inyo County's prevention and preparedness activities.

**OTHER AGENCY INVOLVEMENT**

County Administrator's Office, the Sheriff's Office, Public Works/Road Department, City of Bishop and local Fire Departments.

**FINANCING**

The \$40,000 in grant funds will require no match. If and when the grant application is approved, a new budget will be created at that time.

<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>1/2/18</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>1/9/18</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____



**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

Date: 1/9/18



**RESOLUTION NO. 2018-**

**A RESOLUTION OF BOARD OF SUPERVISORS, COUNTY OF INYO,  
STATE OF CALIFORNIA,  
AUTHORIZING THE  
GRANT APPLICATION FOR THE  
STATEWIDE FLOOD EMERGENCY RESPONSE PROGRAM,  
INYO FLOOD FIGHT MATERIAL EMERGENCY RESPONSE PROJECT**

WHEREAS, the County of Inyo proposes to implement a Flood Fight Material Emergency Response Project; and

WHEREAS, the County of Inyo intends to apply for grant funding from the California Department of Water Resources for the project costs;

NOW, THEREFORE, BE IT RESOLVED by the County of Inyo Board of Supervisors as follows:

1. That pursuant and subject to all of the terms and provisions of California Proposition 84, The Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 (Section 75032 of Chapter 3 of Division 43 of the Public Resources Code), application by this Agency be made to the California Department of Water Resources to obtain a grant for the Inyo Flood Fight Material Emergency Response Project.
2. The Inyo County Administrative Officer, as the designated Director of Emergency Services, is hereby appointed as the Inyo County Authorized Agent and is directed to prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources, and take such other actions as necessary or appropriate to obtain the grant funding.

PASSED AND ADOPTED by the County of Inyo Board of Supervisors on the 16th day of January, 2018 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Dan Totheroh, Chair  
Inyo County Board of Supervisors

Attest: Kevin D. Carunchio  
Clerk of the Board

---

By: Darcy Ellis, Assistant



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

7

Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** County Administrator – Parks and Recreation

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Millpond Recreation Area Pond and Beach Maintenance

**DEPARTMENTAL RECOMMENDATION:**

Request your Board approve a purchase order to Doug Clair Construction in an amount not to exceed \$15,000 for pond excavation and beach maintenance at Millpond Recreation Area.

**SUMMARY DISCUSSION:**

Sand and silt from the 2017 Here It Comes spring run-off event resulted in a large sand bar forming in the inlet to Millpond and emanating into the swimming area. This material should be excavated while water levels in the pond are low and, once removed, can be used for beach maintenance. The same conditions have resulted in LADWP having to excavate and stockpile sand from nearby watercourses, and this material is also available free of charge to be used for beach maintenance work along the shoreline of the Millpond swimming area.

Staff solicited bids to assist in performing the excavation and beach maintenance work from the following local firms with the results as follows:

Construction Specialties, Lee Vining:	No response
Doug Claire Construction, Bishop:	\$ 9,600.00
Kendall Engineering, Bishop:	\$16,500.00

Due to the timing of needing to perform the work while lake levels are low, and LADWP material available, staff solicited telephone quotes and the respondents have agreed to submit their quotes in writing.

**ALTERNATIVES:**

Your Board could choose not to approve the Purchase Order and direct staff to proceed with only removing the sand bar, however, this is not recommended since it would mean deferring beach maintenance work which can, due to the totality of circumstances, be accomplished more readily and for less money than if the work is put off.


**OTHER AGENCY INVOLVEMENT:**

LADWP

**FINANCING:**

The Fiscal Year 2017-2018 Parks & Recreation budget has sufficient funding to cover this unanticipated work, but the expense (and associated opportunity) will divert funds from other maintenance projects identified in the budget. To ensure these projects can also be accomplished it will be necessary to amend the Parks and Recreation budget during the Mid-Year Financial Review.

**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>1/11/2018</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)  
(The Original plus 20 copies of this document are required)



Date: 01-10-2018



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 8

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time.   
  Closed Session   
  Informational

**FROM:** County Counsel

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Donation to Animal Shelter Donation Trust

**RECOMMENDATION:**

Request your Board accept, on behalf of the County, anticipated donations/distributions from the Doris Link Trust to the Inyo County Animal Shelter Donation Trust.

**SUMMARY DISCUSSION:**

The County has an existing "Animal Shelter Donation Trust," which appears to have been established for the purpose of receiving cash donations benefitting the County's animal shelter. Doris M. Link, deceased, named the County's "animal control trust fund" as a beneficiary of a living trust she created before she passed away. A petition to settle the trust is pending before the Court. I'm informed that the amount of the distributions/donations from the Dorik Link Trust to the Animal Shelter Donation Trust are anticipated to exceed \$200,000, paid in chunks over the next few years with the largest amount being the initial check. Section 6.26.020 of the County Code provides that any donation of money to the County in excess of \$10,000 may only be accepted or rejected by the Board of Supervisors (apparently including donations to an existing County "donation trust").

Note: if the Board does accept the anticipated distributions/donations, then a presentation of the initial donation check will be agendized as a regular item at a future meeting. Today's item is simply intended to ensure for the record that the Board has duly accepted the distributions/donations before the Court approves it as part of the trust settlement.

**ALTERNATIVES:**

The Board could take no action or reject the donations, either of which would effectively prevent the County's animal shelter trust from accepting this donation. Such alternatives are not recommended as there is no apparent downside to accepting the donation and the County apparently already has a "donation trust" for this purpose.

**OTHER AGENCY INVOLVEMENT:**

Other County Departments: Sheriff; Auditor-Controller; Treasurer-Tax Collector; and CAO

**FINANCING:**

N/A.

<b>APPROVALS</b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>1/9/18</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: <u>yes</u> Date <u>1/9/18</u>

PERSONNEL DIRECTOR:  <b>N/A</b>	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  <p style="text-align: right;">Approved: _____ Date _____</p>
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**DEPARTMENT HEAD SIGNATURE:** (Not to be signed until all approvals are received)

  
\_\_\_\_\_  
(The Original plus 20 copies of this document are required)

Date: 1/2/18





**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only: <b>AGENDA NUMBER</b>
9

- Consent    Departmental    Correspondence Action    Public Hearing  
 Scheduled Time for    Closed Session    Informational

**FROM:** HEALTH & HUMAN SERVICES – Health

**FOR THE BOARD MEETING OF:** January 16<sup>th</sup>, 2018

**SUBJECT:** Request approval to participate in Medi-Cal County Inmate Program (MCIP)

**DEPARTMENTAL RECOMMENDATION:**

Request the Board approve Health and Human Services (HHS), to participate in MCIP and authorize the HHS Director to sign the county participation forms for FY 2018/19.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

The Medi-Cal Inmate Program provides Medi-Cal coverage for eligible inmates who receive inpatient services at a medical facility located off the grounds of the correctional facility for an expected stay of more than 24 hours. This program will relieve the county of the federal share of these services provided to inmates. The medical provider will bill Medi-Cal as they usually do and receive payment. Department of Health Care Services will then quarterly submit invoices to the counties where the inmate is being held to re-coop the non-federal share of the services.

Several divisions within Health and Human Services (Health, Behavioral Health & Employment and Eligibility) have developed a comprehensive case management system to identify when an inmate's hospitalization meets these criteria so that the Medi-Cal application is completed timely; the dates of services and eligibility correspond; and services and costs are tracked. Your board previously authorized HHS to participate in the program for FY 2017-2018 and we are respectfully requesting authorization to continue our participation.

**ALTERNATIVES:**

Denying this request would leave the county responsible for all of the services provided to the inmate.

**OTHER AGENCY INVOLVEMENT:**

HHS divisions, Sheriff, and Probation

**FINANCING:**

Health Services Realignment. These expenses are paid out of Health (045100) in Professional Services (5265). No County General Funds.

**APPROVALS**

**COUNTY COUNSEL:**

*[Handwritten Signature]*

**AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS** *(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)*

Approved: yes Date: 12/22/17

**AUDITOR/CONTROLLER:**

*[Handwritten Signature]*

**ACCOUNTING/FINANCE AND RELATED ITEMS** *(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)*

Approved: yes Date: 12/23/2017

**DEPARTMENT HEAD SIGNATURE:**

**(Not to be signed until all approvals are received)**

*[Handwritten Signature]*

Date: 12/27/17



State of California—Health and Human Services Agency  
Department of Health Care Services



EDMUND G. BROWN JR.  
GOVERNOR

**Medi-Cal County Inmate Program  
County Participation Form: Fiscal Year 2018-19**

County of Inyo chooses the option selected below in  
County Name

response to our interest in voluntarily participating in the Medi-Cal County Inmate Program (MCIP) from July 1, 2018, through June 30, 2019 for, Fiscal Year 2018-19:

- Voluntarily participating in MCIP-** By selecting this option, we are certifying our interest in voluntarily participating in the MCIP and intend on submitting a fully executed MCIP Agreement.
- Not Interested in participating in MCIP**

I hereby certify, that the option selected above is the option that said county will abide by under penalty of perjury, to the best of my knowledge, is true and accurate based on the time of submission.

County Official: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

County Official Title: Director of Health & Human Services

County Official Phone: 760-873-3305

County Official Email: mman@inyocounty.us

County Name: Inyo County Health & Human Services

Primary Contact: Anna Scott

Alternate: Melissa Best-Baker

Phone: 760-873-7868

Phone: 760-878-0232

Email: ascott@inyocounty.us

Email: mbestbaker@inyocounty.us

Submit completed form to:  
Department of Health Care Services  
Safety Net Financing Division/Inmate Medi-Cal Claiming Unit  
P.O. Box 997436, MS 4504  
Sacramento, Ca 95899-7436  
Email: DHCSIMCU@dhcs.Ca.Gov



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only: AGENDA NUMBER  10
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- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Supervisor Jeff Griffiths / County Administrator / Public Works Director

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Outline of Statement of Intent for Flexibility and Cooperation on the Development of Infrastructure and Programs in Support of the Provision of Reliable and Expanded Commercial Air Service

**DEPARTMENTAL RECOMMENDATION:**

Recommend your Board (1) Review and approve Outline of Statement of Intent for Flexibility and Cooperation on the Development of Infrastructure and Programs in Support of the Provision of Reliable and Expanded Commercial Air Service between the County of Inyo and the Town of Mammoth Lakes, and authorize the Chairperson to sign; and, (2) pending approval by the Mammoth Lakes Town Council, discuss and provide direction as to which other parties should be invited to be signatories to the document as potential financial stakeholders.

**SUMMARY DISCUSSION:**

On October 10, 2017, staff presented your Board with a proposed Framework for a Cooperation Agreement For Flexibility in the Provision of Reliable and Expanded Commercial Air Service that it had initially drafted last spring, and was proposed for discussion at the October 13<sup>th</sup> Mammoth Airport Working Group Meeting (MIAWG). Your Board expressed support for the framework, noting it was transparent and could help move the discussion of regional air service in a more formalized manner.

Participants at the October 13<sup>th</sup> MIAWG meeting, including representatives from the Town of Mammoth Lakes as well as Mammoth Mountain Ski Area and Mammoth Lakes Tourism, all expressed support for the framework. The MIAWG ultimately recommended moving forward with the framework as a Statement of Intent.

Subsequently, elected and staff representatives from the County and Town met to discuss the framework relative to other airport-related developments. Following the meeting, Town staff suggested some modifications to the agreement to provide clarity and nuance important to the Town and agreeable to County staff. The resulting document is being presented today for approval by your Board, and the Mammoth Town Council is expected to be agendaized consider the same document at its meeting tomorrow night. For comparison, a copy of the framework originally endorsed by your Board on October 10<sup>th</sup> is also included with this report.

The Outline of Statement of Intent, which is hopefully more-than-less self-explanatory, still envisions a non-binding agreement that sets forth parameters for Inyo County and Town of Mammoth Lakes (and possibly-interested stakeholders such as Mammoth Mountain Ski Area) to move forward in a cooperative manner to accelerate development of the Bishop Airport if and when it makes sense for each of the parties to do so. It recognizes that any such cooperation will be voluntary, and could likely involve private sector financing beyond the ability of either the County or Town to dictate or influence. As such, the Outline of Statement of

Intent seeks to recognize the roles and responsibilities as well as the needs of each party in a realistic and logical manner.

The Outline of Statement of Intent has been drafted and is intended, at least initially, to be executed between the County of Inyo and Town of Mammoth Lakes as the two sponsors of their respective airports. However, both airports impart regional importance relative to the goal of reliable and expanded commercial air service. Recognizing that realizing this goal will almost certainly involve funding for programming and, possibly, infrastructure from private and, possibly, other public partners, it seems reasonable to consider inviting other stakeholders to also sign the agreement once it has been agreed to by the County and the Town. Obvious stakeholders include Mammoth Mountain Ski Area and, possibly, other members of Mammoth's Air Service Group including Mammoth Lakes Tourism as well as Mono County and the City of Bishop to the extent that these entities might provide funding for programming and/or infrastructure. Your Board's direction as to which stakeholders, if any, it would like considered at this time as possible financial stakeholders is also requested.

**ALTERNATIVES:**

Your Board could choose not to approve the document, or direct changes to it.

**OTHER AGENCY INVOLVEMENT:**

Town of Mammoth Lakes; Eastern Sierra Council of Governments and its Mammoth Inyo Airport Working Group; Mammoth Air Service Group; Mammoth Mountain Ski Area; and, Mammoth Lakes Tourism.

**FINANCING:**

There is no cost associated with approving the Outline of Statement of Intent for Flexibility and Cooperation on the Development of Infrastructure and Programs in Support of the Provision of Reliable and Expanded Commercial Air Service. Operation of, and planning for the Bishop Airport is, and will remain funded by a combination of Federal and State funding sources, and discretionary County money transferred from the General Fund to airport-related budgets. The Outline of Statement of Intent provides a framework whereby other parties, private or public, could voluntarily contribute funding toward these efforts when it makes for them sense to do so, and the parameters within which that funding might occur.



**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)



Date: 01-08-2018

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)



Date: 01/08/18

## **Outline of Statement of Intent for Flexibility and Cooperation in the Development of Infrastructure and Programs in Support of the Provision of Reliable and Expanded Commercial Air Service**

### **I. Recitals**

- a. The Town of Mammoth Lakes (TOML) and the County of Inyo (County) are the recognized Airport Sponsors of Mammoth Yosemite Airport and Bishop Airport, respectively, by the Federal Aviation Administration.
- b. With the understanding that working together toward regional solutions is the preferred approach, TOML and County desire to provide airport infrastructure and airport programs at Mammoth Yosemite Airport and Bishop Airport in support of current and future air service opportunities.
- c. TOML and County acknowledge that by providing appropriate airport infrastructure, they will be better able to respond to changes in markets, aircraft, pilot, route and other issues that will affect air service in the future.
- d. TOML and County understand that working together to perfect and maintain the working relationships currently in place with partners and other stakeholders, including the public, private entities, business groups and the Federal Aviation Administration, will provide the best opportunity for success.
- e. TOML and County acknowledge that exploring the sharing of resources, including physical, technical and financial, may lead to better opportunities to provide enhanced regional air service through the provision of commercial air service at both Mammoth Yosemite Airport and Bishop Airport recognizing that the air service market demand and the private sector will ultimately decide the outcome of the best air service program for the region.
- f. This outlined Statement of Intent is non-binding; however, it is meant to indicate the desire of both parties as recognized Airport Sponsors to continue to work together through the Mammoth Yosemite Airport and the Bishop Airport to provide opportunities for reliable and expanded commercial air service in the region. This outlined Statement of Intent will serve as a framework to initiate, continue and eventually formalize common understandings and provide notice to the public and private individuals, entities, agencies, businesses and other groups that the two recognized Airport Sponsors are committed to working together.
- g. This cooperative approach has been encouraged by the Western Regional Office of the FAA.

### **II. Bishop Airport Commercial Service Readiness**

- a. County will fund and complete work necessary to identify minimum and long-term projects and costs associated with obtaining Class I, C III Part 139

Certification, including but not limited to preparation of a Draft Part 139 Airport Certification Manual (ACM) and any required environmental documentation.

- b. County will, in its discretion and as its resources permit, proceed to fund and complete outstanding work, deemed necessary and on a schedule with advance FAA buy-in, to complete Part 139 certification.
- c. TOML and/or its Air Service Group partners may provide financial or technical staff assistance, if TOML and/or its Air Service Group partners determine, and County agrees that doing so adds direct value to enhancing and expanded reliable regional air service, for accelerating completion of Part 139 projects, including establishing a commercial passenger terminal at Bishop Airport. [cost: TBD]

### **III. Mammoth Yosemite Airport Commercial Services Readiness**

- a. TOML will, in its discretion, continue to fund and complete work necessary to support commercial air service. This may include design, environmental documentation and construction of improvements to the current commercial terminal and apron facilities. Those improvements may be designed to serve existing air service demands, FAA adopted forecasts or may entail a phased approach. The intent is to provide an appropriate level of service to the traveling public in the short term while also meeting the likely long term needs of a potential two-airport approach. This is in keeping with the goal of providing airport facilities that will be better able to respond to future changes in markets, aircraft, pilot, route and other issues that will affect air service in the future. This should be done, whenever possible, with FAA acknowledgement and support.
- b. TOML will, in its discretion, continue to provide necessary services for commercial, charter and general aviation air service.

### **IV. Ongoing Maintenance and Improvements**

- a. TOML and County are responsible for maintaining respective Part 139 certification, and determining and funding airport improvements at their respective airports.
- b. TOML and County will continue to fund and complete work necessary to support commercial service and maintain general aviation operations at their respective airports.

### **V. Commercial Air Service Operations**

- a. Current: Maintain current approach to commercial air service at MMH, including existing service and review of opportunities for additional services as the market requires and allows.
- b. Opportunity: Bishop Airport available as Weather Alternate to MMH per Section VI herein.

