

MINUTES



County of Inyo Board of Supervisors

December 18, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:33 a.m., on December 18, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

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

Closed Session Chairperson Totheroh recessed open session at 8:34 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9]** – Bishop Paiute Tribe v. Inyo County; William Lutze, Inyo County Sheriff; Thomas Hardy, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9]** – Norman Coffman, v. County of Inyo, et al., Inyo County Superior Court Case No. SICVCV-17 61470; No. 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9]** – Julia Langley, v. County of Inyo, et al., United States District Court Eastern District of California Case No. 1:16-CV-01133-DAD-JLT; No. 5 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9]** – Prominent Systems, Inc., a California Corporation, v. Eastern Sierra Engineering, P.C., a Nevada Corporation; County of Inyo, a political subdivision of the State of California, Superior Court of the State of California for the County of Kern Case No. S-1500-CV-279959-DR; Court of Appeal 5th Appellate District, Division P Case No. F077475; and No. 6 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Clint Quilter, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10 a.m. with all Board members present.

Pledge CAO Quilter led the Pledge of Allegiance.

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

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

County Department Reports Retiring Water Director Dr. Bob Harrington thanked the Board for the opportunity to do good work on behalf of the County, noting the Supervisors have all been a pleasure to work with and it has been great to be the Water Director for the County. He said succession planning has been going smoothly and Deputy Water Director Aaron Steinwand is qualified to take over and has been getting up to speed on the various issues over the last two months.

Supervisor Kingsley said that as good as Steinwand is, Dr. Harrington's retirement is still a big loss for Inyo County, which will be losing one of the most pre-eminent water experts in the State. He thanked Dr. Harrington for his service.

Supervisor Tillemans also thanked Dr. Harrington for his service, noting he has invested a lot into the job, and wished him the best in retirement.

Supervisor Pucci echoed his colleagues' sentiments, offering Dr. Harrington congratulations on his retirement.

Chairperson Totheroh said he, too, echoed the previous comments, adding that Dr. Harrington possessed incredible knowledge and was someone the County could always rely on, with an impressive ability to remain calm in stressful situations.

Supervisor Griffiths thanked Dr. Harrington for his service, noting he already said his goodbyes at the retirement dinner, but added that the Dr. Harrington has cultivated a great staff and he should be proud.

County Counsel Rudolph said he was lucky to have been able to work with Dr. Harrington, who he said was a bit of a legend for his work on water issues. He thanked Dr. Harrington for his time and patience in trying to get him up to speed when he came to Inyo County.

CAO Quilter said Dr. Harrington's professionalism and wry sense of humor will be missed, and he looked forward to working with Steinwand as well.

Assistant Clerk of the Board Ellis congratulated Dr. Harrington on a well-deserved retirement, noting she has enjoyed working with him and always admired him – during this career and the previous one – and wished him the best.

HHS Director Marilyn Mann offered congratulations to Dr. Harrington, and reported that she and key staff members had a meeting with Tecopa residents yesterday about health care issues.

Chief Probation Officer Jeff Thomson also offered congratulations to Dr. Harrington, and wished the Board and its families a Merry Christmas. He reported that Probation completed and submitted its annual CCP survey last week.

Introductions

HHS Director Marilyn Mann introduced the following new employees to the Board: Mikaela Torres, Administrative Analyst II; Marjie Chapman, Office Technician II; Christina Bonanno, Social Worker II; and Michael D. Heinlein, Licensed Addictions Program Supervisor.

Recusal

Supervisor Tillemans recused himself from the remainder of the meeting at 10:21 a.m.

