

MINUTES



County of Inyo Board of Supervisors

January 8, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on January 8, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, 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 8:31 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]** – Los Angeles Department of Water and Power v. County of Inyo, Kern Superior Court Case No. BCV-18-101513-KCT (CEQA); No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9]** – County of Inyo v. Los Angeles Department of Water and Power, Kern Superior Court Case Nos. BVC-18-101260; BVC-18-101261; and BVC-18-101262; No. 4 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Regarding employee organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. County designated representatives – Administrative Officer Clint Quilter, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 5 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Public Works Director; and No. 6 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Water Director.

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:05 a.m. with all Board members present.

Pledge CAO Quilter led the Pledge of Allegiance.

Report on Closed Session County Counsel Rudolph reported that with regard to agenda item No. 6 and by unanimous vote with all members present, the Board appointed Aaron Steinwand to the position of Water Director. He said a contract with the terms and conditions of the appointment, as well as an effective date, would be forthcoming for approval at a future meeting of the Board.

Election of Officers Supervisor Griffiths nominated Vice Chairperson Pucci to serve as Chairperson. The nomination was seconded by Supervisor Kingsley and a vote was called. Vice Chairperson Pucci was unanimously elected Chairperson of the Board for calendar year 2019. Supervisor Griffiths nominated Supervisor Kingsley to serve as Vice Chairperson. The nomination was seconded by Supervisor Tillemans and a vote was called. Supervisor Kingsley was unanimously elected Vice Chairperson of the Board for calendar year 2019.

Public Comment Chairperson Pucci asked for public comment during the second public comment period.

Earl Wilson of Lone Pine said he was concerned about the impact of the federal government shutdown on Inyo County’s tax revenue and suggested a comparison be done to show the difference between this year and last year’s revenue. Supervisor Kingsley shared an update on Death Valley National Park operations that he received from Superintendent Mike Reynolds.

Matthew O'Connor introduced himself to the Board as the new Executive Director of Wild Iris Family Counseling & Crisis Center.

County Department Reports

HHS Director Marilyn Mann distributed copies of the quarterly Preserving Wellness Newsletter to the Board.

Clerk-Recorder Kammi Foote presented the new artwork for official certificates from the Clerk-Recorder's Office, which was done by Richard Potashin and depicts scenery and other images unique to Inyo County.

Ag Commissioner Nate Reade reported that recent Farm Bill language allows for industrial hemp production and requires states and tribes to have approved plans in place. He also reported that RCRC is looking at a legislative solution to counties' concerns about industrial hemp production and, since Inyo County is the only in county in California to have passed a hemp ordinance so far, has asked if the County would be willing to lend assistance and support to the effort.

Chief Probation Officer Jeff Thomson offered an update on the SB 10 referendum effort, and extended to the Board an invitation to tomorrow morning's Drug Court graduation ceremony in Bishop.

Treasurer-Tax Collector Alisha McMurtrie reported that the portal for the online tax-defaulted property auction is open for viewing, and that the auction itself closes January 28.

Introductions

CAO Quilter introduced new Risk Manager Aaron Holmberg to the Board.

BOS-Kingsley – Proclamation for Steve Davis Retirement

Supervisor Kingsley noted that while Steve Davis served as fire chief of the Fifth District's Olancho Cartago Volunteer Fire Department, he worked on issues and project countywide, and Supervisor Kingsley felt fortunate to have known and worked with him in many capacities. Supervisor Kingsley read the Board of Supervisors proclamation honoring Chief Davis and the entire Board presented the proclamation to the retiring fire chief. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve a proclamation titled, "A Proclamation of the Board of Supervisors, County of Inyo, State of California Honoring Olancho-Cartago Fire Chief Steve Davis on the Occasion of His Retirement." Motion carried unanimously. Chief Davis thanked the Board for the proclamation, and the County for its support. He said the department was fortunate to have a great replacement in Charles Abbott and Supervisor Kingsley concurred.