- c. Opportunity: County and Owens Valley partners able to program commercial air service at Bishop Airport per Section VI herein.
- d. Opportunity: TOML and/or its Air Services Group partners able to program expanded commercial air service at Bishop Airport per Section VI herein.
- e. Opportunity: The County, TOML, and its Air Services Group partners agree to cooperate and coordinate in the programming of commercial air service at Bishop Airport.

**VI. Bishop Airport Operating Costs Associated with Commercial Readiness**

- a. Establish baseline operating costs (e.g., personnel, TSA, fire, etc.) associated with Bishop Airport operating in a state of “commercial readiness” to serve as a Weather Alternate for current MMH commercial air service
  - i. Identify/agree on cash costs and/or opportunities to share or provide in-kind staff services
- b. Agree to cost sharing based on commercial air service operations scenarios. Percentages for participation shown below are shown blank and are intended as placeholders only. Individual percentages may vary from 0% to 100%.
  - i. Current commercial air services continues at MMH and Bishop Airport available as Weather Alternate to MMH [highest cost sharing ratio]:  
TOML-ASG Partners \_\_\_% / County-OV Partners \_\_\_%
  - ii. County and Owens Valley Partners program commercial air service at Bishop Airport [modified cost sharing ratio]:  
TOML-ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%
  - iii. TOML and/or its Air Services Group partners program expanded commercial air service at Bishop Airport [further modified cost sharing ratio]  
TOML-ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%
  - iv. Consistent commercial air service provided at Bishop Airport, defined as over 10,000 enplanements per year, TOML cost share, if any, declines to zero. ASG Partners may continue at [agreed upon further modified cost sharing ratio] ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
[SIGNATORIES]

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
[SIGNATORIES]

Framework for Cooperation Agreement  
For  
Flexibility in the Provision of Reliable and Expanded Commercial Air Service

**I. Bishop Airport Commercial Service Readiness**

- a. County of Inyo will fund and complete work necessary to identify minimum and long-term projects and costs associated with obtaining Part 139 Certification, including but not limited to preparation of a Draft Part 139 Airport Certification Manual (ACM).
- b. County of Inyo will, as its resources permit, proceed to fund and complete outstanding work, deemed necessary and on a schedule with advance FAA buy-in, to complete Part 139 certification.
- c. TOML and/or its Air Services Group partners may provide financial assistance, if it makes sense, for accelerating completion of Part 139 projects, including establishing a commercial passenger terminal at Bishop Airport. [cost: TBD]

**II. Ongoing Maintenance and Improvements**

- a. TOML and County of Inyo are responsible for maintaining respective Part 139 certification, and determining and funding airport improvements at respective airports.

**III. Commercial Air Service Operations**

- a. Current commercial air services continues at MMH
- b. Bishop Airport available as Weather Alternate to MMH per Section IV.
- c. County of Inyo and Owens Valley partners able to program commercial air service at Bishop Airport per Section IV.
- d. TOML and/or its Air Services Group partners able to program expanded commercial air service at Bishop Airport per Section IV.
- e. The County of Inyo, TOML, and its Air Services Group partners agree to cooperate and coordinate in the programming of commercial air service at Bishop Airport.

**IV. Bishop Airport Operating Costs Associated with Commercial Readiness**

- a. Establish baseline operating costs (e.g., personnel, TSA, fire, etc.) associated with Bishop Airport operating in a state of “commercial readiness” to serve as a Weather Alternate for current MMH commercial air service
  - i. Identify/agree on cash costs and/or opportunities to share or provide in-kind staff services
- b. Agree to Cost Sharing Based on commercial air service operations scenarios
  - i. Current commercial air services continues at MMH and Bishop Airport available as Weather Alternate to MMH [highest cost sharing ratio]: **TOML-ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%**



- ii. County of Inyo and Owens Valley program commercial air service at Bishop Airport [modified cost sharing ratio]:  
TOML-ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%
- iii. TOML and/or its Air Services Group partners program expanded commercial air service at Bishop Airport [further modified cost sharing ratio]  
TOML-ASG Partners \_\_\_% / County of Inyo-OV Partners \_\_\_%



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 11

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Alisha McMurtrie, Treasurer-Tax Collector

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Annual Board approval of the Inyo County Treasury Investment Policy (Policy).

**DEPARTMENTAL RECOMMENDATION:** Approve the Policy (copy attached) as submitted.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:** Section 53646(a)(1) of the Government Code requires your Board to annually approve any change to the Policy at a public meeting. The Policy, as written by the County Treasurer, remains in compliance with the legal parameters for the deposit and investment of public funds, as those parameters are set forth in the California Government Code. There are no new laws, nor changes to existing laws that would impact the Policy.

**ALTERNATIVES:** Your Board may choose not to approve the Policy, or to amend the Policy as presented. In any event, the law requires your board to approve a Policy. Therefore, an action to disapprove or amend the Policy as presented must be accompanied by a substitute Policy or amended language.

**OTHER AGENCY INVOLVEMENT:** Section 53646(J) also requires that copies of the Policy be provided to members of the Inyo County Treasury Oversight Committee and the California Debt and Investment Advisory Committee.

**FINANCING:** N/A

APPROVALS	
COUNTY COUNSEL:  <i>J. Salter</i>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>YES</u> Date <u>12/26/17</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  N/A Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

*Alisha McMurtrie*  
 Alisha McMurtrie, Treasurer-Tax Collector

Date: 01/05/2018

# COUNTY OF INYO



## STATEMENT OF INVESTMENT POLICY

DRAFT December 2018

**INVESTMENT POLICY  
of the  
INYO COUNTY TREASURY**

(Note: All legal references to "Sections" made herein are in reference to the California Government Code or Health and Safety Code.)

**Scope:**

This Investment Policy (Policy) applies to all public funds held for safekeeping in the Inyo County Treasury. This Policy has been reviewed and approved by the Board of Supervisors pursuant to Government Code Section 53646. The Board of Supervisors will review and approve a new Policy, or amendments to the Policy, or affirm the current Policy, at least annually. This Policy is effective as of the date of adoption by the Board of Supervisors.

**Policy Statement:**

The purpose of this Policy is to establish cash management and investment guidelines for the County Treasurer, who is responsible for the stewardship of the Inyo County Pooled Investment Fund. Each transaction and the entire portfolio must comply with California Government Code Section 53601 et seq., and this Policy.

**Prudent Investor Rule:**

The standard of prudence to be applied by the investment office shall be the "**Prudent Investor Rule**", which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." The **Prudent Investor Rule** shall be applied in the context of managing the investment portfolio.

**Investment Objectives:**

**Safety, Liquidity and Rate of Return:**

- **Safety of Principal:** The primary objective of the County Treasurer is to safeguard, preserve and protect capital/principal in the portfolio.
- **Liquidity:** As a second objective, investments shall be made in a manner that will provide for the daily cash flow demands of the Treasury and its participants.
- **Yield:** As the third objective, investments shall be made in a manner so as to attain a market rate of return throughout budgetary and economic cycles while providing

for the first two objectives, as stated above, consistent with the risk limitations, prudent investment principals and cash flow characteristics identified herein.

**Legal and Regulatory Compliance:**

All investing and investment decisions shall be made with full compliance with California State and Federal Laws and Regulations, and any forthcoming amendments or additions to the California State Statutes or Federal Regulations in relation to the investment and administration of local agency money on deposit in the Treasury. The Treasurer or the Board of Supervisors may provide further restrictions and guidelines for the investment of money on deposit in the Treasury through this Statement of Investment Policy.

**Participants:**

- **STATUTORY PARTICIPANTS:** General Participants are those government agencies within the County of Inyo for which the County Treasurer is statutorily designated as the Custodian of funds.
- **VOLUNTARY PARTICIPANTS:** Other local agencies, such as Special Districts, for which the Treasurer is not the statutory designated Custodian of Funds, may participate in the Pooled Investment Fund. Such participation is subject to the consent of the County Treasurer and must be in accordance with the California Government Code Section 53684 et seq. The agency must provide the County treasurer with a resolution adopted by the agency's governing board approving the Inyo County Pooled Investment Fund as an authorized investment and accept the Inyo County Investment Policy.
- The County Treasurer does not solicit any agency's voluntary entry to the Treasury Pool.

**Delegation of Authority:**

Pursuant to Section 53607, the Inyo County Board of Supervisors may delegate the authority to invest or re-invest public funds in the Inyo County Treasury to the County Treasurer for a one-year period. Thereafter, the County Treasurer shall assume full responsibility for those transactions until the delegation of authority is revoked or expires. Subject to review, the County Board of Supervisors may renew the delegation authority each year.

If the Board of Supervisors delegates the investment authority to the County Treasurer as referenced above, the County Treasurer may authorize the Assistant County Treasurer or a duly designated and legally eligible employee of the Treasurer's office to purchase

investments in the absence of the County Treasurer pursuant to the Law and to the restrictions as herein stated.

**Authorized Investments:**

Authorized investments shall match the general categories established by the California Government Code Sections 53601, et seq. and 53635, et seq., and shall be listed herein. Authorized investments shall also include, in accordance with California Government Code Section 16429.1, investments into the State Local Agency Investment Fund (LAIF).

- Maturity Restrictions: To provide sufficient liquidity to meet the daily expenditure requirements of not only the County, but the School Districts and other Treasury Pool Participants, the portfolio will maintain at least 40% of its total book value in securities having a maturity of one (1) year or less.
- Operating funds shall be invested so as to ensure that maturity dates will coincide with projected cash flow needs, taking into account anticipated revenues and expenditures of significant dollar size.

**Prohibited Investments:**

All investments not specifically listed within are hereby prohibited.

**Investment Criteria:**

Figure 1. (See Table of Notes for Figure 1 on following page)

	Maximum Maturity	Maximum % of Pool	Rating
U.S. Treasury and Agency Securities (§53601(b&f))	5 years	100	N/A
Bonds and Notes issued by local agencies (see section 1) (§53601(e))	5 years	100	N/A
Registered State Warrants (see section 2) (§53601(c))	5 years	5 % of agency/district deposits	N/A
Bankers' Acceptances (see section 3) (§53601(g))	180 days	40	N/A
Commercial Paper (see section 4) (§53601(h) and §53635(a))	270 days	15	A-1/P-1
Negotiable Certificates of Deposit (§53601(i))	5 years	30	N/A
Repurchase Agreements (see section 5) (§53601(j))	1 year	25	N/A
Reverse Repurchase Agreements (see section 5) (§53601(j))	92 days	25	N/A
Medium-Term Corporate Notes (§53601(k))	5 years	30	A
Mutual Funds & Money Market Mutual Funds (§53601(l)) & (6509.7 & 53601(p))	N/A	20	AAA
Local Agency Investment Fund (LAIF) (§16429.1)	N/A	As limited by LAIF (\$50MM per Agency	N/A



(Figure 1 footnotes)

Section	Information
1	The County Treasury may purchase the bonds, notes, warrants or other evidences of indebtedness of any local agency formed within the County of Inyo. Such investments may not exceed five (5) years. No more than 10% of the assets may be invested.
2	Registered Warrants are restricted only to cash substitutes issued by the State during periods of declared fiscal emergency.
3	No more than 30 percent of the agency's surplus funds may be invested in the Bankers' Acceptances of any one commercial bank pursuant to this section.
4	All commercial paper issuers must maintain an "A-1" rating by Standard & Poor's Corporation or a "P-1" rating by Moody's Investor Service. No more than 15% of the agency's funds may be invested in commercial paper with no more than 10% of the assets be invested in any one issuer's commercial paper.
5	Reverse Repurchase Agreements may be utilized pursuant to the provisions of Section 53601(j) only for the purposes of supplementing the yield on previously purchased securities or to provide funds for the immediate payment of local agency obligations. The maximum maturity of repurchase agreements shall be one year. The maximum maturity of a reverse repurchase agreement shall be 92 days.

**Criteria for the Selection of Broker/Dealers and Financial Institutions:**

The County Treasurer shall select only primary government securities dealers that report daily to the New York Federal Reserve Bank, unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. All broker/dealers and financial institutions must have a strong industry reputation and open lines of credit with other dealers. Further, these firms must have an investment grade rating from at least one of the national rating services, if applicable.

Any broker, brokerage, dealer or securities firm shall be prohibited from conducting business with the County Treasurer if the individual or firm has, within any consecutive 48-month period following January 1, 1996, made a political contribution exceeding the limitation contained in Rule G-37 of the Municipal Securities Rulemaking Board, to the Inyo County Treasurer, any member of the Inyo County Board of Supervisors, or any candidate for these offices.

Each broker/dealer or financial institution will be sent a copy of this Policy and a list of those persons authorized to execute investment transactions.

Each broker/dealer and financial institution authorized to conduct business with Inyo County shall, at least annually, supply the County Treasurer with financial statements.

**Criteria for the Management of Extraordinary Withdrawals:**

Extraordinary Withdrawals are those withdrawals from the County Treasury that:

- Are not predictable by the County Treasurer from an analysis of historic and current Treasury cash flow records, and
- As a result of the dollar amount of such withdrawals, have a significant impact on the ability of the County Treasurer to satisfy the cash flow requirements of the Participants in the County Treasury Pool.

Such Extraordinary Withdrawals from the County Treasury can create liquidity problems and negatively impact the earnings of the remaining County Treasury Pool Participants in the event that the County Treasurer is forced to liquidate securities prior to their scheduled maturity dates in order to cover such withdrawals. A Pool Participant, who wishes to withdraw from the pool or make an Extraordinary Withdrawal, will be encouraged to work with the County Treasurer to arrange a withdrawal schedule that would prevent losses to the withdrawing agency or the remaining Pool Participants.

Pursuant to Government Code Section 27133(h), upon receipt of any request to withdraw funds from the County Treasury, the County Treasurer shall assess the effect of the proposed withdrawal on the stability and predictability of all the investments of the County Treasury. The County Treasurer will approve a withdrawal only if he/she determines that said withdrawal would not adversely affect the interests of the other participants in the County Treasury Pool. If the County Treasurer determines that an Extraordinary Withdrawal will cause the County Treasury Pool to realize a loss, the County Treasurer in his/her discretion may disapprove the withdrawal, or delay the withdrawal, or approve the withdrawal on the condition that any such loss be borne by the agency requesting the withdrawal, and on any other condition necessary to prevent an adverse effect on the interests of the other Pool Participants. The County Treasurer reserves the right to choose

which securities to liquidate to provide for the Extraordinary Withdrawal and could choose to sell the securities that have the lowest earnings.

**Safekeeping:**

Pursuant to Section 53608 the Inyo County Board of Supervisors has, by its Resolution No. 95-97 dated September 26, 1995, delegated to the County Treasurer the authority to enter into safekeeping agreements with specified institutions. Investment securities purchased by the County Treasury shall be held in customer-segregated safekeeping accounts that qualify as "Category 1 Custody" as defined by the Governmental Accounting Standards Board. Each institution where securities are held shall be required to provide a monthly safekeeping statement to the County Treasurer.

**Apportionment of Interest, Costs and the Calculation of the Treasurer's Administrative Fee:**

The relationship of a participant's daily fund balance to the total average daily balance of the entire Treasury Pool determines the percentage of interest paid to the Participant from a single apportionment. The proportionate amount of the Treasurer's Administrative Fee paid by any Participant in any quarter may be calculated in the same manner.

The County Treasurer's Administrative Fee, as authorized by Section 27013 and as calculated by the County Treasurer, shall not exceed the actual administrative costs incurred by the County for the operation of the County Treasury. In addition, pursuant to Section 27135, the cost of the County Treasury Oversight Committee's annual compliance audit shall be deemed as an administrative cost pursuant to Section 27013.

The Treasurer's Administrative Fee shall be imposed quarterly and deducted from interest earnings prior to the apportionment of those earnings to the participants in the County Treasury Pool.

**Audit, Supervision, Approval and Monitoring of the Investment Policy and Portfolio, including Reporting Requirements:**

- Pursuant to Section 25250, the County Board of Supervisors (Board) shall, at least biennially, cause to be audited in accordance with generally accepted auditing standards, the financial accounts and records of all officers, including the County Treasurer, having responsibility for the care, management, collections or disbursement of public funds.
- Pursuant to Section 25303, the Board will supervise the official conduct of the Inyo County Treasurer.
- Pursuant to Section 26920 et seq., the County auditor shall, at least once a quarter, perform a review of the Treasurer's statement of assets.

- Pursuant to Section 27100, the books, accounts and vouchers of the County Treasury are at all times subject to the inspection and examination by the Board and the County Grand Jury, or by any officers or agents designated by the Board or Grand Jury to make the inspection or examination. The County Treasurer shall permit the examination of the books and assets of the County Treasury.
- The County Treasurer shall annually render to the Board at a public meeting the Treasury Investment Policy for the Board's review and approval. Any changes to the Policy shall also be reviewed and approved by the Board at a public meeting. In addition, the Treasurer shall annually provide copies of the Policy to the County Treasury Oversight Committee and the California Debt and Investment Advisory Committee (CDIAC).
- The County Treasurer shall render a quarterly report to the Board, County Auditor-Controller and Treasury Oversight Committee. In addition, copies of the report for the second and fourth quarters shall be forwarded to the California Debt and Investment Advisory Committee (CDIAC). The report shall reflect, pursuant to the Law, the detailed status of investments held by the County Treasury including the following information: (Refer to Section 53646)
  - The type of investment, name of the issuer, date of maturity, par and dollar amount invested on all securities, investments and monies held.
  - A description of the funds, investments or programs that are under management of contracted parties, including lending programs.
  - The market values of all funds, investments or programs under the management of contracted parties, and the source valuation for any security within the treasury.
  - A description of the compliance or the manner in which the portfolio is not in compliance with the County Treasury Investment Policy.
- A statement of the County Treasury's ability to meet the projected liquidity requirements of participants in the treasury pool for the next six (6) months, or an explanation as to why sufficient money may not be available.

