

# MINUTES



# County of Inyo Board of Supervisors

## November 29, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 10:02 a.m., on November 29, 2022, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present per California Assembly Bill 361: Vice Chairperson Jennifer Roeser, presiding, Jeff Griffiths, Rick Pucci, and Matt Kingsley. Also present: County Administrator Nate Greenberg, County Counsel John-Carl Vallejo, Assistant Clerk of the Board Darcy Ellis, and Office Technician Hayley Carter. Absent: Dan Totheroh.

*Pledge of Allegiance* CAO Nate Greenberg led the Pledge of Allegiance.

*Introductions* The following new employees were introduced to the Board: Justin Ortega, Office Technician, Clerk-Recorder's Office; and Chris Aukee, Deputy Sheriff Trainee, Stacey Leach, Office Technician III, Hunter Thomas, Correctional Officer, and Aspen Yonge, Correctional Officer, Sheriff's Office.

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

Public comment was received from Lauralynn Hundley.

*County Department Reports* Public Works Director Mike Errante reported that commercial flights will begin at Bishop Airport December 16, Caltrans is offering a Clean California free dump day on December 11, and the Diaz Lake boat dock and water system projects start this week.

Clerk-Recorder Danielle Sexton gave an update on the recent election noting that Inyo had the fourth highest turnout in the state.

Emergency Services Manager Mikaela Torres distributed a copy of Governor's Proclamation declaring a State of Emergency related to the August flooding in Southeast Inyo and reported on updates to the County Emergency Operations Plan and the Multi-jurisdictional Hazard Mitigation Plan.

*Clerk of the Board – Fish & Wildlife Commission Appointment* Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to appoint Mr. Jared Smith to an unexpired four-year term on the Inyo Fish & Wildlife Commission ending October 6, 2022; and B) authorize staff to advertise the vacancy in the alternate position created by this appointment. Motion carried 4-0, with Supervisor Totheroh absent.

*Clerk-Recorder – 2022 Election Results* Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to declare elected those persons for each election under the County's jurisdiction and declare the results of each election under its jurisdiction as to each measure voted on at the election, based on the certified results as required by law and as specified in the Statement of All Votes Cast for the Statewide General Election held on November 8, 2022. Motion carried 4-0, with Supervisor Totheroh absent.

*CAO-Economic Development – Carl Shrawder Trust Agreement* Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) ratify the agreement between the County of Inyo and the Carl Shrawder Trust for the purchase of real property located at 605 S. Main Street, Lone Pine, CA, 93545; and B) certify the purchase is exempt pursuant to section 15061(b)(3), the Common Sense Rule, of the California Environmental Quality Act (CEQA) and direct staff to file the Notice of Exemption. Motion carried 4-0, with Supervisor Totheroh absent.

*CAO-Public Defender  
– Victoria Campbell  
Esq. Contract*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the agreement between the County of Inyo and Victoria Campbell, Esq. for the provision of indigent legal defense services in an amount not to exceed \$94,500 for the period of December 1, 2022, through June 30, 2023, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried 4-0, with Supervisor Totheroh absent.

*County Counsel –  
AB 361 Findings*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to adopt findings pursuant to AB 361 that: A) the Board reconsidered the circumstances of the existing State of Emergency issued on March 4, 2020, in response to the COVID-19 pandemic; and B) local officials continue to recommend measures to promote social distancing, and/or the state of emergency continues to directly impact the ability of the members to meet safely in person. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Works -  
Recycling & Waste  
Management –  
TEAM Environmental  
Agreement  
Amendment No. 2*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Amendment No. 2 to the agreement between the County of Inyo and Team Environmental, increasing the contract not-to-exceed amount by \$172,000, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried 4-0, with Supervisor Totheroh absent.

*HHS-  
Health/Prevention –  
CDPH Agreement  
#22-10650*

Vice Chairperson Roeser requested this agenda item be pulled from Consent and moved to the Regular Agenda so that HHS Director Marilyn Mann could provide a big-picture overview of the program. Moved by Supervisor Roeser and seconded by Supervisor Pucci to ratify and approve Standard Agreement #22-10650 between the County of Inyo and California Department of Public Health for the provision of Local Public Health Emergency Preparedness, in an amount not to exceed \$1,696,173 for the period of July 1, 2022, through June 30, 2027, contingent upon Board's approval of future budgets, and authorize the HHS Director to sign the agreement and all associated paperwork. Motion carried 4-0, with Supervisor Totheroh absent.