HHS-First 5 – Proclamation for Positive Parenting Month

HHS Director Marilyn Mann thanked the HHS Public Health and Prevention Team, and agency partners, for bringing the valuable Triple P Parenting program to the community. First 5 Director Serena Johnson thanked the Board for taking the time to honor the efforts of the program and its participants, and also provided a program overview. She also introduced other speakers who said a few words about the program, including a certified Triple P instructor for the Stepping Stones program, the Tuniwa Nobu Family Literacy Coordinator and program facilitators, and a program graduate. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve a proclamation declaring January 2019 as Positive Parenting Awareness Month in Inyo County. Motion carried unanimously. Supervisor Tillemans then read the proclamation aloud and offered accolades to the First 5 and Triple P staff.

Recycling & Waste Management – Gate Attendant

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Gate Attendant exists in the Solid Waste Budget, as certified by the Department Head and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Gate Attendant, Range 48 (\$2,740 - \$3,320), from the recently established eligibility list. Motion carried unanimously.

Assessor – Add Auditor-Appraiser II

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to, consistent with the Fiscal Year 2018-2019 Board Approved Budget, change the authorize strength in the Assessor's Office by adding one (1) full-time Auditor-Appraiser II, Range 72 (\$4,787 - \$5,815) and; B) find that, consistent with the adopted Authorized Position Review Policy: 1) the

availability of funding for the requested position exists in the General Fund, as certified by the Assessor and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates meet the qualifications for the position, an internal recruitment is appropriate; and 3) approve the hiring of one (1) Auditor-Appraiser II, Range 72 (\$4,787 - \$5,815). Motion carried unanimously.

HHS – Assistant to the HHS Director

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Assistant to the HHS Director exists in non-General Fund and IC-GOLD Fund budgets, as certified by the HHS Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Assistant to the HHS Director at Range 70 (\$4,569 - \$5,557). Motion carried unanimously.

HHS-ESAAA/IC-GOLD – APAR PSA I-II

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of non-General Fund Community Mental Health funding for the position of A-PAR Program Services Assistant (PSA) I or II exists, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where due to the part-time nature of this position it is unlikely that the vacancy could be filled by internal candidates meeting the qualifications for the position, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) A-PAR PSA I at Range 39PT (\$11.93 - \$14.48/hr.) or PSA II at Range 42PT (\$12.75 - \$15.52/hr.), depending upon qualifications. Motion carried unanimously.

HHS-Social Services – Office Clerk II

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Clerk II exists in a non-General Fund budget, as certified by the HHS 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 possibly be filled through an internal recruitment, but as a State Merit System position, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Clerk II at Range 50 (\$2,860 - \$3,478). Motion carried unanimously.

Public Works – Airport Supervisor Operations

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested Airport Supervisor Operations position exists within the Airport Budgets, as certified by the Public Works Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified candidates apply; and C) authorize the hiring of one (1) Airport Supervisor Operations at Range 63 (\$3,867 - \$4,705). Motion carried unanimously.

Sheriff – Deputy Sheriff

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Deputy Sheriff position exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment but an open recruitment is more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Deputy Sheriff, Range 67SA-SC (\$4,317 – \$5,791), and authorize up to the E step for a qualified lateral applicant. Motion carried unanimously.

CAO-Advertising County Resources – Final FY 17-18 Payment

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve a final payment of \$650 from the Fiscal Year 2017-2018 Advertising County Resources Budget to the Bishop Area Chamber of Commerce for the 2018 Inyo County FAM Tours. Motion carried unanimously.