Upon request, the County Treasurer shall deliver to the County Auditor-Controller a detailed record of investment activity for the current or preceding fiscal year.

The County Treasurer shall routinely monitor the investment portfolio in relationship to limitations and restrictions imposed by the California statutes and as herein stated, and will adjust the portfolio accordingly.

### **Internal Controls:**

The County Treasurer shall establish a system of written internal controls, which shall be reviewed annually by all authorized persons. The internal controls shall be designed to prevent, or at least minimize, the loss of public funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions. Where possible, investments shall be placed, confirmed, held, accounted for and audited by different persons.

### **Prohibitions on the Acceptance of Gifts and Honoraria:**

The County Treasurer, Assistant County Treasurer and the members of the Treasury Oversight Committee shall comply with the provisions of the Political Reform Act (Section 87200 et seq.) as those rules may be amended from time to time by the Fair Political Practices Commission.

The provisions of the Political Reform Act shall also govern the conduct of the above referenced individuals, particularly with regard to restriction placed on the acceptance by members of honoraria, gifts and gratuities from financial and security advisors, brokers, dealers, bankers or other persons with whom the County Treasury conducts business.

### **Provisions for the Separate Investment Management of the General Obligation Bond**

#### **Proceeds of Local Governmental Agencies that are Treasury Pool Participants:**

This section sets forth an alternative investment procedure for the separate investment management of certain general obligation bond proceeds belonging to local governmental agencies that are participants in the Treasury Pool. The goal of this procedure is to maximize interest earnings on general obligation bond proceeds that are not immediately required by the issuing agency, thereby reducing the agency's bond interest costs.

Prior to the separate investment of general obligation bond proceeds as outlined below, the governing board of the local agency that issued the bonds shall adopt a resolution authorizing the County Treasurer to make such investments on behalf of the agency. The agency whose bond proceeds will be invested as herein stated will have the option to restrict the type of such investment instruments purchased by the County Treasurer, provided such restrictions fall within the parameters of this Investment Policy, and are reflected in the agency's authorizing resolution.

General obligation bond proceeds of \$100,000.00 or more belonging to a local governmental agency that is a Treasury Pool Participant and that are not immediately required by the agency, may, at the sole discretion of the County Treasurer, be separately invested for the financial benefit of said agency. The bond proceeds shall at all times remain in, and be considered part of, the County Treasury. The bond proceeds that have been separately invested may not be

withdrawn from the Treasury. Once authorized by a resolution of the agency issuing the bonds as stated above, the County Treasurer may use the bond proceeds to purchase specific investments that will thereafter be considered investments of said agency.

The agency that issued the bonds will deliver to the County Treasurer its most current schedule of calendar dates on which the agency anticipates withdrawing the bond proceeds from the Treasury. The Treasurer will utilize the agency's most current withdrawal schedule to provide the necessary liquidity, while at the same time endeavoring to maximize interest earnings on the said proceeds. In the event the agency requires its bond proceeds prior to the maturity dates of the separate investments, and has no other source of funds to pay the financial obligation that should have been paid from those bond proceeds, the County Treasurer may purchase one or more of the agency's separate bond investments for the Treasury investment portfolio that is shared by the other Pool Participants with assets of the Treasury, thereby making the necessary amount of the agency's bond proceeds available to the agency for withdrawal, provided, however, that no purchase may be made by the Treasurer of the separate bond investments of the agency if that purchase will result in a financial loss the County Treasury or otherwise injure the Treasury Pool Participants.

For accounting purposes, such separate investments shall be segregated from those investments of the Treasury Pool that are owned proportionately by all Treasury Pool Participants. The interest earned on the investments purchased with the agency's bond proceeds will be deposited, net of any Treasurer's Administrative Fees, in the issuing agency's bond proceeds fund within the Treasury, and will not be distributed to any other Pool Participant or Treasury fund. Said bond proceeds, when separately invested as herein stated, will not earn any interest on those Treasury investments that are owned proportionately by the Treasury Pool Participants and not separately invested.

**Disclosure of Significant Activity:**

The Treasurer's office will inform the Office of the County Administrator by means of a written memorandum or email, prior to the close of business on the next business day, whenever the daily activity of the County Treasury includes one or more of the following transactions in an aggregate amount of \$5,000,000.00 or more:

- Sale of a security prior to the stated maturity or call date of said security.
- Withdrawal or transfer of cash assets from a depository, including but not limited to a bank, investment pool or money market fund.
- Payment of an Extraordinary Withdrawal, as such Withdrawal is herein defined.

**Duties of the Treasury Oversight Committee:**

The Treasury Oversight Committee (TOC) is required to annually review and monitor the Investment Policy prepared by the County Treasurer, pursuant to Government Code Section 27133, and cause an annual compliance audit, pursuant to Government Code Section 27134.

Established here as policy, the TOC will review and accept the Statement of Investment Policy prepared by the Treasurer in December of each year. Any revisions to the Statement of Investment Policy will also be reviewed and accepted by the TOC prior to submitting any such revisions to the Board of Supervisors to review and approve.

The Treasurer shall annually submit the Statement of Investment Policy to be reviewed and approved at a public meeting as required by Government Code Section 53646. This Section also requires that any change in the Policy be reviewed and approved by the Board of Supervisors at a public meeting.

**Annual Compliance Audit:**

After the end of each fiscal year, the TOC shall cause to happen, an annual audit to determine compliance with the Statement of Investment Policy. Additionally, the audit may address questions of portfolio structure and risk. The audit findings will be an agenda item at the annual TOC meeting. The cost of the audit will be charged against the Treasurer's budget and will be included in the investment expenses as part of the Treasurer's Administrative Fee.



## GLOSSARY OF TERMS

### ACCRUED INTEREST

Interest that has accumulated but has not yet been paid from the most recent interest payment date or issue date to a certain date.

### BANKERS' ACCEPTANCE

A time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated, certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

### BASIS POINT

One basis point is equal to 1/100 of one percent. For example, if interest rates increase from 4.25% to 4.50%, the difference is referred to as a 25-basis-point increase.

### BOOK VALUE

The value of a security as carried in the records of an investor. May differ from current market value of the security.

### BROKER/DEALER

Any person engaged in the business of effecting transactions in securities in this state for the account of others or for his/her own account. Broker/dealer also includes a person engaged in the regular business of issuing or guaranteeing options with regard to securities not of his/her own issue.

### COMMERCIAL PAPER

Short-term, unsecured promissory note issued in either registered or bearer form and usually backed by a line of credit with a bank. Maturities do not exceed 270 days and generally average 30-45 days.

### COUPON RATE

The annual rate of interest payable on a security expressed as a percentage of the principal amount.

### CREDIT RISK

The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

### CURRENT YIELD

The annual income from an investment divided by the current market yield. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

### CUSIP NUMBERS

CUSIP is an acronym for Committee on Uniform Security Identification Procedures. CUSIP numbers are identification numbers assigned to each maturity of a security issue and usually printed on the face of each individual security in the issue. The CUSIP numbers are intended to facilitate identification and clearance of securities.

### DISCOUNT

The amount by which the par value of a security exceeds the price paid for a security.

### EARNINGS APPORTIONMENT

The quarterly interest distribution to the Pool Participants where the actual investment costs incurred by the Treasurer are deducted from the interest earnings of the Pool.

### FAIR VALUE

The amount at which an investment could be exchanged in a current transaction between willing parties, other than a forced or liquidation sale.

### FLOATING RATE NOTE

A debt security whose interest rate is reset periodically (monthly, quarterly, annually) and is based on a market index (e.g. Treasury bills, LIBOR etc.).

### INTEREST

The amount earned while owning a debt security, generally calculated as a percentage of the principal amount.

### LOCAL AGENCY INVESTMENT FUND (LAIF)

The State of California investment pool in which money of local agencies is pooled as a method for managing and investing local funds.

### MARKET VALUE

The price at which a security is trading and could presumably be purchased or sold.

### MATURITY

The date upon which the principal of a security becomes due and payable to the holder.

### MONEY MARKET MUTUAL FUND

A mutual fund with investments directed in short-term money market instruments only, which can be withdrawn daily without penalty.

PAR

The stated maturity value, or face value, of a security.

PAR VALUE

The stated or face value of a security expressed as a specific dollar amount.

PREMIUM

The amount by which the price paid for a security exceeds the security's par value.

REPURCHASE AGREEMENT OR RP OR REPO

An agreement consisting of two simultaneous transactions whereby the investor purchases securities from a bank or dealer and the bank or dealer agrees to repurchase the securities at the same price on a certain future date. The interest rate on a RP is that which the dealer pays the investor for the use of his/her funds. Reverse repurchase agreements are the mirror image of the RPs when the bank or dealer purchases securities from the investor under an agreement to sell them back to the investor.

REGISTERED WARRANTS

A registered warrant is a "promise to pay," with interest, that is issued by the State when there is not enough cash to meet all of the State's payment obligations.

SETTLEMENT DATE

The date on which the purchase or sale of securities is executed. For example, in a purchase transaction, the day the securities are physically delivered or wired to the buyer in exchange for cash is the settlement date.

TRADE DATE

The date and time corresponding to an investor's commitment to buy or sell a security.

WEIGHTED AVERAGE MATURITY

The remaining average maturity of all securities held in a portfolio.

**Inyo County Treasurer  
Disaster/Business Continuity Plan  
Banking and Investment Functions**

**Scope:**

The Inyo County Treasurer's banking and investment functions are mission critical and as such, the office must have a Disaster/Business Continuity Plan in place. In the event we are unable to operate from our office, the plan shall be activated. Periodically, the plan shall be tested.

**Continuity Procedure:**

In the event that we are unable to conduct normal business operations, the authorized persons shall interact with one another by home phone, email or cell to decide on the alternate location. If unable to contact one another, the authorized persons shall, through the County's office of emergency services establish contact with one another.

**Functions and Tasks to be Performed:**

Recognizing that we may be operating in less than optimal conditions, the primary functions are to protect and continue to account for all funds on deposit with the County Treasurer. While normal processes may be modified, the Investment Policy shall be strictly followed.

Tasks to be performed include:

- Daily cash position workup.
- Investment of maturing securities and any daily deposits.
- Daily cash and bank reconciliation.
- For deposits, the Treasurer's office will notify county departments, special districts and schools of any change to their deposit location. Deposits to any account other than those established by the County Treasurer is strictly prohibited.
- Disbursement activity will be coordinated with the County Auditor-Controller.

**Equipment and Emergency Packets:**

The Treasurer shall have access to one of the emergency laptop kits provided by Information Services in the event of an emergency.

The following items for the emergency packets for the Treasurer and/or his or her designee are:

- Copy of the Investment Policy, which includes the Disaster/Continuity Plan
- Emergency Check Stock
- Updated report of investments
- Sign on instructions to access all online bank accounts and securities safekeeping accounts

- Listing of all home phone, home addresses, cell phone, email addresses of the authorized persons and treasury staff. Listings shall also include the County Administrator, County Auditor-Controller and the Office of Emergency Services.
- Banks, Authorized Broker/Dealers, names and contact information.
- Copies of all district, county and school bank signature cards.
- Contact list for all agencies whose funds are on deposit with the treasury.

**Offsite Locations:**

Failing the ability to operate from our office, our operations will move in this order of priority:

- Location determined by the Office of Emergency Services or County Administrator
- Treasurer's home



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

12

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Alisha McMurtrie, Treasurer-Tax Collector

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Annual delegation of investment authority to the Inyo County Treasurer.

**DEPARTMENTAL RECOMMENDATION:**

Request your Board approve a resolution entitled "A Resolution of the Board of Supervisors of the County of Inyo delegating to the Inyo County Treasurer its investment authority pursuant to Section 53607 of the Government Code".

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

Section 53607 of the Government Code authorizes your Board to annually delegate its authority to invest or reinvest money in the county treasury, or to sell or exchange securities so purchased, to the County Treasurer, who shall thereafter assume full responsibility for those transactions until the delegation of said authority is revoked or expires. Since 1955, California county boards of supervisors, including the Inyo County Board, have exercised this authority. This action, as it relates to public funds on deposit in the county treasury, transfers fiduciary responsibility from your Board members to the County Treasurer, and, provides for the efficient day-to-day operation of the county treasury.

**ALTERNATIVES:**

Your Board may opt not to delegate its investment authority to the County Treasurer. In such a case, the Boards individual members would assume the fiduciary responsibility for providing the day-to-day safety, liquidity and yield for the County's public funds on deposit in the county treasury. All other agency funds on deposit in the treasury remain under the authority of the County Treasurer.

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A



APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  <i>Debra Salcher</i> YES Approved: <u>12/26/17</u> Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  N/A Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE: *Alisha McMurtrie* Date: 01-05-2018  
Alisha McMurtrie, Treasurer-Tax Collector

**RESOLUTION No. 2018 \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
INYO DELEGATING TO THE INYO COUNTY TREASURER ITS  
INVESTMENT AUTHORITY PURSUANT TO SECTION 53607 OF THE  
GOVERNMENT CODE**

WHEREAS, this Board has previously exercised its prerogative under Section 53607 of the Government Code and delegated to the Inyo County Treasurer its authority to make investments of certain monies in the Inyo County Treasury; and

WHEREAS, Government Code Section 53607 requires that the delegation to the County Treasurer of this Board's investment authority be made annually; and

WHEREAS, this Board finds that the Inyo County Treasurer has lawfully, prudently, and wisely invested monies of the County and that it is in the public interest that the Treasurer continue to exercise this Board's investment authority; and

WHEREAS, this Board desires to renew the delegation of its investment authority to the Inyo County Treasurer pursuant to Government Code Section 53607,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Government Code Section 53607 the Inyo County Board of Supervisors hereby renews the delegation of its authority to invest monies on deposit in the Inyo County Treasury to the Inyo County Treasurer provided that all such investments are made in accordance with the provisions of Article 1 of Chapter 4 of Part 1 of Division 2 of Title 5 (commencing with Section 53600) of the Government Code and the Investment Policy of the Inyo County Treasury.

BE IT FURTHER RESOLVED that this Board reserves the right, at any time, to exercise its authority to revoke or restrict the investment authority and responsibility of the Inyo County Treasurer as delegated herein.

PASSED AND ADOPTED this 16<sup>th</sup> day of January 2018 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Chairman  
Inyo County Board of Supervisors

ATTEST: Kevin Carunchio, Clerk of the Board

BY \_\_\_\_\_  
Darcy Ellis, Assistant



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

- Consent     Departmental     Correspondence Action     Public Hearing  
 Schedule time for     Closed Session     Informational

For Clerk's Use Only:
AGENDA NUMBER
13

FROM: Public Works Department

FOR THE BOARD MEETING OF: January 16, 2018

SUBJECT: Expand Engineer Recruitment

**DEPARTMENTAL RECOMMENDATIONS:**

Request the Board find that, consistent with the adopted Authorized Position Review Policy:

1. The availability of funding for the requested Senior Engineer/Associate Civil Engineer/Associate Engineer/Engineering Assistant position comes from the General Fund, as certified by the Public Works Director and concurred with by the County Administrator, and the Auditor-Controller;
2. Where no internal candidates meet the qualifications for the position an external recruitment would be appropriate to best ensure a pool of the most qualified candidates; and
3. Authorize the hiring of either a Senior Engineer at Range 85 (\$6,407-\$7,789), an Associate Civil Engineer at Range 82 (\$5,957-\$7,233), an Associate Engineer at Range 78 (\$5,410-\$6,575), or an Engineering Assistant I or II at Range 71 (\$4,583-\$5,572) or Range 75 (\$5,040-\$6,126) depending on qualifications, and change the authorized strength to reflect the position that is hired.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

Staff has been recruiting for a Senior Civil/Associate Civil/Associate Engineer for a number of months and has received no applications. We do believe that by expanding the recruitment to include the Engineering Assistant position, we may have a better chance of finding applicants. We have had great success with recruiting for Engineering Assistants and believe that this will continue. Additionally, there are staff within the Department that are receiving the appropriate training and experience to pursue the certifications that are required to perform at the Associate Civil Engineer level. It is likely that this will occur in the next 12 to 18 months.

**ALTERNATIVES:**

The Board could decide not to approve filling the position or expanding the recruitment. This is not recommended, as the position is allocated and plays a key role in the professional and technical activities of the Department.

**OTHER AGENCY INVOLVEMENT:**

CAO  
Personnel Department for recruitment  
Auditor.

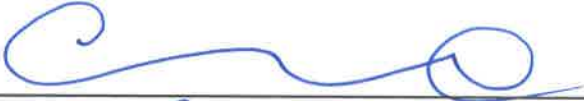
**FINANCING:**

This position is currently budgeted in the Public Works Budget Unit 011500.

Agenda Request Form  
Board meeting of  
Subject:

**APPROVALS**

COUNTY COUNSEL: AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)  
Approved: \_\_\_\_\_ Date \_\_\_\_\_

AUDITOR/CONTROLLER ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)  
 Approved: yes Date 1/10/18

PERSONNEL DIRECTOR PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  
 Approved: ✓ Date 1/10/18

**DEPARTMENT HEAD SIGNATURE:**  
(Not to be signed until all approvals are received)  Date: 1/10/18



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

14

- Consent       Departmental       Correspondence Action       Public Hearing  
 Scheduled Time       Closed Session       Informational

**FROM:** Inyo County Planning Department

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Workshop – Portable storage and shipping containers - possible regulation

**RECOMMENDATION:**

- Receive a presentation from staff regarding storage and shipping containers on properties in the County;
- Their status as accessory buildings, including setback requirements;
- Provide comment and direction to staff on the future and potentially the regulation of their use.