Ag Commissioner – Ag/Weights & Measures/Cannabis Inspector I-III

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) approve the job description for the Agriculture/Weights and Measures/Cannabis Inspector I, II, and III; and B) find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for an Agriculture/Weights and Measures/Cannabis Inspector I and Agriculture/Weights and Measures/Cannabis Inspector II exists in the General Fund, as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; 2) where due to the nature of the positions, it is unlikely that they could be filled by internal candidates meeting the qualifications for the positions and an open recruitment is appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Agriculture/Weights and Measures/Cannabis Inspector I, Range 60 (\$3,612 - \$4,387) and one (1) Agriculture/Weights and Measures/Cannabis Inspector II, Range 65 (\$4,052 - \$4,929). Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Works – Office Tech I-III

Moved by Supervisor Pucci and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I/II/III exists in the Building & Maintenance and Road budgets, as certified by the Acting Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could be filled through an internal recruitment, but an open recruitment is most appropriate to ensure qualified applicants apply; and C) authorize the hiring of one (1)

Office Technician I/II/III at Range 55 (\$3,213 - \$3,907), Range 59 (\$3,526 - \$4,285), or Range 63 (\$3,867 - \$4,705), depending on qualifications. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Defender –
Gerard B. Harvey
Contract*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the agreement between the County of Inyo and Gerard B. Harvey for the provision of Professional Services as a Public Defender (Misdemeanors – North County) for the period of January 1, 2019 through June 30, 2019, in an amount not to exceed \$66,000 and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Clerk of the Board –
Child Care Planning
Council
Appointments*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to make the following appointments to the Child Care Planning Council: A) reappoint Raquel Dietrich to an unexpired three-year term for a Public Agency Representative, ending November 4, 2021; and B) appoint Kathleen Duncan to an unexpired three-year term in the Discretionary Category, ending December 1, 2021. (*Notices of Vacancy resulted in requests for appointment being received from Ms. Dietrich and Ms. Duncan.*) Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Risk Management –
Appointments to
CSAC Excess
Insurance Authority
Board*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to, pursuant to Article 7 of the CSAC Excess Insurance Authority Joint Powers Agreement, appoint the Risk Manager as Director and County Administrator as the Alternate Director to the CSAC Excess Insurance Authority Board of Directors. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Planning – AULG
Funding Certification*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) certify that \$29,784.77 in funds provided to Inyo County as an Affected Unit of Local Government under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425, and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); and B) authorize the Chairperson to sign the certification and staff to submit the certification to the U.S. Department of Energy. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works –
Charcoal Kiln Roof
Plans*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the plans for Cottonwood Creek Charcoal Kiln Roof. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works –
Parcel Map 409*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Parcel Map No. 409. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works – LP
VFW Parking Lot
N.O.C./Reso #
2018-53*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Accepting the Work of Improvement Known as the Lone Pine VFW Parking Lot Project and Authorizing the Recording of a Notice of Completion with Respect to Said Work," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works –
Bishop Senior Center
Project N.O.C./Reso
2018-54*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Accepting the Work of Improvement Known as the Bishop Senior Center Improvement Project and Authorizing the Recording of a Notice of Completion with Respect to Said Work," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works –
Rejection of South
Street Parking Lot
Paving Bids*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to declare the bids submitted by Bowman Asphalt, Inc. and Clair Concrete, Inc. for the South Street Parking Lot Paving Project as not in the County's best interest; and B) reject all bids received. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*CAO-Film
Commission –
18-19 Mid-Year
Written Report*

The Board received Inyo County Film Commissioner Chris Langley's 2018-2019 Mid-Year Written Report. Langley also passed around for the Board members props recently donated to the Museum of Lone Pine Film History's collection.