Information Services – Canon Financial

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to: A) approve a lease agreement with Canon Financial Services, having a term of 60 months in an amount estimated

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| <i>Services Contract</i> | not to exceed \$90,000 per year (based on the estimated number of copies using actual copy counts of Fiscal Year 2017-2018), contingent on adoption of future budgets for fiscal years covered by the term of the agreement; and B) authorize the Chairperson to sign. Motion carried unanimously. |
| <i>Parks & Rec – Portagee Joe Campground Reservation</i> | Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve request from Mr. Allan Johnson to reserve all campsites at Portagee Joe Campground October 10 through October 12, 2019. Motion carried unanimously. |
| <i>Public Works – Toss Properties Floor Cleaning Contract</i> | Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to: A) award the three-year (January 8, 2019 – December 31, 2021) contract for the Inyo County Floor Cleaning Services to Toss Properties of Ridgecrest, CA in an amount not to exceed \$80,418 with an annual limit of \$26,806; B) authorize the Chairperson to sign, contingent upon Board approval of future budgets and appropriate signatures being obtained; and C) authorize the Public Works Director to sign all other contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously. |
| <i>Public Works – Wadell Engineering Contract Amendment 19</i> | Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve Amendment No. 19 to the County of Inyo Standard Contract No. 156 between the County of Inyo and Wadell Engineering Corporation to increase the contract amount by \$29,400 for a total not-to-exceed amount of \$2,790,593, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously. |
| <i>BOS-Kingsley – IWGA Alternate Appointment (Vallejo)</i> | Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to change previous policy direction and assign Assistant County Counsel John Vallejo to serve as the Alternate Director to the Indian Wells Groundwater Authority Board of Directors. Motion carried unanimously. |
| <i>Treasurer-Tax Collector – 2019 Investment Policy</i> | Treasurer-Tax Collector Alisha McMurtrie presented for approval the 2019 investment policy, noting the only change is the addition of a disclosure trigger as directed at a 2018 Board meeting. Supervisor Kingsley thanked McMurtrie for making the change. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the 2019 Statement of Investment Policy with the recommended changes. Motion carried unanimously 4-0, with Supervisor Griffiths out of the room at the time of the vote. |
| <i>Treasurer-Tax Collector – Delegation of Investment Authority/Reso. # 2019-01</i> | Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Resolution No. 2019-01, titled, “A Resolution of the Board of Supervisors of the County of Inyo Delegating to the County Treasurer its Investment Authority Pursuant to Section 53607 of the Government Code.” Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote. |
| <i>Water Department – Water Commission Appointment (Red Owl)</i> | Water Director Aaron Steinwand presented for Board consideration a request for re-appointment to the Water Commission from Ms. Teri Red Owl, the only individual to respond to a Notice of Vacancy for the position. He noted that Ms. Red Owl has served on the Commission for 20 years and her service is much appreciated. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to re-appoint Ms. Teri Red Owl to an unexpired four-year term ending December 31, 2022. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote. |
| <i>HHS-Health – MCIP Agreement</i> | Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to ratify and approve Agreement No. 18-95039 between the County of Inyo Health and Human Services and the California Department of Health Care Services for the Medi-Cal Inmate Program (MCIP) in the amount of \$100,087.11 for the period of July 1, 2018 to June 30, 2019, and authorize the HHS Director to sign. Motion carried unanimously. |
| <i>Recycling & Waste Management – Disposal & Gate Fee</i> | Assistant Administrator Rick Benson presented a request from the California Waterfowl Association for the County to waive disposal and gate fees for trash and litter removed during its annual clean-up along the Owens River. He said the waiver would be limited to \$100 and the group would be required to separate out recyclable items. Both Benson and Chairperson |