**SUMMARY DISCUSSION:** The use of portable storage and cargo shipping containers has become common practice in the County and they can be found scattered throughout. Locally, they are found to be used primarily for storage, but in other jurisdictions shipping containers are also being used to build homes. Planning and Building and Safety Department staff are unaware of any shipping containers in the County being used as dwelling units, although it is not completely out of the realm of possibility. The County's building code would allow for shipping containers to be used for dwelling units; however, there are a lot of construction and safety requirements that have to be met for them to comply with the building code. Overall, the use of these containers seems fairly harmless, but as more and more of them have popped up across the County controversy has followed.

Staff has discovered that two main issues exist with regard to shipping containers. The primary being that the public is not applying for building permits when purchasing or renting these units; and, the second is with regard to setback requirements. Much of both issues exist because the public is uninformed about the requirement to apply for a building permit for any structure over 120 square feet. Planning and Building and Safety Department staff met to discuss this issue and have determined that a good start to addressing this issue is to introduce an educational flyer to the public. This flyer will be distributed to area retailers of shipping containers as well as other types of accessory structures, and to realtors, construction companies, hardware stores, and be posted in the Inyo Register. Staff hopes that the flyer will aid in facilitating a dialog between the public and the two departments about the County's requirements with regard to placing shipping containers in their yards. If building permits continue to not be applied for Planning and Building and Safety staff cannot not review for appropriate zoning, including setbacks, and construction standards.

**BACKGROUND:** Portable storage and shipping containers are similar in size and shape. Portable storage containers are usually rented for a short time mostly for moving and/or for private residence and business storage during construction and remodeling. Shipping or sea cargo containers are built for large scale commercial shipping needs and are used on trucks, trains and boats. These types of containers are the most commonly found in the County for private residence and business storage. Containers can be purchased either new or used; water and wind tight, or not; and, even refrigerated. They come in several grades and sizes that include: 10'x8'x8'6"; 20x8'x8'6"; 40x8'x8'6"; 40x8'x9'6"; and, 45'x8'x9'6". According to Shipping Container Pros, new shipping containers can be purchased from about \$1,500-\$7,000, and used from about \$1,000-\$5,500 (not including delivery costs). Some companies rent them as well.

Shipping containers are not directly addressed by the County code, but instead, are treated as any other accessory building. This places them in the same category as garages, sheds, barns, greenhouses, and in some cases warehouses. The code requires that any accessory building be subordinate and incidental to a principle use, meaning that someone cannot have a property with just a garage, shed, or shipping container. They also require a building permit if they are larger than 120-square-feet and must meet the accessory building setback requirements as set forth in the County's zoning code. Generally, the setbacks for accessory buildings are 5-feet from the rear yard property line and 5-feet from the side yard(s) and there must be 10-feet between each building/accessory building on the property. There is no difference in the front yard setback requirements for principle buildings and accessory buildings. Front yard, with respect to the zoning code, strictly means the area defined by the setback requirement. Anything beyond the setback requirement, even if it is in front of the principle building, is not restricted by the setback, or considered the front yard.

Many consider shipping containers ugly and feel that they lower the aesthetic value of neighborhoods. The Inyo County Code does not include design criteria (except in the Lone Pine Architecture Design Control District) or visual standards for buildings. It also does not include requirements to screen, blend, or hide accessory structures, including shipping containers. With regard to accessory buildings, some jurisdictions have developed visual requirements regarding metal shipping containers and others have outright banned them.

The County could develop design and/or visual standards for all accessory buildings or just shipping containers if it chooses to do so. These types of potential regulations could also be applied to all accessory structures by amending Chapter 18.78.150 *Accessory Buildings* of the county code (attached.) Staff believes that changes to the code should be minimal which will work to also keep them from being overbearing. The existing paragraph listed in the accessory buildings chapter should be separated into sections allowing for easier navigation of the requirements. When describing the setback requirements prohibit accessory buildings from being placed in front of the primary building within R1 and RMH districts. Lastly a minimum development standards section could be added to ensure that accessory buildings painted a neutral color and shipping company names and logos are not prevalently displayed. Staff feels these small changes would assist in addressing the concerns of the public and derive the best outcome for the county as a whole. However this will be somewhat futile if people do not apply for building permits.

Your Board could choose to direct staff to work on changes to the County's code similar to those listed above; provide other recommendations; or to leave status quo. Any changes to the Zoning Code will require a process that would include, at a minimum, one Planning Commission Hearing and two Board of Supervisors' Hearings.

**NEXT STEPS:** Staff will use the Boards direction to work on the issue of shipping containers in the County.

**OTHER AGENCY INVOLVEMENT:** Inyo County Building and Safety Department.

**FINANCING:** General fund resources are utilized to review and update the County's Zoning Code.



<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)



Date:



**Inyo County Code  
Title 18 Zoning**

**Chapter 18.78 GENERAL REGULATIONS**

**18.78.150 Accessory buildings**

No detached accessory building shall be located within ten feet of any building. No detached accessory building shall be located within five feet of the rear or side lot line or have a height in excess of twenty feet except as otherwise specifically provided in the regulations of the specific zoning district. No accessory building shall occupy any part of a required front yard. On a corner lot which abuts a key lot, no accessory building shall be nearer the street than a distance equal to one-half the depth of front yard required on the key lot. Where an accessory garage is accessible to vehicles from an alley, it shall be located not less than thirty feet from the opposite side of the alley and in no case closer than five feet to the rear lot line. (Ord. 943 § 4, 1994.)



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

15

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** County Administrator – Clerk of the Board of Supervisors

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** *Appointment Policy Boards, Committees, and Commissions for which the Board of Supervisors has Appointing Authority*

**DEPARTMENTAL RECOMMENDATION:**

Request your Board (A) review the current *Appointment Policy Boards, Committees, and Commissions for which the Board of Supervisors has Appointing Authority*; and, and (B) consider whether to adopt changes to incorporate either a discretionary or automatic interview process, conducted by an ad hoc committee comprised of two members of the Board of Supervisors, when the number of applicants exceed the number of vacancies available on a board, committee, or commission for which the Board has appointing authority.

**SUMMARY DISCUSSION:**

On December 12, 2017, your Board reviewed requests for appointment to the County Water Commission. The number of requests for appointment (7) exceeded the number of vacancies (3) on the Commission. While your Board ultimately filled the vacancies by making appointments following the County's current policy and practice, your Board also discussed the possibility of convening an ad hoc interview committee to screen potential applicants. Staff indicated that it would agendize a review of the current *Appointment Policy Boards, Committees, and Commissions for which the Board of Supervisors has Appointing Authority* to allow your Board to consider whether it wants to amend the policy to provide for a possible interview process for applicants to a board, committee, or commission.

Staff has prepared two versions of possible additions to the existing Appointment Policy should your Board want to incorporate an interview process into the current appointment procedure. The possible modifications are shown in yellow highlight on the attached drafts. Both versions are predicated on your Board only conducting interviews when the number of applicants exceeds the number of vacancies, although your Board could certainly consider amending the Policy to incorporate screening interviews for all requests for appointment regardless of the number of vacancies to be filled.

**Version One** provides an optional interview process, whereby the department requesting the appointment would notify your Board if the number of requests for appointment exceeded the number of vacancies and provide your Board the opportunity to either proceed with making the appointments, or to convene an ad hoc committee comprised of two members for the Board of Supervisors, to conduct interviews with applicants within a two-week timeframe, and return to the Board with a recommendation for appointment within four weeks.

**Version Two** makes the Board ad hoc interview committee process automatic – rather than requiring a Board decision to proceed with the interviews – whenever the number of applicants exceeds the number of vacancies.

To expedite the process, both versions contemplate having the Board of Supervisors representatives to the board, committee, or commission – if such representatives exist – serve on the ad hoc interview committee. If adopted, either process will add to the time it takes to fill vacancies on boards, committees, or commissions. However, if your Board desires to conduct interviews of prospective applicants, it is appropriate to consider changes to the Appointment Policy to provide for either optional or automatic interviews as doing so will inform applicants and provide consistent guidelines for staff to employ..

**ALTERNATIVES:**

In addition to considering the two alternatives presented, your Board could choose not to amend the policy; make interviews optional or automatic for all appointments regardless of whether the number of requests for appointment exceed the number of positions; or, direct other changes to the Policy such as requiring applicants to specify the term for which they are seeking appointment.

**OTHER AGENCY INVOLVEMENT:**

County Counsel

**FINANCING:**

Other than additional staff time associated with the possible changes to incorporate an interview process into Board appointments, there is no cost associated with considering changes to the Policy.

**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)



Date: 01-10-2018

## **ADMINISTRATIVE MANUAL**

### **APPOINTMENT POLICY BOARDS, COMMITTEES, AND COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS HAS APPOINTING AUTHORITY**

*(Updated by Board Order 2-14-17)*

#### **I. PURPOSE**

The purpose of this policy is to establish the process whereby vacancies on Boards, Committees, and Commissions which are to be filled by appointment of the Board of Supervisors, will be made and to set the procedure for the Board to comply with the requirements of the Chapter 11 "Local Appointments List," of the Government Code Section 54970 et seq.

#### **II. RESPONSIBILITIES:**

##### **A. Local Appointments List**

It is the responsibility of the Clerk of the Board to complete, in compliance with Government Code Section 54970 et seq., the Local Appointments List on or before December 31 of each year. This List shall contain the following:

1. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires, and the necessary qualifications for the position.
2. A list of all Boards, Committees, and Commissions whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

##### **B. County of Inyo Boards, Committees, and Commissions**

It is the responsibility of the departments assigned to coordinate the activities of the individual County Boards, Committees, and Commissions to ensure that the Appointment Policy is followed, as it relates to the various such Boards, Committees, and Commissions for which they are responsible to provide staff support. In the event there is no responsible Department, such as for the Developmental Disabilities Board, the Clerk of the Board will be the responsible entity.

##### **C. Cemetery Districts and the Bishop Rural Fire Protection District**

The Clerk of the Board will notify the Cemetery Districts and the Bishop Rural Fire Protection District of any scheduled vacancies which will occur on their Boards ninety (90) Days prior to the vacancy occurring. The appointments will be made within ninety (90) days of the vacancy occurring in accordance with Government Code Section 1779. The procedure to fill such vacancies will follow those set forth in this procedure and as required

by Government Code 54970 and will be originated by the Clerk of the Board.

### III. DEFINITIONS:

- A. **Vacancy:** A vacancy shall be defined per Government Code Section 1770.
- B. **Scheduled Vacancy:** A scheduled vacancy occurs when the term-of-office has expired. Any incumbent wishing to retain their seat on a Board, Committee, or Commission, must seek re-appointment when their term has expired.
- C. **Unscheduled Vacancy:** An unscheduled vacancy occurs when a term-of-office is vacated by the incumbent prior to the end of the term. (The individual Board, Committee, and Commission, may have specific by-laws which provide for how a vacancy is created. Should a vacancy arise per the by-laws, the Board, Committee, or Commission, must acknowledge the vacancy, per the by-laws, at a regularly scheduled meeting. This would be considered an unscheduled vacancy and the process to fill the unscheduled vacancy would need to be followed.)

### IV. PROCEDURE FOR BOARD OF SUPERVISORS TO FILL VACANCIES:

#### A. *Scheduled Vacancy*

1. Sixty days prior to the expiration of the term-of-office, the responsible Department Head (or his/her designee) will notify the Board of Supervisors, in writing, of the upcoming vacancy. This notification must include:
  - (a) the name of the Board, Committee, or Commission in which the vacancy will occur;
  - (b) the name and address of the person whose term is ending;
  - (c) the date the term expires;
  - (d) any requirements for the position (e.g. district residency or professional or educational requirements, etc.); and
  - (e) any other pertinent information which will be useful in filling the vacancy.
2. Once the notification has been received in writing, the Clerk of the Board will advertise the upcoming vacancy (see Exhibit A). The vacancy will be noticed per the requirements for posting as set forth in Government Code Section 54974. It will be published once in the legal advertisement section of the local newspaper and posted in each of the County Libraries. The Notice will identify the Board, Committee, or Commission which has the vacancy and include the title of the position being vacated, the term-of-office to be filled, the deadline for filing the "request for appointment" with the Clerk of the Board's Office, and the telephone number of the responsible Department, should the applicants have any

## Version 1: Optional Interview Process

questions. The Notice will be published and posted so that any potential applicant has a minimum of ten (10) working days from the date of the publication or posting of the notice, which ever is later, to seek the appointment.

3. The Clerk of the Board will send a letter to the individual whose term is expiring notifying them of their need to apply for re-appointment (see Exhibit B). The letter will provide the applicant with a minimum of ten (10) working days in which to respond.
4. The Clerk of the Board will also send a letter to any alternate members of the Board, Committee, or Commission having the vacancy, notifying them of said vacancy so that the Alternate may consider applying for appointment to a full-time position.
5. The filing period for the vacancy will close per the "noticed date." A copy of each of the requests for appointment, which were received on or before the filing deadline, will be forwarded to the responsible Department.
6. The responsible Department will prepare an "agenda request item" to have the vacancy filled by the Board of Supervisors, prior to the expiration of the term of the incumbent. The agenda item requesting the appointment should be worded in such a manner as to note the name of the Board, Commission, or Committee in which the vacancy will occur, the title of the vacancy, the length of term, and the list of all of the applicants. The agenda item back-up documentation should include a copy of each applicants' correspondence requesting appointment.

If the number of requests for appointment exceeds the number of vacancies, the Board of Supervisors may choose to postpone making the appointments and create an ad hoc committee of two of its members to conduct interviews with the applicants. The department head, or his/her designee, responsible for providing committee/commission staff may also attend and participate in the interviews. As such, when the number of requests for appointment exceeds the number of vacancies, the Department's agenda request form should include a recommendation that "Your Board consider appointing an ad hoc committee of two Board members to interview applicants and provide a recommendation to your Board regarding their appointment at a future Board of Supervisors."

Any such interviews will occur within two weeks of the Board's decision to conduct applicant interviews. The ad hoc interview committee's recommendations for appointments will be brought to the Board of Supervisors no later than four weeks after the Board decides to conduct interviews. In the event this schedule is not possible due to the Board meeting calendar being "dark," the Board shall consider appointments at its next regular meeting after the four-week deadline.

In instances where a member or members of the Board of Supervisors are on the committee/commission with the vacancy (e.g., the Behavioral Health Advisory Board, First 5 Commission, Fish & Wildlife Commission), any such Board member(s) will serve as the Board's ad hoc interview committee. In the case of appointments to the Water Commission, if the Board chooses to conduct interviews, the Board's representatives to the Standing Committee will serve as the members of the Board's ad hoc interview committee unless otherwise decided by the Board. The optional interview process is not intended to be



## Version 1: Optional Interview Process

employed for Planning Commission appointments.

7. Once the request for appointment is agendized and the Board has filled the vacancy, the Clerk of the Board will notify the Department through a Board Order, amend the "Boards, Committees, and Commissions Book," notify the applicant of his/her appointment, and process the necessary "Oath of Office."
8. The responsible Department will orient the new appointee and, where necessary, provide them with the material and forms for completing and filing their assuming office Financial Disclosure Forms as required by the appropriate Conflict of Interest Code.
9. The Clerk of the Board will notify those applicants not appointed of the Board's decision, thanking them for their participation (see Exhibit C).

### **B.** *Unscheduled Vacancy*

1. Immediately upon notification of an "unscheduled vacancy" on a Board, Committee, or Commission, the responsible Department Head (or his/her designee) will notify the Board of Supervisors, in writing, of the unscheduled vacancy. This notification must include:
  - (a) the name of the Board, Committee or Commission in which the vacancy will occur;
  - (b) the name of the person who is unable to complete their term-of-office and the reason the vacancy occurred;
  - (c) verification of the Board, Committee, or Commission's acceptance of the vacancy (a copy of the official record or a letter signed by the Chairperson of the Board, Committee, or Commission and a copy of any resignation documentation);
  - (d) the date the term expires;
  - (e) any requirements for the position (e.g. district residency or professional or educational requirements, etc.); and
  - (f) any other pertinent information which will be useful in filling the vacancy.
2. Once the Clerk of the Board has received this written notification, the vacancy notice will be published, not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs, The vacancy will be noticed per the requirements for posting as set forth in Government Code Section 54974. It will be published once in the legal advertisement section of the local newspaper and posted in each of the County Libraries. The Notice will identify the Board, Commission or Committee which has the vacancy and include the title of the position vacated, the term-of-office to be filled, the deadline for filing the "request for appointment" with the Clerk of the Board's Office, and the telephone number of the responsible Department, should the applicants have any questions. The Notice will be published and posted so that any potential applicant has a minimum of ten working days from the date of the publication or posting of the

## Version 1: Optional Interview Process

notice, which ever is later, to seek the appointment.

3. The Assistant Clerk of the Board will also send a letter to any alternate members of the Board, Committee, or Commission having the vacancy, notifying them of said vacancy so that the Alternate may consider applying for appointment to a full-time position.
4. The filing period for the vacancy will close per the "noticed date" and a copy of each of the requests for appointment, which were received on or before the filing deadline, will be forwarded to the responsible Department.
5. The responsible Department, no later than twenty (20) days after the filing deadline or as otherwise required by law, will submit an "agenda request item" to have the vacancy filled by the Board of Supervisors. The agenda item requesting the appointment should be worded in such a manner as to note the name of the Board, Committee, or Commission in which the vacancy has occurred, the title of the vacancy, the length of term, and the list of all of the applicants. The agenda item back-up documentation should include a copy of each applicants' correspondence requesting appointment.