*Public Works –  
Cynthia Kienitz  
Combined-Use  
Presentation*

Assistant Public Works Director John Pinckney introduced Tecopa resident Cynthia Kienitz, owner of Cynthia's Safaris, who presented a slideshow advocating for the designation of four segments of highway for combined use in Tecopa. Pinckney explained that no decision is being requested today and this is supposed to be only an initial discussion about Kienitz's request. He added that staff is neutral on the matter, but did reach out to CHP, which expressed its approval of the combine-use routes. He said this discussion would not be taking place if the CHP had not approved. Mr. Pinckney further explained that if the Board wanted to staff to proceed with the CEQA process, the first step would be entering into an agreement with Ms. Kienitz to reimburse staff's time.

Public comment was received from Patrick Donnelly, Great Basin Director for the Center for Biological Diversity; Ashley Lee, President of Amargosa Conservancy, Lynn Boulton, Chair of the Sierra Club Range of Light Group, Tecopa resident Larry Levy; and Southern Inyo Fire Protection District Fire Chief Reynolds.

Written comments were received from John Hiatt; Brian Brown; Scott Morrison Ph.D., Director of Conservation Programs with The Nature Conservancy; the Amargosa Conservancy; Naomi Fraga, Ph.D., Director of Conservation Programs for the California Botanic Garden; Lynn Boulton, Chair of the Sierra Club Range of Light Group, and Patrick Donnelly, Great Basin Director for the Center for Biological Diversity

The Clerk of the Board summarized the written comments submitted to the Board noting that the consensus opinion was the Board should not proceed with any CEQA actions without additional input from the public, at the least.

Ms. Kientitz disagreed with some of the comments that she failed to even notify community members of her plans, saying she reached out to multiple groups and individuals who either didn't respond or didn't have time to meet with her.

Board members engaged in discussion, noting that there should be community buy-in before moving ahead. Staff was directed to bow out of the process to allow Ms. Kienitz to conduct

outreach in her community first.

*Recess/Reconvene*

Vice Chairperson Roeser recessed the regular meeting for a break at 11:39 a.m. and reconvened the meeting at 11:48 a.m. with all Board members present except Supervisor Totheroh.

*CAO –  
Short-Term Rental  
Moratorium/Interim  
Ordinance 1289*

The Board discussed adopting an interim ordinance to temporarily suspend (for 45 days) new short-term rentals of residential units in all land use designations within the unincorporated area of the County.

Public Comment was received by Joann Lijek, Steve Dickman, Ali Ashley, B.A. Frederick, Michael Glaser, Mitch DuBrowner, Lydia Green, Jasmine, Nick, Nolan Ferguson, Christina Rockwell, Joshua Nicholson, Mark Heckman, and Steve Dickman.

CAO Nate Greenberg outlined the possible options, previously presented by Planning Director Cathreen Richards. Staff emphasized that the idea is to not prolong the moratorium any longer than necessary in order to allow for time to re-evaluate the County's current regulations and propose changes. The Board engaged in lengthy discussion, ultimately directing County Counsel to add/change language in the ordinance that exempts property owners with valid building permits who are currently in the process of obtaining a short-term rental permit.

Deliberation was postponed until Counsel returned with a revised ordinance following the scheduled Closed Session.

*Recess/Reconvene*

Vice Chairperson Roeser recessed the regular meeting for a break at 1:30 p.m. and reconvened the meeting at 1:45 p.m. with all Board members present except Supervisor Totheroh.

*Water Department –  
Dr. Holly Alpert  
Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the contract between the County of Inyo and Dr. Holly Alpert for the provision of professional services as the Deputy Director for the Water Department at Range 88, Step C, \$8,725 per month, effective December 8, 2022. Motion carried 4-0, with Supervisor Totheroh absent.

*HHS –  
Integrated Case  
Worker II  
Change in Authorized  
Strength*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to change the Authorized Strength in the Health and Human Services Department by adding one (1) Integrated Case Worker I at Range 60 (\$4,064-\$4,937) or an Integrated Case Worker II at Range 64 (\$4,461-\$5,419), depending on qualifications. Motion carried 4-0, with Supervisor Totheroh absent.