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| <i>Waiver/Reso. # 2019-02</i> | Pucci commended the group's efforts with the annual clean-up. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh for approve Resolution No. 2019-02, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees for Trash and Litter Removal During the Lower Owens River Clean-up." Motion carried unanimously. |
| <i>Here it Comes Emergency</i> | Moved by Supervisor Kingsley and seconded by Supervisor Totheroh 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. |
| <i>Rocky Road Emergency</i> | Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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. |
| <i>Land of EVEN Less Water Emergency Terminated</i> | CAO Quilter reported that with the road construction work in West Bishop complete and the State hydrologist's report in hand, it would be appropriate to discontinue the emergency declared for that area. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to discontinue (terminate) 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. |
| <i>Gully Washer Emergency Terminated</i> | CAO Quilter reported that all road construction work associated with the "Gully Washer Emergency" has been completed. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to discontinue (terminate) 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. |
| <i>DV Down But Not Out Emergency</i> | Moved by Supervisor Kingsley and seconded by Supervisor Totheroh 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. |
| <i>Public Comment</i> | Chairperson Pucci asked for public comment during the final public comment period and there was no-one wishing to address the Board. |
| <i>Ag Commissioner - Zone 5C and 5G Commercial Cannabis Business Licenses</i> | <p>Supervisor Tillemans recused himself from the agenda item discussion at 11:12 a.m. Ag Commissioner Nate Reade presented for Board consideration County commercial cannabis business license applications. He noted that one of the applications, for a microbusiness in Zone 5C, has been postponed for Board consideration until an appeal filed by an unsuccessful applicant in the same zone can be decided.</p> <p>Chairperson Pucci opened the public hearing at 11:16 a.m. It appeared no-one from the public wished to speak. The Chairperson announced he would keep the hearing open in the event someone chose to come forward.</p> <p>Supervisor Kingsley reiterated his stance that it will be very important for applicants to follow through on the promises made in their applications, and if they don't, he'd be very interested to hear why they didn't. He also said one of the County's goals was to have the very best operators, so the high scores for Community Benefit Plans are potentially exciting.</p> <p>Sherry Cosgrove of Keeler asked whether the County reviewed any of the processes and regulations in Colorado before adopting its own and was told Inyo's consultant helped write Colorado's legislation. She also asked why Southeast Inyo seems to have the most applications coming forward, and was told Southeast Inyo has the most available private land.</p> <p>Chairperson Pucci closed the public hearing at 11:28 a.m.</p> <p>Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:</p> |

- 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:
 - retail classification licenses in cannabis Zone 5C – Bloomeezz;
 - cultivation in excess of 5,000 square feet classification licenses in Zone 5C – Chief Farms, LLC, Gypsy Girl Farm and Seed Co., LLC, Hamptons West, LLC, Inyo Farms, Inc., Inyo’s Best Network, LLC, Manchester Global, LLC, RPGM Advanced Partnership, LLC, and Sundance Capital Partnership, LLC
 - retail classification licenses in Zone 5G – Inyo Cannabis Village, LLC
 - cultivation in excess of 5,000 square feet classification licenses in Zone 5G – Grow 4 Gold, LLC, Inyo Cannabis Village, LLC, Nanofarms Group, LLC, and Old Spanish Cannabis and Commerce Park
 - manufacturing level 1 classification licenses in Zone 5G – Grow 4 Gold, LLC and Nanofarms Group, LLC
 - microbusiness classification licenses in Zone 5G – Inyo Cannabis Village, 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; and
- C. deny those applications that failed to meet the 80% minimum requirement and authorize final letters of rejection.

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

Public Comment

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

Board Member and Staff Reports

Supervisor Kingsley said he attended Olancho Fire Chief Steve Davis’ retirement party over the weekend, and a Great Basin Unified Air Pollution Control District Board of Directors meeting last week.

Supervisor Totheroh said he also attended the Great Basin meeting, and has both an Owens Valley Groundwater Authority meeting and Eastern Sierra Transit Authority meeting this week.

Supervisor Griffiths said he will be attending the same meetings as Supervisor Totheroh, and noted he got to spend Christmas in the Tecopa/Shoshone area.

County Counsel Rudolph said he will be at a County Counsel Association of California Board of Directors meeting in Sacramento Thursday and Friday.

CAO Quilter said the Board will be deciding on the Consolidated Office Building leaser next Tuesday, before which he would be making a presentation to the City Council on January 14.

Adjournment

Chairperson Pucci adjourned the meeting at 11:40 a.m. to 8:30 a.m. Tuesday, January 15, 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