If the number of requests for appointment exceeds the number of vacancies, the Board of Supervisors may choose to postpone making the appointments and create an ad hoc committee of two of its members to conduct interviews with the applicants. The department head, or his/her designee, responsible for providing committee/commission staff may also attend and participate in the interviews. As such, when the number of requests for appointment exceeds the number of vacancies, the Department's agenda request form should include a recommendation that "Your Board consider appointing an ad hoc committee of two Board members to interview applicants and provide a recommendation to your Board regarding their appointment at a future Board of Supervisors."

Any such interviews will occur within two weeks of the Board's decision to conduct applicant interviews. The ad hoc interview committee's recommendations for appointments will be brought to the Board of Supervisors no later than four weeks after the Board decides to conduct interviews. In the event this schedule is not possible due to the Board meeting calendar being "dark," the Board shall consider appointments at its next regular meeting after the four-week deadline.

In instances where a member or members of the Board of Supervisors are on the committee/commission with the vacancy (e.g., the Behavioral Health Advisory Board, First 5 Commission, Fish & Wildlife Commission), any such Board member(s) will serve as the Board's ad hoc interview committee. In the case of appointments to the Water Commission, if the Board chooses to conduct interviews, the Board's representatives to the Standing Committee will serve as the members of the Board's ad hoc interview committee unless otherwise decided by the Board. The optional interview process is not intended to be employed for Planning Commission appointments.

6. Once the request for appointment is agendized and the Board has filled the vacancy, the Clerk of the Board will notify the Department through a Board Order, amend the "Boards, Committees and Commissions Book," notify the applicant of his/her appointment, and process the necessary "Oath of Office."

## Version 1: Optional Interview Process

7. Emergency appointments to Boards, Committees, and Commissions will be made pursuant to Government Code Section 54974(b).
8. The responsible Department will orient the new appointee and, where necessary, provide them with the material and forms for completing and filing their assuming office Financial Disclosure Forms as required by the appropriate Conflict of Interest Code.
9. The Clerk of the Board will notify those applicants not appointed of the Board's decision, thanking them for their participation (see Exhibit C).

### ***V. EXTENSION OF CLOSING DATE***

In the event there are insufficient applications to fill a vacancy or vacancies, the Clerk of the Board (or his/her designee) may at his/her discretion extend the closing date for requests for appointment, for a period of time not to exceed thirty (30) days.

DRAFT

## **ADMINISTRATIVE MANUAL**

### **APPOINTMENT POLICY BOARDS, COMMITTEES, AND COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS HAS APPOINTING AUTHORITY**

***(Updated by Board Order 2-14-17)***

#### **I. PURPOSE**

The purpose of this policy is to establish the process whereby vacancies on Boards, Committees, and Commissions which are to be filled by appointment of the Board of Supervisors, will be made and to set the procedure for the Board to comply with the requirements of the Chapter 11 "Local Appointments List," of the Government Code Section 54970 et seq.

#### **II. RESPONSIBILITIES:**

##### **A. Local Appointments List**

It is the responsibility of the Clerk of the Board to complete, in compliance with Government Code Section 54970 et seq., the Local Appointments List on or before December 31 of each year. This List shall contain the following:

1. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires, and the necessary qualifications for the position.
2. A list of all Boards, Committees, and Commissions whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

##### **B. County of Inyo Boards, Committees, and Commissions**

It is the responsibility of the departments assigned to coordinate the activities of the individual County Boards, Committees, and Commissions to ensure that the Appointment Policy is followed, as it relates to the various such Boards, Committees, and Commissions for which they are responsible to provide staff support. In the event there is no responsible Department, such as for the Developmental Disabilities Board, the Clerk of the Board will be the responsible entity.

##### **C. Cemetery Districts and the Bishop Rural Fire Protection District**

The Clerk of the Board will notify the Cemetery Districts and the Bishop Rural Fire Protection District of any scheduled vacancies which will occur on their Boards ninety (90) Days prior to the vacancy occurring. The appointments will be made within ninety (90)

## Version 2: Automatic Interview Process

days of the vacancy occurring in accordance with Government Code Section 1779. The procedure to fill such vacancies will follow those set forth in this procedure and as required by Government Code 54970 and will be originated by the Clerk of the Board.

### III. DEFINITIONS:

- A. **Vacancy:** A vacancy shall be defined per Government Code Section 1770.
- B. **Scheduled Vacancy:** A scheduled vacancy occurs when the term-of-office has expired. Any incumbent wishing to retain their seat on a Board, Committee, or Commission, must seek re-appointment when their term has expired.
- C. **Unscheduled Vacancy:** An unscheduled vacancy occurs when a term-of-office is vacated by the incumbent prior to the end of the term. (The individual Board, Committee, and Commission, may have specific by-laws which provide for how a vacancy is created. Should a vacancy arise per the by-laws, the Board, Committee, or Commission, must acknowledge the vacancy, per the by-laws, at a regularly scheduled meeting. This would be considered an unscheduled vacancy and the process to fill the unscheduled vacancy would need to be followed.)

### IV. PROCEDURE FOR BOARD OF SUPERVISORS TO FILL VACANCIES:

- A. *Scheduled Vacancy*
  - 1. Sixty days prior to the expiration of the term-of-office, the responsible Department Head (or his/her designee) will notify the Board of Supervisors, in writing, of the upcoming vacancy. This notification must include:
    - (a) the name of the Board, Committee, or Commission in which the vacancy will occur;
    - (b) the name and address of the person whose term is ending;
    - (c) the date the term expires;
    - (d) any requirements for the position (e.g. district residency or professional or educational requirements, etc.); and
    - (e) any other pertinent information which will be useful in filling the vacancy.
  - 2. Once the notification has been received in writing, the Clerk of the Board will advertise the upcoming vacancy (see Exhibit A). The vacancy will be noticed per the requirements for posting as set forth in Government Code Section 54974. It will be published once in the legal advertisement section of the local newspaper and posted in each of the County Libraries. The Notice will identify the Board, Committee, or Commission which has the vacancy and include the title of the

## Version 2: Automatic Interview Process

position being vacated, the term-of-office to be filled, the deadline for filing the "request for appointment" with the Clerk of the Board's Office, and the telephone number of the responsible Department, should the applicants have any questions. The Notice will be published and posted so that any potential applicant has a minimum of ten (10) working days from the date of the publication or posting of the notice, which ever is later, to seek the appointment.

3. The Clerk of the Board will send a letter to the individual whose term is expiring notifying them of their need to apply for re-appointment (see Exhibit B). The letter will provide the applicant with a minimum of ten (10) working days in which to respond.
4. The Clerk of the Board will also send a letter to any alternate members of the Board, Committee, or Commission having the vacancy, notifying them of said vacancy so that the Alternate may consider applying for appointment to a full-time position.
5. The filing period for the vacancy will close per the "noticed date." A copy of each of the requests for appointment, which were received on or before the filing deadline, will be forwarded to the responsible Department.
6. The responsible Department will prepare an "agenda request item" to have the vacancy filled by the Board of Supervisors, prior to the expiration of the term of the incumbent. The agenda item requesting the appointment should be worded in such a manner as to note the name of the Board, Commission, or Committee in which the vacancy will occur, the title of the vacancy, the length of term, and the list of all of the applicants. The agenda item back-up documentation should include a copy of each applicants' correspondence requesting appointment.

If the number of requests for appointment exceeds the number of vacancies, an ad hoc committee comprised of two (2) members of the Board of Supervisors will interview applicants and provide a recommendation to the Board regarding the appointments. The department head responsible for staffing committee/commission, or his/her designee, may attend and participate in such interviews.

In instances where a member or members of the Board of Supervisors are on the committee/commission with the vacancy (e.g., the Behavioral Health Advisory Board, First 5 Commission, Fish & Wildlife Commission), any such Board member(s) will serve as the Board's ad hoc interview committee. In the case of appointments to the Water Commission, the Board's representatives to the Standing Committee will serve as the members of the Board's ad hoc interview committee. If a Board of Supervisors ad hoc interview committee cannot be convened using this process, the Department shall prepare an agenda request form for the Board to appoint members to serve on the ad hoc interview committee.

The interview process is not intended to be employed for Planning Commission appointments unless so requested by the member of the Board making the nomination.

7. Once the request for appointment is agendized and the Board has filled the



## Version 2: Automatic Interview Process

vacancy, the Clerk of the Board will notify the Department through a Board Order, amend the "Boards, Committees, and Commissions Book," notify the applicant of his/her appointment, and process the necessary "Oath of Office."

8. The responsible Department will orient the new appointee and, where necessary, provide them with the material and forms for completing and filing their assuming office Financial Disclosure Forms as required by the appropriate Conflict of Interest Code.
9. The Clerk of the Board will notify those applicants not appointed of the Board's decision, thanking them for their participation (see Exhibit C).

### **B.** *Unscheduled Vacancy*

1. Immediately upon notification of an "unscheduled vacancy" on a Board, Committee, or Commission, the responsible Department Head (or his/her designee) will notify the Board of Supervisors, in writing, of the unscheduled vacancy. This notification must include:
  - (a) the name of the Board, Committee or Commission in which the vacancy will occur;
  - (b) the name of the person who is unable to complete their term-of-office and the reason the vacancy occurred;
  - (c) verification of the Board, Committee, or Commission's acceptance of the vacancy (a copy of the official record or a letter signed by the Chairperson of the Board, Committee, or Commission and a copy of any resignation documentation);
  - (d) the date the term expires;
  - (e) any requirements for the position (e.g. district residency or professional or educational requirements, etc.); and
  - (f) any other pertinent information which will be useful in filling the vacancy.
2. Once the Clerk of the Board has received this written notification, the vacancy notice will be published, not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs, The vacancy will be noticed per the requirements for posting as set forth in Government Code Section 54974. It will be published once in the legal advertisement section of the local newspaper and posted in each of the County Libraries. The Notice will identify the Board, Commission or Committee which has the vacancy and include the title of the position vacated, the term-of-office to be filled, the deadline for filing the "request for appointment" with the Clerk of the Board's Office, and the telephone number of the responsible Department, should the applicants have any questions. The Notice will be published and posted so that any potential applicant has a minimum of ten working days from the date of the publication or posting of the notice, which ever is later, to seek the appointment.

## Version 2: Automatic Interview Process

3. The Assistant Clerk of the Board will also send a letter to any alternate members of the Board, Committee, or Commission having the vacancy, notifying them of said vacancy so that the Alternate may consider applying for appointment to a full-time position.
4. The filing period for the vacancy will close per the "noticed date" and a copy of each of the requests for appointment, which were received on or before the filing deadline, will be forwarded to the responsible Department.
5. The responsible Department, no later than twenty (20) days after the filing deadline or as otherwise required by law, will submit an "agenda request item" to have the vacancy filled by the Board of Supervisors. The agenda item requesting the appointment should be worded in such a manner as to note the name of the Board, Committee, or Commission in which the vacancy has occurred, the title of the vacancy, the length of term, and the list of all of the applicants. The agenda item back-up documentation should include a copy of each applicants' correspondence requesting appointment.

If the number of requests for appointment exceeds the number of vacancies, an ad hoc committee comprised of two (2) members of the Board of Supervisors will interview applicants and provide a recommendation to the Board regarding the appointments. The department head responsible for staffing committee/commission, or his/her designee, may attend and participate in such interviews.

In instances where a member or members of the Board of Supervisors are on the committee/commission with the vacancy (e.g., the Behavioral Health Advisory Board, First 5 Commission, Fish & Wildlife Commission), any such Board member(s) will serve as the Board's ad hoc interview committee. In the case of appointments to the Water Commission, the Board's representatives to the Standing Committee will serve as the members of the Board's ad hoc interview committee. If a Board of Supervisors ad hoc interview committee cannot be convened using this process, the Department shall prepare an agenda request form for the Board to appoint members to serve on the ad hoc interview committee.

The interview process is not intended to be employed for Planning Commission appointments unless so requested by the member of the Board making the nomination.

6. Once the request for appointment is agendized and the Board has filled the vacancy, the Clerk of the Board will notify the Department through a Board Order, amend the "Boards, Committees and Commissions Book," notify the applicant of his/her appointment, and process the necessary "Oath of Office."
7. Emergency appointments to Boards, Committees, and Commissions will be made pursuant to Government Code Section 54974(b).
8. The responsible Department will orient the new appointee and, where necessary, provide them with the material and forms for completing and filing their assuming office Financial Disclosure Forms as required by the appropriate Conflict of Interest Code.





**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**  
  
16

- Consent   
 Departmental   
 Correspondence Action   
 Public Hearing  
 Scheduled Time for   
 Closed Session   
 Informational

**FROM:** Kevin D. Carunchio, County Administrator

**FOR THE BOARD MEETING:** January 16, 2018

**SUBJECT:** Continuation of declaration of existence of local emergency

**DEPARTMENTAL RECOMMENDATION:**

Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County.

**SUMMARY DISCUSSION:**

During your March 28, 2017 Board of Supervisors meeting your Board took action to approve Resolution 2017-15 proclaiming the existence of a local emergency, which has been named the Here It Comes Emergency, in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County and which are likely beyond the control of the services, personnel, equipment and facilities of the County of Inyo. During your June 27, 2017 meeting, your Board took action to amend Resolution 2017-15 to recognize that the County has moved from the Preparedness stage to the Response stage, and to include new damages and impacts that have occurred in the operational area.

In light of the massive amount of runoff that is occurring due to the unprecedented snowpack, the recommendation is that the emergency be continued on a biweekly basis and that Resolution 2017-15 be updated as necessary, until further evaluation of conditions are completed and staff makes the recommendation to end the emergency.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:  <b>N/A</b>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:  <b>N/A</b>	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:  <b>N/A</b>	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: 01-05-18



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 17

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time for   
  Closed Session   
  Informational

**FROM:** Kevin D. Carunchio, County Administrator

**FOR THE BOARD MEETING:** January 16, 2018

**SUBJECT:** Continuation of declaration of local emergency

**DEPARTMENTAL RECOMMENDATION:**

Request Board discuss and consider staff's recommendation regarding continuation of the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February.

**SUMMARY DISCUSSION:**

During your February 7, 2017 Board of Supervisors meeting your Board took action to approve Resolution 2017-04 declaring a local emergency, which has been named The Rocky Road Emergency, and was the result of an atmospheric river weather phenomena that began January 3, 2017 and caused flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a biweekly basis. On March 7, 2017, your Board amended Resolution 2017-04 to further extend the continuation of the emergency and also add language to include additional damages that occurred in the latter half of January and into February.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

<b>APPROVALS</b>	
COUNTY COUNSEL: <b>N/A</b>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER: <b>N/A</b>	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR: <b>N/A</b>	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:** \_\_\_\_\_ Date: 01-05-18  
 (Not to be signed until all approvals are received)  
 (The Original plus 20 copies of this document are required)



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 18

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time for   
  Closed Session   
  Informational

**FROM:** Kevin D. Carunchio, County Administrator  
**By:** Kelley Williams, Assistant to the CAO

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Discussion on Discontinuation or Modification of Land of EVEN Less Water Local Emergency Proclamation

**DEPARTMENTAL RECOMMENDATION:**

Request Board discuss and consider staff's recommendation to continue the local emergency known as the "Land of EVEN Less Water Emergency," that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop.

**SUMMARY DISCUSSION:**

On January 17, 2014, Governor Brown proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for the forthcoming water shortfalls and drought conditions, due to the driest year in recorded state history. During your January 28, 2014 meeting your Board took action to concurrently approve Resolution 2014-09 proclaiming a local emergency, named the "Land of EVEN Less Water Emergency," a result of the severe and extreme drought conditions that existed in Inyo County. On June 28, 2016, your Board amended Resolution 2014-09 to include language to address the high groundwater saturation problems that were occurring in the West Bishop area due to the fluctuation in hydrologic conditions.

On April 7, 2017, due to the unprecedented water conservation and plentiful winter rain and snow, Governor Brown ended the drought state of emergency in most of California, while maintaining water reporting requirements and prohibitions on wasteful practices. Executive Order B-40-17 lifts the drought emergency except in areas where emergency drinking water projects will continue to help address diminished groundwater supplies. Executive Order B-40-17 also builds on actions taken in Executive Order B-37-16, which remains in effect, to continue to make water conservation a way of life in California.

As discussed at your Board meeting of April 18, 2017, due to the changed circumstances and conditions relating to this state and local emergency, it is recommended that the local emergency known as "The Land of Even Less Water" be modified – rather than discontinued outright – so that considerations can still be in place to address the ongoing hydrologic issues in West Bishop. At that meeting, your Board voted to continue the emergency for the time being, until staff can present a modified version to take into account the West Bishop situation. Staff is recommending the Board take the same action today.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

<b>APPROVALS</b>	
COUNTY COUNSEL: <b>N/A</b>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER: <b>N/A</b>	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR: <b>N/A</b>	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**  
 (Not to be signed until all approvals are received)

Date: 01-05-18



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 19

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time for   
  Closed Session   
  Informational

**FROM:** Kevin D. Carunchio, County Administrator

**FOR THE BOARD MEETING:** January 16, 2018

**SUBJECT:** Continuation of declaration of local emergency

**DEPARTMENTAL RECOMMENDATION:**

Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Gully Washer Emergency," that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.