<i>BOS – First District Planning Commissioner</i>	Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to reappoint Frank Stewart to the Inyo County Planning Commission, to a four-year term ending December 31, 2022 and representing the First Supervisorial District. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>BOS – Third District Planning Commissioner</i>	Moved by Supervisor Pucci to reappoint Todd Vogel to the Inyo County Planning Commission, to a four-year term ending December 31, 2022 and representing the Third Supervisorial District. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Planning – 12-month Forest Service MOU Extension</i>	Planning Director Cathreen Richards presented for approval a second extension to an MOU with the U.S. Forest originally approved in 2014 and which outlines the framework by which the USFS and County will work together on various issues. She noted that while the Agenda Request Form asks authorization for the CAO to sign, she recommended authorizing the Chairperson. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize the Chairperson to sign a maximum 12-month extension to the Memorandum of Understanding (MOU) with the U.S. Forest Service regarding the Inyo National Forest Plan Update/Revision, assuming no changes or additions will be made. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Information Services – CivicPlus Inc. Software Maintenance Agreement Ratification</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the renewal of a Software Maintenance Agreement between CivicPlus, Inc. and the County of Inyo for the County’s Board meeting streaming and agenda automation system for the period of December 1, 2018 through November 30, 2019 in an amount not to exceed \$10,685. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Personnel – Enact Ordinance 1237</i>	CAO Quilter offered a review of events leading up the requested enactment, including the Board’s direction at its December 12, 2017 meeting to bump certain elected offices’ salaries up to a 15-county average, and per adopted policy, have that raise take effect at the start of the office-holders’ next term (January 2019). Clerk-Recorder Kammi Foote commented that she understands the process on paper, but said the optics translate to two of the lowest paid elected officials having to absorb a cost of living increase, that came after the December 2017 meeting, as part of their raises while the elected officials whose salaries are higher than the 15-county average were able to receive the full benefit of their COLAs. Supervisor Kingsley asked whether the opposite way of saying that would be that the other elected officials should not have received the COLA, which could still have been used to get the lower paid elected officials up to the desired average. Foote said yes. Supervisor Kingsley conceded the policy by which the Board reviewed the salaries in December is new and he was open to a later examination of the issue based on both his and Foote’s comments. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to enact an ordinance titled, “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for Increases in the Salary for Certain Elected County Officials, Excluding Members of the Board of Supervisors.” Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Here it Comes Emergency</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue 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. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Rocky Road Emergency</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue 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. Motion carried unanimously. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Gully Washer Emergency</i>	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to continue 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. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Land of EVEN Less Water Emergency

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

DV Down But Not Out Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue 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. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Board Member and Staff Reports

Supervisor Kingsley said he attended the Planning Department’s meeting in Tecopa Thursday on the Community Plan, Dr. Bob Harrington’s retirement party, an event to launch a new foundation to support Southern Inyo Hospital, and an Inyo Associates meeting that doubled as a meet-and-greet for Clint Quilter as the new CAO.

Supervisor Pucci said he also attended the Inyo Associates meeting.

Supervisor Griffiths said he attended a Coalition of Care meeting, met with Supervisor Kingsley and CAO Quilter to discuss changing HHS policy statewide, gave Supervisor Kingsley a tour of IMACA’s food storage and distribution system, attended Dr. Harrington’s retirement party and meetings of the Owens Valley Groundwater Authority, Eastern Sierra Transit Authority and Eastern Sierra Council of Governments, helped IMACA wrap presents for the Wish Tree program, and also attended the Inyo Associates meeting.

County Counsel Rudolph said Inyo and Mono counties’ staff are working on incorporating feedback from the ESCOG into updated bylaws for the formation of a possible Joint Powers Authority. He said he also attended Dr. Harrington’s retirement party.

CAO Quilter thanked all who attended the Inyo Associates meet-and-greet and said staff would be meeting January 3 or 4 to discuss the nuts and bolts of a possible ESCOG JPA.

Public Works – Enact Ordinance 1238

Road Superintendent/Deputy Public Works Director Chris Cash presented for enactment an ordinance, of which the Board waived the first reading last week. Supervisor Kingsley said the proposed weight restrictions on Old Spanish Highway were well-received in both Tecopa and Charleston View, and called the ordinance well-researched. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to enact an ordinance titled, “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Sections 10.56.010, 10.56.020, and 10.56.030, and Repealing Section 10.56.040, of the Inyo County Code, Pertaining to Weight Limitations on Certain County Highways and Bridges.” Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Ag Commissioner - Zone 5F and 5G Commercial Cannabis Business Licenses