*CAO- Emergency  
Services –  
Budget Amendment,  
Reso #2022-49*

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to: A) Amend the Fiscal Year 2022-2023 Office of Emergency Services Budget (023700) as follows: increase estimated revenues in Office of Emergency Services Budget (023700) in State Grants (4498) by \$112,500; and increase appropriations in Office of Emergency Services Budget (023700) Professional Services by \$112,500 (4/5ths vote required); B) Authorize the receipt of the Hazard Mitigation grant allocation in the amount of \$112,500; and C) Approve and authorize the Chairperson to sign Governing Board Resolution No. 2022-49 in order to authorize the Inyo County Administrative Officer, as the designated Director of Emergency services and Authorized Agent, to enter into an agreement with the California Office of Emergency Services. Motion carried 4-0, with Supervisor Totheroh absent.

*Clerk of the Board –  
Approval of Minutes*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the minutes of the regular Board of Supervisors meeting of November 8, 2022. Motion carried 4-0, with Supervisor Totheroh absent.

*Closed Session*

Vice Chairperson Roeser recessed open session at 1:59 p.m. to convene in closed session with all Board members except Supervisor Totheroh to discuss the following item(s): **No. 18 Conference with Legal Counsel – Existing Litigation – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Names of cases: *County of Inyo et al. v. Amerisourcebergen Drug Corporation et al* (National Prescription Opiate Litigation – Northern District of Ohio, MDL 2804); and *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.); **No. 19 Conference with Legal Counsel – Existing Litigation – Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9** – Name of

case: *Southern California Edison Company v. California State Board of Equalization; the Counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Modoc, Mono, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, Santa Barbara, Tulare, Tuolumne, and Ventura, and DOES 1-50, inclusive*, Case Nos. 30-2022-01258109-CU-MC-CJC and 30-2022-01258057-CU-MC-CJC.; **No. 20 Conference with Real Property Negotiators – Pursuant to paragraph (1) of subsection (b) of Government Code §54956.8** – Property: Bishop, Independence, and Lone Pine Landfills. Agency Negotiators: Nate Greenberg, John-Carl Vallejo, Greg James. Negotiating parties: Inyo County and Los Angeles Department of Water and Power. Under negotiation: price and terms of payment.

*Open Session*

Vice Chairperson Roeser recessed closed session and reconvened the meeting in open session at 3:43 p.m. with all Board members present except Supervisor Tothoroh.

*Report on Closed Session*

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

*CAO – Short-Term Rental Moratorium/Interim Ordinance 1289 (Continued)*

County Counsel Vallejo updated the Board on the proposed draft urgency ordinance noting an allowance for grandfathering of existing short-term rentals with an active and valid building permit; and moving forward with an effective cut-off date of December 6 for new applications.

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to adopt interim Ordinance 1289 ordinance temporarily suspending new short-term rentals of residential units in all land use designations within the unincorporated area of the County. Motion carried 4-0, with Supervisor Tothoroh absent.

*Public Comment*

Vice Chairperson Roeser asked if there was any public comment pending for items not calendared on the agenda and there were none.

*Board Member & Staff Reports –*

Supervisor Kingsley said that he had attended the California State Association of Counties (CSAC) conference held last week and congratulated Supervisor Griffiths on his election to CSAC 2<sup>nd</sup> Vice President.

Supervisor Roeser said he attended the CSAC conference, numerous meetings, and Veterans Day events.

Supervisor Griffiths reported attending the Veterans Day ceremony at Pioneer Cemetery and the renaming ceremony for Bishop VFW post, meeting Friday with the Governor on homelessness, and attending the Bishop City Council meeting last night.

CAO Greenberg updated the Board on efforts to onboard the newly elected supervisors; changes made to the agenda structure and process; and the Project Management System.

Assistant Clerk of the Board Ellis reported being happy with the agenda changes, which she agreed with CAO Greenberg would streamline processes, increase transparency for the public, and bring overall clarity to the agenda and agenda production process.

*Adjournment*

Vice Chairperson Roeser adjourned the meeting at 3:52 p.m. to 8:30 a.m. Tuesday, December 6, 2022, in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

*Attest: NATE GREENBERG  
Clerk of the Board*

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