**SUMMARY DISCUSSION:**

During your August 6, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Gully Washer Emergency, which was a result of flooding in the central, southern and southeastern portion of Inyo County during the month of July. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a biweekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

**APPROVALS**

COUNTY COUNSEL: <b>N/A</b>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER: <b>N/A</b>	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR: <b>N/A</b>	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)

Date: 01-05-18



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 20

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time for   
  Closed Session   
  Informational

**FROM:** Kevin D. Carunchio, County Administrator

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Continuation of proclamation of local emergency

**DEPARTMENTAL RECOMMENDATION:**

Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Death Valley Down But Not Out Emergency," that was proclaimed as a result flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

**SUMMARY DISCUSSION:**

During your October 27, 2015 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Death Valley Down But Not Out Emergency that is a result of flooding in the central, south and southeastern portion of Inyo County. Since the circumstances and conditions relating to this emergency persist, the recommendation is that the emergency be continued on a biweekly basis, until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

**APPROVALS**

COUNTY COUNSEL:  <b>N/A</b>	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:  <b>N/A</b>	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:  <b>N/A</b>	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)  
 (The Original plus 20 copies of this document are required)

Date: 01-05-18



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**

**21**

- Consent       Departmental       Correspondence Action       Public Hearing  
 Scheduled Time for 11 a.m.       Closed Session       Informational

**FROM:** Inyo County Board of Supervisors

**FOR THE BOARD MEETING OF:** January 16, 2018

**SUBJECT:** Commercial Cannabis Regulation Ordinances.

**DEPARTMENTAL RECOMMENDATION:**

Request the Board of Supervisors:

- Enact an Ordinance entitled: "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.06.030, 18.12.040, 18.21.040, 18.44.030, 18.45.030, 18.48.030, 18.49.040, 18.56.040, AND 18.57.040, AND ADDING SECTIONS 18.06.161, 18.06.162, 18.06.163, 18.06.181, 18.06.182, AND 18.78.360 TO THE INYO COUNTY CODE" approving Zone Reclassification No. 2017-05/Inyo County - Commercial Cannabis Activities (Attachment 1);
- Enact an Ordinance entitled: "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDING CHAPTER 18.82 TO THE INYO COUNTY CODE", approving Zone Reclassification No. 2017-06/Inyo County Expedited Abatement Procedure for Nuisances Caused by Cannabis Cultivation (Attachment 2);
- Enact an Ordinance entitled: "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDING CHAPTER 5.40 TO THE INYO COUNTY CODE" (Attachment 3);

**SUMMARY DISCUSSION:**

On January 9, 2018 the Inyo County Board of Supervisors introduced, waived further reading, and considered: An ordinance amending and adding various sections to Title 18 of the County Code (also known as Zone Reclassification No. 2017-05): an ordinance adding Chapter 18.82 to the Inyo County Code (also known as Zone Reclassification 2017-06); and an Ordinance Adding Chapter 5.40 to the Inyo County Code. The Board scheduled enactment of the ordinances for today.

Staff recommends enactment of all three Ordinances to amend and add to Title 18 and Title 5 a holistic set of regulations around commercial cannabis activities in order to help ensure the orderly development of commercial cannabis activities and that the industry does not negatively impact County residents and visitors.

**ALTERNATIVES:**


- Do NOT approve the requested actions.
- Return to staff with direction

**OTHER AGENCY INVOLVEMENT:**

None.


**FINANCING:**

Other than consulting costs and staff time, there is no additional cost associated with considering the proposed regulations. Funding for HdL's consulting services is encumbered in the budget. The Fiscal Year 2017-2018 Board Approved Budget does not contemplate or rely on any revenue, or provide additional staffing, associated with the possible permitting and operation of commercial cannabis businesses occurring in 2018. At this time, the County is focused on developing the best possible public policies to meet the needs and desires of the community with regard to cannabis activities.

<b>APPROVALS</b>	
COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i>

DEPARTMENT HEAD SIGNATURE:  Date: 01/10/2018  
 (Not to be signed until all approvals are received)

DEPARTMENT HEAD SIGNATURE:  Date: 1/10/18  
 (Not to be signed until all approvals are received)

DEPARTMENT HEAD SIGNATURE:  Date: 01-10-2018  
 (Not to be signed until all approvals are received)

DEPARTMENT HEAD SIGNATURE:  Date: 1-10-18  
 (Not to be signed until all approvals are received)

DEPARTMENT HEAD SIGNATURE:  Date: 01/10/2018  
 (Not to be signed until all approvals are received)

Attachments:

- 1.) Ordinance approving Zone Reclassification No. 2017-05/Inyo County - Commercial Cannabis Activities.
- 2.) Ordinance approving Zone Reclassification No. 2017-06/Inyo County Expedited Abatement Procedure for Nuisances Caused by Cannabis Cultivation.
- 3.) Ordinance Adding Chapter 5.40 to the Inyo County Code.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.06.030, 18.12.040, 18.21.040, 18.44.030, 18.45.030, 18.48.030, 18.49.040, 18.56.040, AND 18.57.040, AND ADDING SECTIONS 18.06.161, 18.06.162, 18.06.163, 18.06.181, 18.06.182, AND 18.78.360 TO THE INYO COUNTY CODE

The Board of Supervisors of the County of Inyo ordains as follows:

**SECTION ONE. Purpose/Authority.**

The purpose of this ordinance is to add to and amend sections of the County Zoning Ordinance, set forth in Title 18 of the Inyo County Code, to allow for the orderly development of commercial cannabis activities, while protecting the health, safety and welfare of Inyo County citizens, in the Open Space, Rural Residential, Central Business, General Commercial and Retail, Highway Services and Tourist Commercial, Heavy Commercial, Light Industrial and General Industrial and Extractive Zones and to add standards guiding commercial cannabis activities to be consistent with both California law and the goals of the Inyo County General Plan ED-4 and AG-1.2. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction.

**SECTION TWO.** Section 18.06.30 of the Inyo County Code is amended in its entirety to read as follows:

**“18.06.030 Agriculture.**

"Agriculture" means the tilling of soil, the raising of crops, horticulture, small livestock farming, dairying or animal husbandry, including all uses customarily incidental thereto, but not including cannabis cultivation, slaughterhouses, fertilizer works, bone yards or plants for the reduction of animal matter or any other industrial or agricultural use which is determined by the Planning Commission to be similarly objectionable because of noise, odor, smoke, dust or fumes.”

**SECTION THREE.** The Inyo County Code is amended to add section 18.06.161 as follows:

**“18.06.161 Cannabis.**

“Cannabis ” means all parts of the plant Cannabis sativa Linnaeus., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code as may be amended; or (b) The weight of any other

ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.”

**SECTION FOUR.** The Inyo County Code is amended to add section 18.06.162 as follows:

**“18.06.162 Cannabis Accessories.**

“Cannabis accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.”

**SECTION FIVE.** The Inyo County Code is amended to add section 18.06.163 as follows:

**“18.06.163 Cannabis Products.**

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.”

**SECTION SIX.** The Inyo County Code is amended to add section 18.06.181 as follows:

**“18.06.181 Commercial Cannabis Activity.**

“Commercial cannabis activity” means any commercial business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.”

**SECTION SEVEN.** The Inyo County Code is amended to add section 18.06.182 as follows:

**“18.06.182 Commercial Cannabis Conditional Use Permit Classification.**

Commercial cannabis conditional use permits potentially available under this Title 18 shall, at a minimum, be as follows:

- A. Cultivation Permit for commercial activity involving activity involving the planning, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- B. Classification 6, "Manufacturing Level 1, for sites that manufacture cannabis products using nonvolatile solvents, or no solvents.
- C. Classification 7, Manufacturing Level 2, "for sites that manufacture cannabis products using volatile solvents.
- D. Classification 8, Testing Laboratory.
- E. Classification 10, "Retailer," for the retail sale and delivery of marijuana cannabis or marijuana cannabis products to customers.
- F. Classification 11, "Distributor" for the distribution of marijuana cannabis and marijuana cannabis products.

G. Classification 12, "Microbusiness" for the cultivation of marijuana on an area less than 10,000-square-feet and to act as a licensed distributor, Level 1 manufacturer, and/or retailer.”

**SECTION EIGHT.** Inyo County Code Section 18.12.040, Open Space – Conditional Uses, is amended to add subsections N, O, and P as follows:

“N. Commercial cannabis cultivation, which shall be three hundred (300) feet from all parcel lot lines, and shall comply with otherwise applicable yard requirements.

“O. Non-volatile cannabis manufacturing pursuant to commercial cannabis license classification 6.

“P. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION NINE.** Inyo County Code Section 18.21.040, Rural Residential – Conditional Uses, is amended to add subsections H and I as follows:

“H. Commercial cannabis cultivation on parcels greater than twelve (12) acres, such cultivation shall be at least three hundred (300) feet from all parcel lot lines.”

“I. Commercial cannabis cultivation on parcels greater than 2.5 acres shall be allowed only in the areas commonly known as Stewart Valley and Charleston View and subject to any design guidelines and other conditions and regulations, including set-backs that may be promulgated or required by the County.

**SECTION TEN.** Inyo County Code Section 18.44.030, Central Business – Conditional Uses, is amended to add subsections H, I, and J as follows:

“H. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“I. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“J. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION ELEVEN.** Inyo County Code Section 18.45.030, General Commercial and Retail – Conditional Uses, is amended to add subsections K, L, and M as follows:

“K. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“L. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“M. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION TWELVE.** Inyo County Code Section 18.48.030, Highway Services and Tourist Commercial – Conditional Uses, is amended to add subsections L, M, and N as follows:

“L. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“M. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“N. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION THIRTEEN.** Inyo County Code Section 18.49.040, Heavy Commercial – Conditional Uses, is amended to add subsections K, L, M, and N as follows:

“K. Non-volatile cannabis manufacturing pursuant to commercial cannabis license classification 6;

“L. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“M. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“N. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION FOURTEEN.** Inyo County Code Section 18.56.040, Light Industrial – Conditional Uses, is amended to add subsections G, H, I, J, and K as follows:

“G. Commercial cannabis cultivation shall be conducted indoors only, and subject to odor, noise and visual resource mitigation requirements;

“H. Non-volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 6;

“I. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“J. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“K. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION FIFTEEN.** Inyo County Code Section 18.57.040, General Industrial and Extractive – Conditional Uses, is amended to add subsections G, H, I, J, K, and L as follows:

“G. Commercial cannabis cultivation shall be conducted indoors only, and subject to odor, noise and visual resource mitigation requirements;

“H. Non-volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 6;

“I. Volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 7;

“J. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“K. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“L. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

**SECTION SIXTEEN.** The Inyo County Code is amended to add Section 18.78.360 as follows:

**“18.78.360 Commercial Cannabis.**

A. Conditional use permits are required in all instances of land use involving commercial cannabis activities. Issuance of any conditional use permit for commercial cannabis activities shall be contingent upon the commercial cannabis activity being conducted in compliance with all applicable State and local laws, including but not limited to Inyo County Code Chapters 3.50 (taxes) and 5.40 (business license). The business license required by Chapter 5.40 shall be obtained prior to the planning commission holding a hearing on an application for a conditional use permit pursuant to this section.

B. Conditional use permits for commercial cannabis activities are potentially available as follows:

1. Cultivation - in the Open Space, Rural Residential, Heavy Industrial and Extractive, and Light Industrial zones;
2. Manufacturer Level 1 - in the Open Space, Heavy Commercial, Light Industrial and Heavy Industrial and Extractive zones;
3. Manufacturer Level 2 - in the General Industrial and Extractive zone;
4. Retailer - in the Central Business, General Commercial and Retail, Highway Service and Tourist Commercial; Distributor – in the Heavy Commercial, General Industrial and Extractive and Light Industrial zones; and,
5. Microbusiness – in the Open Space, Heavy Commercial, General Industrial and Extractive and Light Industrial zones so long as the authorized microbusiness does not otherwise expand the types of permitted land uses within said zones.

C. Consistent with California Business and Professions Code section 26054(b), no commercial cannabis activities shall be conditionally permitted on a parcel within a 600-foot radius of 123 School Road, Olancho CA 93545, or a park or library in existence at the time the conditional use permit application is deemed complete by the Inyo County Planning Department. This section shall not include the area commonly known as “Laws”, provided that any cultivation in Laws shall be indoors and subject to odor mitigation requirements.

D. Consistent with California Health and Safety Code section 11362.3, no conditional use permit authorizing the smoking of cannabis or cannabis products shall be issued for a parcel within 1,000-feet of a park or library while children are present at any such facility.

E. Additional conditions beyond the minimum standards may be required to mitigate potential impacts identified in the County’s consideration of an application for a conditional use permit for commercial cannabis activity, including, but not limited to, measures to eliminate odor, unnatural light pollution and impacts to visual resources.

F. In addition to any requirements set forth in Inyo County Code Chapter 18.81, notice shall be provided to all properties located within 1,500-feet of the property the commercial cannabis activity is proposed on.”

**SECTION SEVENTEEN.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a

decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

**SECTION EIGHTEEN.** Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

**PASSED AND ADOPTED this 16<sup>th</sup> day of January, 2018 by the following vote of the Inyo County Board of Supervisors:**

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Dan Totheroh, Chairperson

ATTEST: Kevin Carrunchio  
Clerk to the Board

By: \_\_\_\_\_  
Darcy Ellis, Assistant

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,  
ADDING CHAPTER 18.82 TO THE INYO COUNTY CODE**

**WHEREAS**, the State of California recently legalized the recreational use of cannabis and subsequently consolidated laws applicable to recreational use with those for medical use in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

**WHEREAS**, experiences in other Counties across the state indicate that cannabis cultivators operating outside of the MAUCRSA and/or local laws are able to avoid enforcement actions due to lengthy amounts of time required to complete such actions; and

**WHEREAS**, the Inyo County Board of Supervisors wishes to add Chapter 18.82 as part of a holistic set of regulations around commercial cannabis activity in order to help ensure, among other things, that the industry does not substantially negatively impact County residents and visitors.

**NOW, THEREFORE**, the Board of Supervisors of the County of Inyo ordains as follows:

**SECTION I:** Chapter 18.82, attached hereto as Exhibit A, is added to the Inyo County code.

**SECTION II: EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

**PASSED AND ADOPTED THIS \_\_ DAY OF \_\_\_\_\_, 2018.**

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

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**Dan Totheroh, Chairperson  
Inyo County Board of Supervisors**

**ATTEST:  
Kevin Carunchio  
Clerk of the Board**

By: \_\_\_\_\_  
Darcy Ellis, Assistant



**CHAPTER 18.82  
EXPEDITED ABATEMENT PROCEDURE FOR NUISANCES CAUSED BY CANNABIS  
CULTIVATION**

- 18.82.010 - Findings, Purpose and Authority**
- 18.82.020 - Consistency with Title 22**
- 18.82.030 - Scope of Chapter**
- 18.82.040 - Summary Abatement**
- 18.82.050 - Standard Abatement**
- 18.82.060 - Administrative Order to Show Cause**
- 18.82.070 - Service of Notice and Order to Show Cause**
- 18.82.080 - Automatic Hearing Procedures**
- 18.82.090 - Enforcement**
- 18.82.100 - Liability for Costs**
- 18.82.110 - General Penalty**
- 18.82.120 - Severance**

**18.82.010 - Findings, Purpose and Authority.**

The Board of Supervisors of Inyo County finds that effective abatement of nuisances caused by cultivation of cannabis requires a more expedient set of procedures than those otherwise appropriate for other types of nuisances as laid out in Inyo County Code Title 22. This chapter is enacted pursuant to Government Code Sections 25843 and 53069.4 to address the unique circumstances related to abatement of nuisances caused by cannabis cultivation.

**18.82.020 – Consistency with Title 22.**

To the extent they are not inconsistent, this Chapter shall incorporate the provisions of Title 22.

**18.82.030 - Scope of Chapter.**

Any cannabis cultivation activity not in compliance with all applicable provisions of the Inyo County Code is hereby declared to be a nuisance. When such a public nuisance is declared the procedures in this Chapter may be applied.

**18.82.040 - Summary Abatement.**

After a public nuisance is declared, the nuisance may be summarily abated by any reasonable means and without notice or hearing when immediate action is necessary to preserve or protect the public health or safety.

**18.82.050 - Standard Abatement.**

Whenever the County Administrator finds that a public nuisance caused by cultivation of cannabis exists within the unincorporated area of Inyo County, he or she may utilize the abatement procedures provided by Title 22 of this Code.

### **18.82.060 - Administrative Order to Show Cause.**

As an alternative to the uniform abatement procedures provided in Title 22, the County Administrator may instead utilize the provisions of this Chapter, starting with the issuance of a notice and administrative order to show cause. The notice and order to show cause shall:

- A. Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.
- B. Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.
- C. Identify such property by reference to the assessor's parcel number.
- D. Contain a statement describing the unlawful conditions existing on the premises that caused the declaration of a public nuisance, and that also describes the actions required to abate it.
- E. Contain a statement that the owner or occupant is required to abate the unlawful conditions caused by cannabis cultivation within five (5) calendar days after the date that said notice was served.
- F. Notify the recipient(s) that, unless the owner or occupant abates the conditions, a hearing will be held before a hearing officer appointed in accordance with this Chapter to determine whether there is any good cause why these conditions should not be abated.
- G. Specify the date, time, and location of the hearing to be held before a hearing officer, or state that the date, time and location of the hearing will be specified in a subsequent notice.
- H. State that the owner or occupant will be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions existing on the property constitute a nuisance under this chapter, or whether there is any other good cause why those conditions should not be abated.
- I. Contain a statement that, unless the owner or occupant abates the conditions, or shows good cause before the Hearing Officer why the conditions should not be abated, the enforcing officer, his or her Department, or other authorized designee will cause to be done whatever work is necessary to abate the nuisance.
- J. State that the abatement costs, including administrative costs and any general penalties imposed pursuant to Chapter 1.20, may be made a special assessment added to the county assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

### **18.82.070 - Service of Notice and Order to Show Cause.**

The notice and order to show cause shall be served on each Owner and on each Occupant, if known to the County Administrator, of the subject property, in the following manner:

- A. By posting a copy of the notice in a conspicuous place in front of or on the real property on which, or in front of which, the nuisance exists, or if the property has no frontage upon any street, highway, or road, then upon the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner and any person known by the County Administrator to be in possession of the property; and
- B. By either personal service, or by United States mail, first class or overnight, or by overnight courier service. If by mail or courier service, then postage shall be prepaid with a certificate of mailing requested, and shall be addressed to each Owner at the address shown on the last equalized assessment roll or last known address according to the County Assessor, and addressed to each Occupant known to the County Administrator at the street address of the subject property.
- C. Date of service shall be deemed to be the date of personal service, or five (5) days after delivery by United States first class mail, or one (1) day after overnight delivery by either the United States mail or courier service.
- D. If the notice and order are properly and timely served, the failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings conducted herein.