Ag Commissioner Nate Reade presented for Board consideration County commercial cannabis business licenses for Zones 5F and 5G, noting that there was no competition for these licenses and all applicants met the 80% scoring criteria threshold. He added that one of the licenses is for volatile manufacturing. Supervisor Kingsley said he looks at each application in particular for what agreements have reached with community groups and entities, and the strengths of applicants’ community benefit plans. He said that entities in Southeast Inyo County can especially benefit from the success of commercial cannabis operations through community partnerships. Reade said there is only one entity in the County that has been willing to enter into a formal agreement with a cannabis operation, and with regard to the community benefit plan, staff looks for measureable components rather than blanket statements. Supervisor Kingsley said the outcomes of those community benefit plans will be of interest to him when it’s time to consider renewing licenses. Supervisor Pucci said relations between cannabis businesses and community groups will be a learning experience, but such relationships can be mutually beneficial.

Chairperson Totheroh opened the public hearing at 11:18 a.m.

Nathan Lund of RDB Cultivation LLC concurred with Supervisor Pucci and read from a prepared statement in which he called the business permit for their grow operation a historic

chance for his family to engage in this business legitimately, and lead by example in implementing cannabis cultivation and hemp laws.

Chris Lund of RDB Cultivation LLC thanked the Board for being open-minded and considering what all of its constituents had to say on the matter.

David Saccullo of Chicago Valley LLC also thanked the Board, and said in preparing their community benefit plan, Chicago Valley spoke with many community members over the past year. He said the plan addresses mitigation efforts like fire safety, and the business will benefit the economy and put both skilled and non-skilled laborers to work.

Suzi Dennett spoke on behalf of the Southern Inyo Fire Protection District Chief, Carl Dennett. She said, unfortunately, fire districts cannot accept cannabis-derived funding because of federal laws but at least two applicants have suggested forming a non-profit that could support the fire district. She added that only two applicants directly approached the fire chief and going forward, all would be better served by the applicants consulting with him in his role as fire marshal.

Spencer McNeal said he applied for the volatile manufacturing license, is well versed in all of the applicable regulations, and plans to work with the fire department, and thanked the Board for the opportunity to be of benefit to the County.

Earl Wilson asked whether the applicant(s) submitting for volatile manufacturing permits have proper permitting from the California Department of Substance Control.

Chairperson Totheroh closed the public hearing at 11:36 a.m.

Supervisor Kingsley advised all of the applicants presents that they have an opportunity and a great responsibility to set a good example for Inyo County's cannabis. He said it will be important them to be methodical, like the County has been in developing its regulations, as they build their businesses so that their success can help demonstrate the legitimacy of this industry.

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to:

A) conditionally approve those applications that exceeded the 80% minimum threshold as set forth in Inyo County code section 5.40.090(H), from the following entities for the following county commercial cannabis licenses:

- manufacturing classification licenses in cannabis Zone 5F - Desert Greens, LLC
- cultivation above 5,000 sq. ft. classification licenses in Zone 5F – Chicago Valley Cannabis Park, LLC
- cultivation less than 5,000 sq. ft. classification licenses in Zone 5G – ShadeGrown Farms, LLC and RDB Cultivation, LLC

B) authorize issuance of licenses contingent on the applicant paying the fees established, and applicants obtaining all applicable permits and licenses required by the county and the state of California including payment of all required fees and taxes.

Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Comment

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

Earl Wilson of Lone Pine notified the Board that the Winter Solstice is December 21.

Chris Lund of RDB Cultivation LLC thanked all the cannabis activists from over the years for blazing the trail that has led to legal cultivation, and again thanked the Board for its efforts in developing regulations to allow it in Inyo County.

Suzi Dennett of Tecopa thanked the Board for the access it provides to its constituents who want to comment on issues. She also said there has never been a time when the Southern Inyo Fire Protection District or Death Valley Chamber of Commerce requested aid from Treasurer-Tax Collector Alisha McMurtrie, Auditor Amy Shepherd, Planning Director Cathreen Richards, or Environmental Health Director Kathe Barton and not received competent, skilled assistance.

Adjournment

Chairperson Totheroh adjourned the meeting at 11:42 a.m. to 8:30 a.m. Tuesday, January 8, 2019 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER
Clerk of the Board*

by: _____
Darcy Ellis, Assistant