**18.82.080 - Automatic Hearing Procedures.**

- A. In order to hear cases brought by the County Administrator under this Chapter, the Board of Supervisors authorizes the use of a Hearing Officer consistent with Inyo County Code section 22.12.050. The County Administrator shall coordinate with County Counsel, prior to the issuance of any notice and order to abate, to ensure that a Hearing Officer is appointed for the purpose of presiding at the administrative hearings provided for by this Chapter.
- B. The Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated. This hearing shall be held no less than five (5) calendar days after service of the notice and order to show cause.
- C. Parties may choose to be represented by an attorney; however, formal rules of evidence or procedure shall not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Nonetheless, any failure to make a timely objection to offered evidence constitutes a waiver of the objection. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- D. The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of Inyo.
- E. The County Administrator shall first describe the acts or conditions constituting a nuisance. Thereafter, the Owner or Occupant of the property shall be given an opportunity at the hearing to present and elicit testimony and other evidence regarding whether the conditions

existing on the property constitute a nuisance under this Chapter, or whether there is any other good cause why those conditions should not be abated.

- F. In the event that the Owner or Occupant does not appear and present evidence at the hearing, the Hearing Officer may base their decision solely upon the evidence submitted by the Enforcement Officer. Failure of the Owner or Occupant to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.
- G. The Hearing Officer shall consider the evidence presented by the parties, and shall issue a written decision and order that either affirms, reverses, or modifies the determination contained in the administrative order to show cause issued by the Enforcement Officer, and may include findings relating to the existence or non-existence the alleged nuisance caused by cannabis cultivation, as well as findings concerning the propriety and means of abatement of the conditions set forth in the notice and order to show cause. If the notice and order to show cause has been combined with the administrative citation and penalties set forth in Inyo County Code Chapter 1.20, then the decision shall also include said matters. Such decision shall be served on the parties upon whom the notice and order to show cause was served and posted on the subject property at the same or at a similar place as utilized for the posting of the notice and order to show cause.

#### **18.82.090 - Enforcement.**

If the owner or occupant fails to abate any nuisance caused by the cultivation of cannabis within two (2) calendar days of the date of service of the decision of the Hearing Officer under this Chapter requiring such abatement, the County Administrator or other authorized designee may cause to be done whatever work is necessary to abate the nuisance. If necessary, the County Administrator may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains and also for undertaking the work to abate the nuisance if the nuisance had not already been abated.

#### **18.82.100 - Liability for Costs.**

- A. In any enforcement action brought pursuant to this Chapter, each person who causes, permits, suffers, or maintains the nuisance caused by the cultivation of cannabis shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter.
- B. The costs of abatement incurred as a result of enforcement pursuant to this Chapter may be recovered.

#### **18.82.110 – General Penalty.**

The general penalty set forth in Inyo County Code Chapter 1.20 may be imposed in conjunction with and pursuant to the procedures set forth in this Chapter.

#### **18.82.120 - Severance.**

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.

DRAFT

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,  
ADDING CHAPTER 5.40 TO THE INYO COUNTY CODE**

**WHEREAS**, the State of California recently legalized the recreational use of cannabis and subsequently consolidated laws applicable to recreational use with those for medical use in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

**WHEREAS**, the MAUCRSA preserves the authorities of local public agencies to regulate commercial cannabis activity more stringently than required by state law; and

**WHEREAS**, the Inyo County Board of Supervisors wishes to add Chapter 5.40 as part of a holistic set of regulations around commercial cannabis activity in order to help ensure, among other things, that the industry does not substantially negatively impact County residents and visitors.

**NOW, THEREFORE**, the Board of Supervisors of the County of Inyo ordains as follows:

**SECTION I:** Chapter 5.40, attached hereto as Exhibit A, is added to the Inyo County code.

**SECTION II: EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

**PASSED AND ADOPTED THIS \_\_ DAY OF \_\_\_\_\_, 2018.**

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

\_\_\_\_\_  
**Dan Totheroh, Chairperson  
Inyo County Board of Supervisors**

**ATTEST:**  
**Kevin Carunchio  
Clerk of the Board**

**By:** \_\_\_\_\_  
Darcy Ellis, Assistant

Chapter 5.40

COMMERCIAL CANNABIS BUSINESS LICENSE

Sections:

- 5.40.010 - Purpose
- 5.40.020 - Definitions
- 5.40.030 - Applicability & Limitation
- 5.40.040 - Commercial Cannabis Business License required
- 5.40.050 - Separate license required for each place of business
- 5.40.060 - Time of procurement and term
- 5.40.070 - Limitation on number of licenses available
- 5.40.080 - Form of application
- 5.40.090 - License review and issuance process
- 5.40.100 - Required fee payments
- 5.40.110 - Reserved
- 5.40.120 - Reserved
- 5.40.130 - Licenses nontransferable
- 5.40.140 - Grounds for revocation
- 5.40.150 - Appeal
- 5.40.160 - Enforcement of chapter
- 5.40.170 - Penalty for violation

**5.40.010 - Purpose.**

The purpose of this Chapter is to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of Inyo County and to enforce rules and regulations consistent with state law. It is the further purpose of intent of this Title to require all commercial cannabis operators to obtain and renew annually a license to operate within Inyo County. Nothing in this Title is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or federal law. The provisions of this Title are in addition to any other permits, licenses and approvals which may be required to conduct business in the County, and are in addition to any permits, licenses and approvals required under state, county, or other law.

**5.40.020 - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below when used in this chapter:

"Applicant" means the individual, partnership, association, limited liability company, or corporation that has applied for, but not yet obtained a Commercial Cannabis Business License

to operate and conduct a business for which a Commercial Cannabis Business License is required pursuant to the provisions of this chapter.

"Application" means a written request submitted to the County Commercial Cannabis Permit Office for any license required by this chapter.

"Business" means all activities engaged in or caused to be engaged within the unincorporated area of the County, and includes professions, trades, vocations, enterprises, establishments, occupations, and all and every kind of calling, any of which are conducted or carried on for the purpose of earning in whole or in part a profit or livelihood, whether or not a profit of livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise. A business shall also include a person as herein defined, but shall not include the services rendered by an employee to his or her employer. "Business" also means the soliciting of orders and the delivery of goods at either a fixed physical location and/or those that are operated on a mobile basis.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant; its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

"Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

"Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site. The plant canopy does not need to be continuous on any premise in determining the total square footage.

"Commercial cannabis business" means any business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.

"Commercial cannabis business license" means the license issued pursuant to this chapter, which is required for all commercial cannabis business that is taxed pursuant to Inyo County Code Chapter 3.50 and California Revenue and Taxation Section 7284, and independent of any Conditional Use Permit that may be required to conduct a commercial cannabis business at a specific location.

"County Commercial Cannabis Permit Office" or "C3PO" means the Office of the Agricultural Commissioner of the County of Inyo, his or her deputies, or any other County officer charged with the administration of the provisions of this chapter unless otherwise designated by resolution of the Inyo County Board of Supervisors.



"Fixed place of business" means any establishment, store, office or central place for carrying on regular activities.

"Operator" means any person who is operating and conducting, or intends to operate and conduct, a commercial cannabis business for which a license is required pursuant to the provisions of this chapter.

"Premises" means the designated structure or structures and/or land specified in the application for a commercial cannabis business license that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis business will be or is conducted. A premises is not necessarily a parcel and one or more licenses may be required or issued per parcel.

"Person" means and includes an individual, partnership, corporation, limited liability company, firm, joint-venture, estate, trust, business trust, receiver, syndicate, association, cooperative or any other group or combination acting as a unit; when the terms used in this Section designate the principal, the same means and includes the clerk, agents, servants, representatives, and employees or such principals, it being the intent of this Chapter to license the business and not separate or individual acts or activities which constitute integral or related parts of the business except as otherwise provided in this Chapter.

#### **5.40.030 – Applicability & Limitation.**

This chapter applies in the unincorporated area of the County of Inyo. A Commercial Cannabis Business License granted pursuant to this chapter does not authorize any occupation or activity of any kind which is prohibited by any other County regulation, including zoning ordinances, or by any State statute, law, rule, order or regulation.

#### **5.40.040 – Commercial Cannabis Business License required.**

It is unlawful for any person to maintain, conduct, operate, or carry on within the unincorporated area of the County any commercial cannabis business, unless such person is issued a commercial cannabis business license pursuant to this chapter for such business, and such person is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain any required local land use approvals and state licenses.

#### **5.40.050 - Separate license required for each class and place of business.**

- A. A separate Commercial Cannabis Business License is required for each class of commercial cannabis land-use activity permitted by the County as set forth in Inyo County Code Section 18.06.182. Except for Classification 8 licenses (testing laboratory) all license classes may be distinguished based on whether the business is for commercial adult-use cannabis activity ("A") or for commercial medicinal cannabis activity ("M").

- B. A separate Commercial Cannabis Business License shall be required for each premises where commercial cannabis activity is carried on, at, or out of, regardless of ownership.
- C. A licensee may conduct its commercial cannabis business only at the location and in the manner specified in the Commercial Cannabis Business License.

**5.40.060 - Time of procurement and term.**

- A. The Commercial Cannabis Business License required by this chapter shall be procured prior to the commencement of business or, if the business is in operation and a license possessed, shall be renewed annually and prior to the expiration of such license in order for the license to remain valid.
- B. Operators who fail to annually renew their Commercial Cannabis Business License prior to the anniversary date on which the license was issued will be required to submit a new application, obtain all appropriate approvals, and pay the application and license fees in addition to any previous penalties due.
- C. As part of the annual renewal process, the County, acting through the Board of Supervisors at a public hearing noticed at least 10-days in advance, may:
  - 1. Amend the general conditions on Commercial Cannabis Business Licenses to impose additional general conditions based on relevant information brought to the County's attention in the preceding twelve months. If appropriate in the County's sole discretion, the County may specify a time period within which the Operator must comply with such additional conditions.
  - 2. Amend a specific Commercial Cannabis Business Licenses to apply additional specific conditions based on relevant information brought to the County's attention in the preceding twelve months. If appropriate in the County's sole discretion, the County may specify a time period within which the Operator must comply with such additional conditions.
  - 3. May choose to reduce the numbers of Classification(s) of Commercial Cannabis Business Licenses available in a specific Zone described in Section 5.40.070 below following the County's Ordinance amendment process. If the numbers of a Classification of Commercial Cannabis Business License are reduced in a Zone, all existing licensees must re-apply for a Commercial Cannabis License pursuant to section 5.40.090 below. If necessary and appropriate in the County's sole discretion, the County may grant a temporary extension to any affected existing license to prevent it from expiring during the application process specified by section 5.40.090.

**5.40.070 – Limitation on number of licenses available.**

- A. The number of Commercial Cannabis Business Licenses available for each class of commercial cannabis activity, as set forth in Inyo County Code Section 18.06.182, shall be limited by zone as described below, and as shown for convenience purposes on the maps attached herewith as Exhibit 1. Any amendment of this Ordinance further limiting the

number of Commercial Cannabis Business Licenses available shall not result in the revocation of any Commercial Cannabis Business License existing and in good standing at the time of such a reduction. The number of available licenses shall be as set forth below, provided however that only one license-classification per parcel shall count toward the applicable limit:

1. Zone 1 shall be comprised of the First Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance and the unincorporated Inyo County portion of the Second Supervisorial District encompassing Tu Su Lane on the west, Early Pond on the south and See Vee Lane on the east, as that supervisorial district existed at the time of enactment of this Ordinance. The Commercial Cannabis Business Licenses available in Zone 1 shall be as follows:
  - a. Cultivation Licenses: 2
  - b. Classification 6 Manufacturing Level 1: 1
  - c. Classification 7 Manufacturing Level 2: 0
  - d. Classification 8 Testing Laboratory: 1
  - e. Classification 10 Retailer: 2
  - f. Classification 11 Distributor: 1
  - g. Classification 12 Microbusiness: 1
  
2. Zone 2 shall be comprised of the Second Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, excluding the unincorporated Inyo County portion of the Second Supervisorial District encompassing Tu Su Lane on the west, Early Pond on the south and See Vee Lane on the east, which shall be assigned to Zone 1 above. The Commercial Cannabis Business Licenses available in Zone 2 shall be as follows:
  - a. Cultivation Licenses: 2
  - b. Classification 6 Manufacturing Level 1: Combined with Classification 7, 2 total
  - c. Classification 7 Manufacturing Level 2: Combined with Classification 6, 2 total
  - d. Classification 8 Testing Laboratory: 1
  - e. Classification 10 Retailer: 0
  - f. Classification 11 Distributor: 1
  - g. Classification 12 Microbusiness: 0
  
3. Zone 3 shall be comprised of the Third Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance. The Commercial Cannabis Business Licenses available in Zone 3 shall be as follows:

- a. Cultivation Licenses: 0
- b. Classification 6 Manufacturing Level 1: 0
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 0
- e. Classification 10 Retailer: 0
- f. Classification 11 Distributor: 0
- g. Classification 12 Microbusiness: 0

4. Zone 4 shall be comprised of the Fourth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance. The Commercial Cannabis Business Licenses available in Zone 4 shall be as follows:

- a. Cultivation Licenses: 2
- b. Classification 6 Manufacturing Level 1: 1
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 0
- e. Classification 10 Retailer: 0
- f. Classification 11 Distributor: 1
- g. Classification 12 Microbusiness: 1

5. 5A. Zone 5A shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north, the Fourth Supervisorial District; on the east, from Owenyo Lone Pine Road and Dolomite Loop Road to Highway 136 between Owenyo Lone Pine Road and Highway 395; and Highway 395 south to the intersection of Cottonwood Creek Road; on the south, westward from Cottonwood Creek Road, along Cottonwood Creek, to Horseshoe Meadows Road to the end of Horseshoe Meadows Road and due west approximately 2.6-miles to the County line. The Commercial Cannabis Business Licenses available in Zone 5A shall be as follows:

- a. Cultivation Licenses: 2
- b. Classification 6 Manufacturing Level 1: 1
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 1
- e. Classification 10 Retailer: 0
- f. Classification 11 Distributor: 1
- g. Classification 12 Microbusiness: 1

5B. Zone 5B shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north, the southern boundary of Zone 5A extending to 2.5-miles due east of the junction of Cottonwood Creek Road and Highway 395; on the east, from 2.5-miles due east of the junction of Cottonwood Creek Road and Highway 395 and extending south, along a line 2.5-miles east and parallel to Highway 395, to the northern boundary of Zone 5C, also being the southern line of Township 19 South M.D.B & M, approximately 2.5 miles from Highway 395; on the south, westward from the northern boundary of Zone 5C approximately 2.5 miles from Highway 395 to the County line; and, on the west the County line to the southern boundary of Zone 5A. The Commercial Cannabis Business Licenses available in Zone 5B shall be as follows:

- a. Cultivation Licenses: 0
- b. Classification 6 Manufacturing Level 1: 0
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 0
- e. Classification 10 Retailer: 0
- f. Classification 11 Distributor: 0
- g. Classification 12 Microbusiness: 0

5C. Zone 5C shall be comprised of the area Within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north, the southern boundary of Zone 5B, also being the southern line of Township 19 South M.D.B & M, and extended along the southern boundary of Zone 5D approximately 5-miles; on the east, the western boundary of the China Lake Naval Weapons Station; on the south, the County line; and, on the west, the County line to the boundary of Zone 5B. The Commercial Cannabis Business Licenses available in Zone 5C shall be as follows:

- a. Cultivation Licenses: 5
- b. Classification 6 Manufacturing Level 1: 1
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 1
- e. Classification 10 Retailer: 1
- f. Classification 11 Distributor: 1
- g. Classification 12 Microbusiness: 1

5D. Zone 5D shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by:

on the north, the intersection of Owenyo Lone Pine Road and the boundary of the Fourth Supervisorial District east along the boundary of the Fourth Supervisorial District to the western boundary of Death Valley National Park; on the east, southward along the western boundary of Death Valley National Park to its intersection with Old Toll Road south to Ophir Road, and continuing south on Ophir Road to the northern boundary of the China Lake Naval Weapons Station, also being the southern line of Township 19 South M.D.B & M; on the south, the northern boundary of the China Lake Naval Weapons Station, also being the southern line of Township 19 South M.D.B & M, extending due west to the northeast corner of Zone 5C and extending 5-miles west along the northern boundary of Zone 5C, also being the southern line of Township 19 South M.D.B & M, to a point 2.5-miles east of Highway 395; and, on the west, 2.5-miles east of Highway 395 and extending north, along a line 2.5-miles east and parallel to Highway 395 until a point 2.5-miles due west of the junction of Cottonwood Creek Road and Highway 395; and north following Highway 395 to the junction of Highway 395 and Highway 136 and following Highway 136 east to Dolomite Loop Rd, and following Dolomite Loop Rd. north to Owenyo Lone Pine Rd. and following Owenyo Lone Pine Rd to the southern boundary of District 4. The Commercial Cannabis Business Licenses available in Zone 5D shall be as follows:

- a. Cultivation Licenses: 2
- b. Classification 6 Manufacturing Level 1: 1
- c. Classification 7 Manufacturing Level 2: 0
- d. Classification 8 Testing Laboratory: 0
- e. Classification 10 Retailer: 0
- f. Classification 11 Distributor: 1
- g. Classification 12 Microbusiness: 1

5E. Zone 5E shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north and the east, the western boundary of Death Valley National Park; on the south, the County line; and, on the west the eastern boundary of the China Lake Naval Weapons Station to the south boundary of Zone 5D; and on the north, the north boundary of China Lake Naval Weapons Station east to Ophir Road and north along Old Ophir Road to the intersection with the boundary of Death Valley National Park. The Commercial Cannabis Business Licenses available in Zone 5E shall be as follows:

- a. Cultivation Licenses: 5
- b. Classification 6 Manufacturing Level 1: 2
- c. Classification 7 Manufacturing Level 2: 1
- d. Classification 8 Testing Laboratory: 1

- e. Classification 10 Retailer: 1
- f. Classification 11 Distributor: 2
- g. Classification 12 Microbusiness: 1

5F. Zone 5F shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north; by the southern boundary of Zone 4; and on the east, the Nevada State line south to the northern crest of the Nopah mountain range and south along the crest of the Nopah mountain range to the County line; and on the south, the County line to the western boundary of Death Valley National Park; and, on the west, the western boundary of Death Valley National Park to the southern boundary of Zone 4. The Commercial Cannabis Business Licenses available in Zone 5F shall be as follows:

- a. Cultivation Licenses:
  - 1. 5 for cultivation activities of 5,000 square feet or less; and
  - 2. 5 for cultivation activities including those greater than 5,000 square feet.
- b. Classification 6 Manufacturing Level 1: Combined with Classification 7, 10 total
- c. Classification 7 Manufacturing Level 2: Combined with Classification 6, 10 total
- d. Classification 8 Testing Laboratory: 1
- e. Classification 10 Retailer: 1
- f. Classification 11 Distributor: 2
- g. Classification 12 Microbusiness: 2

5G. Zone 5G shall be comprised of the area within the Fifth Supervisorial District, as that supervisorial district existed at the time of enactment of this Ordinance, bounded by: on the north and east, the intersection of northern crest of the Nopah mountain range and the Nevada State line south along the State line to the Inyo County line; on the south, the County line to the boundary of Zone 5F; and, on the west, the crest of the Nopah mountain range northward to the intersection with the Nevada State line. The Commercial Cannabis Business Licenses available in Zone 5G shall be as follows:

- a. Cultivation Licenses:
  - 1. 10 for cultivation activities of 5,000 square feet or less; and
  - 2. 5 for cultivation activities including those greater than 5,000 square feet.
- b. Classification 6 Manufacturing Level 1: Combined with Classification 7, 10 total

- c. Classification 7 Manufacturing Level 2: Combined with Classification 6, 10 total
- d. Classification 8 Testing Laboratory: 1
- e. Classification 10 Retailer: 1
- f. Classification 11 Distributor: 2
- g. Classification 12 Microbusiness: 2

B. Issuance of Commercial Cannabis Business Licenses for commercial cannabis business activities subject to the provisions of this Chapter but not subject to the County's land use regulations or definitions set forth in Inyo County Code Section 18.06.182, may be considered on an individual basis unless limited by amendments to this Chapter.

**5.40.080- Form of application.**

- A. The C3PO shall create a standard application consistent with requirements of this section. The application shall become part of the record for any directly related hearing subsequently conducted to consider an application for a Conditional Use Permit required by Title 18 of this Code.
- B. The applicant for the Commercial Cannabis Business License required by this chapter shall be the operator of the business.
- C. Every application for a Commercial Cannabis Business License and/or renewal required by this chapter shall be signed by the applicant under penalty of perjury on a form required for such application and shall include, but is not limited to, the following information:
  - 1. The name and mailing address of the applicant and the names of all other persons having an ownership interest in the applicant applying for a license. If the applicant is not a natural person: the entity's address for its principal place of business and the name and mailing address of an officer who is duly authorized to accept the service of legal process;
  - 2. Contact information for the operator, including telephone number, e-mail address, and mailing address where the operator can be reached at any time if an emergency or code compliance issue arises;
  - 3. The name under which the operator will be doing business;
  - 4. The exact nature of the commercial cannabis business;
  - 5. The exact location of the commercial cannabis business including the Assessor's Parcel Number(s) and street address or the route or territory to be covered if no fixed place of business;



6. The name and address of the owner of the property where the commercial cannabis business is located;
7. The name and address of the lessor and/or lessees, if different from the owner of the property where the commercial cannabis business is located, if the location of the business is based on a lease or option to lease the location;
8. A copy of all applicable permits or licenses required by the State of California. If required licenses or permits have not been issued by the State of California pending issuance of a Commercial Cannabis Business License required by this chapter, a copy of the draft or actual application(s) for all permits or licenses required by the State of California.
9. Such other information as the C3PO may request in order to evaluate and process the application for a business license.

#### **5.40.090– License review and issuance process**

- A. It is the intent of the County to consider applications for Commercial Cannabis Business Licenses required by this chapter pursuant to a competitive process.
- B. All applications for a Commercial Cannabis Business License shall be filed with the C3PO after payment of any required fees established by Resolution of the Board.
- C. Whenever there exists an available Commercial Cannabis Business License(s), but no sooner than January 1, 2018, the C3PO shall issue a notice of available Commercial Cannabis Business License(s) and a request for applications therefor. Said notice shall specify how applications shall be submitted, the deadline for submitting applications, and the scoring criteria utilized for ranking the applications. The C3PO shall allow at least 60 days for applications to be submitted after issuance of the notice of availability.
- D. Initial Application Evaluation.
  1. The C3PO shall conduct an initial review of all Applications and reject any Application that meets any of the following criteria:
    - a. The Application is incomplete.
    - b. The required fees have not been paid.
    - c. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the Application.
    - d. The proposed commercial cannabis business at the proposed location is not allowed as a conditional use or is otherwise prohibited by any state or local law or regulation.
    - e. Any person who is listed in the Application as required by this chapter has been convicted of a felony within the past three (3) years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
    - f. Any person who is listed in the Application as required by this chapter is delinquent in the payment of any applicable County taxes or fees.

g. Any person who is listed in the Application as required by this chapter is then in violation of any County Code.

2. First Rejection. If the C3PO rejects an Application, the Office shall specify in writing the reasons for the decision and, except for an Application that was previously rejected for any of the same reason(s), notify the applicant that the decision shall become final unless the applicant files an amended application within fourteen (14) days of the date the C3PO mailed notice of the rejection notice. Only one amended application shall be allowed per review period.
3. Second Rejection. If the C3PO rejects an Application for a second time for any of the same reasons forming the basis of a prior rejection, the notice of rejection shall specify in writing the reasons for the decision and the right of the applicant to file an appeal pursuant to section 5.40.150.
4. Upon close of the initial review period, all Applications that are not rejected shall proceed to the Application Scoring Evaluation.

E. Application Scoring Evaluation.

1. The C3PO shall develop detailed objective review criteria for evaluation of competing Applications, which shall be scored on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria"). At a minimum, said Review Criteria shall include but may not be limited to the following considerations or combinations thereof:
  - a. Adequacy of the security plan taking into consideration the Sheriff's evaluation of said plan;
  - b. Adequacy of the operating plan;
  - c. Appropriateness of site location;
  - d. Proposed measures to mitigate potential negative impacts to the community including but not limited to police and fire community safety considerations;
  - e. Environmental considerations including water sources;
  - f. Residency considerations, including: operator residing within the County; hiring preferences for residents of unincorporated Inyo County; and, wages proposed to be paid to employees.
  - g. Community Benefit Plan, including but not limited to identification of a designated community liaison, and identified support for school-related and community-based organizations; and,
  - h. Any prior or existing operation of a commercial cannabis business subject to this chapter, with those conducted in good standing to receive a ten percent increase in total score and those not conducted in good standing to receive a ten percent decrease in total score.
2. The C3PO may conduct the Application Scoring Evaluation through a committee of County staff representing appropriate departments, other local agencies, and/or through use of a third party consultant.

3. After Applications are scored, the C3PO shall provide the results of Application Scoring Evaluation to the Board of Supervisors for its consideration along with any recommendations for which Application(s) to approve, and the reasons therefor.
- F. The Board of Supervisors' consideration of applications for a Commercial Cannabis Business License, and any approval of such license will occur at a public hearing for which a public notice had been published 14-days in advance.
  - G. The Board of Supervisors shall have the authority to determine, in its sole discretion, the competing applications that will be approved for a Commercial Cannabis Business License. In making its decision, the Board may adjust the results of the Application Scoring Evaluation. The decision of the Board of Supervisors is final and not subject to further administrative appeal.
  - H. An application for a Commercial Cannabis Business License must achieve a score of at least 80% of the total possible points on the final Application Scoring Approval Evaluation approved by the Board of Supervisors in order to be awarded a Commercial Cannabis Business License.
  - I. Upon the Board of Supervisors approving issuance of a Commercial Cannabis Business License, the C3PO shall provide the license to the applicant with 30 days of any conditions that may apply being met, and will be responsible for administering and enforcing the license terms and conditions. The Commercial Cannabis Business License shall be in the form prescribed by the Commercial Cannabis Business Permit Office and must contain, at a minimum, the licensee's name, the business name, the license classification, the location of the business operation, and the commencement and expiration dates of the license.
  - J. Commercial Cannabis Business Licenses shall be conditionally issued contingent on applicant obtaining all applicable permits and licenses required by the County and/or State of California, and presenting same to the C3PO, within six (6) months of issuance of a Commercial Cannabis Business Licenses. Commercial Cannabis Business Licenses shall be void if the applicable State license(s) or permit(s), or local land use approvals, are not presented to the C3PO within six (6) months unless the C3PO agrees, in writing, to extend to deadline for obtaining and submitting the State permit(s) or license(s) for a period not to exceed an additional six (6) months. Any additional extension shall require the approval of the Board of Supervisors.
  - K. Commercial Cannabis Business Licenses shall be conditionally issued contingent on the applicant remaining current on payment of all County fees and taxes, and compliance with all County regulations.
  - L. Every licensee having a fixed place of business shall display the valid license in a conspicuous place in such place of business. Every licensee not having a fixed place of business shall carry such license on their person at all times during any actions related to the conduct of carrying on the licensed commercial cannabis business activity, and shall exhibit it, whenever requested, to any person.

**5.40.100 - Required fee payments.**

- A. Each Licensee shall pay an annual license fee, in such amount as adopted by the Board of Supervisors by Resolution, for the administration of the Commercial Cannabis Business License chapter, including monitoring and enforcing compliance with terms of the license.
- B. The Board of Supervisors may enact fees as may be necessary to recover the County's costs of inspection, enforcement, and corrective actions in relation to the Commercial Cannabis Business License.

**5.40.110 – Reserved.**

**5.40.120 – Reserved.**

**5.40.130 - Licenses nontransferable.**

Absent approval of the Board of Supervisors, no license granted under the provisions of this Chapter shall be transferable or removable to another location, operator, person, or entity. For purposes of this section, a transfer shall include, but is not limited to, the change in corporate control of a Licensee as set forth in the California Revenue and Taxation Code Division 1 Part 0.5 Chapter 2, as may be amended.

**5.40.140 - Grounds for revocation.**

- A. Any of the following shall be grounds for revocation of a Commercial Cannabis Business License:
  - 1. Violation of any conditions of the license;
  - 2. Violation of any provisions of this chapter or other applicable County regulations;
  - 3. Failure to pay fees or taxes, including those imposed by Chapter 3.50, or fines or penalties associated with said business when due and payable;
  - 4. Failure to obtain any other license or permit required by State law or County regulation to conduct the business, or such other required licenses or permits have been suspended or revoked.
- B. Notwithstanding any provision in the Inyo County Code to the contrary, if the C3PO intends to revoke a Commercial Cannabis Business License, the C3PO or any other County officer charged with the administration of the provisions of this Chapter shall specify in writing the reasons for the decision and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to Section 5.40.150 of this chapter within ten (10) calendar days of the date of service of the written decision of the C3PO or any other County officer charged with the administration of the provisions of this chapter. The notice shall specify whether the revocation is immediately imposed for public health or safety reasons or shall be effective following the hearing. The notice of the decision shall be served or mailed to the applicant at the address indicated on the application.

- C. No person may secure any Commercial Cannabis Business License if that person has had any license issued under this Chapter revoked within the preceding six months.

**5.40.150 - Appeal.**

- A. Any applicant aggrieved by any decision of the C3PO with respect to any second rejection of an application for a second time shall, within five (5) days of the date the rejection notice was mailed, make application in writing to the County Administrative Officer, or designee, for a hearing on the decision.
- B. Any applicant aggrieved by any decision of the C3PO with respect to the revocation a Commercial Cannabis Business License shall, within ten (10) days, make application in writing to the County Administrative Officer, or designee, for a hearing on the decision before the Board of Supervisors.
- C. If application for a hearing is not made within the time prescribed, the rejection, revocation, or other decision or shall become a final action that is not subject to any further administrative remedy.
- C. If such application is made within the prescribed time period, the County Administrative Officer, or designee, shall give no fewer than five days written notice to the applicant to show cause at a hearing at a time and place fixed in the notice why the decision should not be upheld.
- D. At the hearing, the applicant may appear and offer evidence why such decision should be vacated. Within sixty (60) days after the hearing, the County Administrative Officer, or designee, shall determine if the decision shall be upheld and shall thereafter give written notice to the applicant. The decision of the County Administrative Officer, or designee, shall be final and not subject to further administrative appeal.

**5.40.160 - Enforcement of Chapter.**

- A. It shall be the duty of the C3PO to collect the permit fees, issue the permits approved by the Board of Supervisors, and perform the duties required by this chapter. The C3PO or any other County officer charged with the administration of the provisions of this chapter may adopt such rules and regulations consistent with the purpose, intent, and express terms of this chapter deemed necessary to supplement or clarify such provisions or aid in their enforcement. To that end representatives of the C3PO, or any other County officer charged with the administration of the provisions of this chapter shall be permitted to enter, free of charge during normal business hours, any such place of business required to be licensed under this chapter, for the purpose of inspection or to demand the display of any permit required hereby.
- B. Any permit fees, fines or penalties required to be paid by any commercial cannabis business under the provisions of this chapter shall be deemed a debt owed by the business to the County. Any business owing money to the County under the provisions of this chapter shall

be liable to an action brought in the name of the County of Inyo for the recovery of such amount.

**5.40.170 - Penalty for violation.**

- A. Notwithstanding any other applicable penalty, criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter.
- B. Any condition caused or allowed to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and shall, at the discretion of the Commercial Cannabis Business Permit Office or any other County officer charged with the administration of the provisions of this Chapter, be subject to an administrative action pursuant to 1.20 of the Inyo County Code and/or any other applicable law.

DRAFT

# Agenda

## County of Inyo Board of Equalization

Board of Supervisors Room  
County Administrative Center  
224 North Edwards  
Independence, California

### January 16, 2018

**1:30 p.m.**

1. **ELECTION OF OFFICERS** – The Board will elect a Chairperson and Vice-Chairperson of the Board of Equalization for calendar 2018.
2. **MINUTE APPROVAL** – Request approval of the minutes of the Board of Equalization meeting of February 14, 2017.
3. **OATHS** – The Assistant Clerk of the Board will administer oaths to all parties planning to provide testimony during today's proceedings, as well as anyone who will give evidence during the assessment appeal hearing.
4. **STIPULATION** – Request approval of the Stipulations of Value for Assessment Appeal Nos. 2017-08 and 2017-09, concerning, respectively, Account Nos. 05-200205-9 and 00-100033-7, submitted by Dish Network LLC.
5. **STIPULATION** – Request approval of the Stipulation for Value for Assessment Appeal No. 2017-10, concerning Assessor Parcel No. 011-530-11, submitted by Jack P. Allen.
6. **ASSESSMENT APPEAL HEARING** to consider Assessment Appeal No. 2017-04, concerning Assessor Parcel No. 033-330-14, submitted by Carl Frederick Shrawder.

#24

Department of Alcoholic Beverage Control

State of California

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**

ABC 211 (6/99)

**TO:** Department of Alcoholic Beverage Control  
4800 STOCKDALE HWY  
STE 213  
BAKERSFIELD, CA 93309  
(661) 395-2731

File Number: **585366**  
Receipt Number: **2474601**  
Geographical Code: **1400**  
Copies Mailed Date: **January 3, 2018**  
Issued Date:

RECEIVED  
2018 JAN 10 PM 1:42  
INYO COUNTY  
ADMINISTRATOR  
CLERK OF THE BOARD

DISTRICT SERVING LOCATION: **BAKERSFIELD**  
First Owner: **INYO PROPERTIES, LLC**  
Name of Business: **LONE PINE SMOKEHOUSE**  
Location of Business: **325 S MAIN ST  
LONE PINE, CA 93545**

County: **INYO**  
Is Premise inside city limits? **No** Census Tract **0008.00**

Mailing Address: **PO BOX 267**  
(If different from premises address) **LONE PINE, CA 93545-0267**

Type of license(s): **47**

Transferor's license/name: \_\_\_\_\_ Dropping Partner: Yes \_\_\_ No

<u>License Type</u>	<u>Transaction Type</u>	<u>Fee Type</u>	<u>Master</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
47 - On-Sale General Eating	RENEWAL FEE	P0	Y	0	01/03/18	\$637.00
47 - On-Sale General Eating	ORIGINAL FEES	NA	Y	0	09/13/17	\$13,800.00
<b>Total</b>						<b>\$14,437.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of INYO Date: September 13, 2017

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

INYO PROPERTIES, LLC

**See 211 Signature Page**