

MINUTES



County of Inyo Board of Supervisors

August 14, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on August 14, 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.

Josh Dan, Inyo County Assistant Planner, notified the Board that he has resigned to take a position with Manatee County, FL but wanted to express his gratitude to Inyo County and the Board for the opportunity, and said he hoped to return some day in the future. He distributed to the Board, County Counsel and Acting CAO parting gifts in the form of golf balls imprinted with the Inyo County logo.

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 – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (one case); No. 3 **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: Acting County Administrative Officer Clint Quilter, Assistant County Administrator Ken Walker, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 4 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: County Administrator; and No. 5 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS [Pursuant to Government Code §54956.8]** – Property: APN 010-490-12, Bishop, California. Agency Negotiators: Clint Quilter, Acting County Administrator, and Marshall Rudolph, County Counsel. Negotiating parties: Inyo County and Inyo County Development LLC. Under negotiations: price and terms of payment.

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:07 a.m. with all Board members present.

Pledge The Assistant Clerk of the Board 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 Sheriff Jeff Hollowell announced that Public Information Officer Carma Roper would like to organize an upcoming media relations training for department heads and staff. He also provided an update on a shooting last night in Lone Pine in which a juvenile was injured. He said the suspect was taken into custody and the weapon located.

Museum Services Director Jon Klusmire announced that, with Advertising County Resources/Community Project Sponsorship grants funding from the County, the Lone Pine Chamber of Commerce recently published both the Death Valley and Inyo County visitors

guides in time for distribution at CalExpo.

Introductions

Environmental Health Director Kathe Barton introduced new employees Debbie Andersen, Senior HazMat Manager, and Rachel Leimbach and Sarah Petersen, Environmental Health Specialist Trainees, to the Board; Child Support Services Director Susanne Rizo introduced new Child Support Specialist Deanna Briggs; and Acting Public Works Director Mike Errante introduced new Custodian Claude Felton. Supervisor Kingsley took the opportunity to recognize new Acting CAO Clint Quilter.

*Motor Pool –
Nielsen's Equipment
Maintenance Bid*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to award a bid to Nielsen's Equipment Maintenance of Mammoth Lakes as the low bidder for the safety and communications equipping of six (6) 2018 Ford Explorer Interceptor patrol vehicles in the amount of \$72,145, contingent upon the Board's approval of the Fiscal Year 2018-2019 Budget. Motion carried unanimously.

*Parks & Recreation –
Western Nevada
Supply Blanket P.O.*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve a blanket purchase order with Western Nevada Supply in the amount of \$15,000 for the purchase of irrigation supplies and general operating expenses for Motor Pool, Recycling and Waste Management, and Parks and Recreation, contingent upon the Board's approval of the Fiscal Year 2018-2019 Budget. Motion carried unanimously.

*Emergency Medical
Care Committee –
Letter to Board*

Representatives of the Inyo County Emergency Medical Care Committee spoke to the Board about the countywide EMT shortage reaching a critical juncture. Mike Patterson, EMCC Chair, said the issue has been discussed ad nauseum by the committee with a system failure imminent. Carl Dennett of the Southern Inyo Fire Protection District read a prepared statement to the Board requesting a countywide forum in which EMS staffing problems could be clearly define and viable solutions discovered. He provided comment about the need for a paradigm shift when addressing the issue, and suggested perhaps tax proceeds from commercial cannabis operations could help supplement volunteer fire departments' costs to train and recruit EMTs. Supervisor Kingsley said he was happy to help facilitate such a forum and has already spoken with Health & Human Services, which is also on board and working to get interested parties and ideas together. County Counsel Rudolph added that he has been working with the ICEMA Director to affect administrative changes at the state level to expand the types of personnel able to staff ambulances, which would widen the net of available first responders. Patterson concluded that there needs to a long-term solution to the problem – which currently sees the older/semi-retired volunteers still responding to calls to ensure communities have emergency response capabilities in the absence of other available EMTs. The Board supported the idea of a forum in search of long-term solutions.

*BOS – Legislative
Platform Update*

Acting CAO Clint Quilter explained that the County's Legislative Platform has not been updated or reviewed since 2014, and now would be an optimal time to do so since the County has hired The Ferguson Group for legislative advocacy services. He said Kristi Moore of TFG will be in Independence the first week in October and plans to interview Board members and department heads after reviewing the Legislative Platform, to gather input on federal funding priorities. Supervisor Griffiths agreed the Board has not reviewed the platform in a long time. He said he went through it extensively in advance of today's discussion and found many items that are possibly antiquated and/or irrelevant now, and other items that are so vague as to be meaningless. He suggested, as a first step, sending the document to department heads for their review as to which items were worth keeping and which needed updating. Chairperson Totheroh concurred. Acting CAO Quilter said it would be worthwhile to gather Board members' comments as well. Supervisor Kingsley said there could be a balance of more generalized items in the Legislative Platform with more specific policy goals and suggested having the Assistant Clerk of the Board compile all of the comments prior to the next review and cross-checking items and policy areas in the RCRC platform for items that might apply to Inyo County. Supervisor Griffiths noted CSAC also has a legislative platform that he could provide for a similar comparison. Supervisor Pucci said he agreed that department heads should review the Legislative Platform and provide input, but also noted that TFG will be using it as a general guide – not necessarily an instruction manual – as it seeks federal funding opportunities for the County. Supervisor Tillemans said he appreciated a collaborative process on the Legislative Platform and supported moving forward and getting an update done. Earl Wilson of Lone Pine said there will be a lot of money available in the near future for veterans and health care, which Southern Inyo County could really use.

Recess/Reconvene The Chairperson recessed the meeting for a break at 11 a.m. and reconvened the meeting at 11:08 a.m. with all Board members present.

Planning – Accessory Building Proposed Ordinance Assistant Planner Josh Dan brought forth for consideration a proposed ordinance adding a section to County Code and amending a section of County Code to address issues and concerns related to shipping containers and other accessory structures. He highlighted for the Board the regulations in place now and what would be put in place by the ordinance. He said the ordinance does not include a limit on the number of accessory structures but noted that because they must be 10 feet apart and there are other setback requirements, the lot size will determine how many can be accommodated. Planning Director Cathreen Richards pointed out that Rural Residential zones are exempt from the placement restrictions because the lots are different.

The Chairperson opened the public hearing at 11:27 a.m. Bill and Debra Gilbert of Lone Pine expressed dismay with their next door neighbor's 3.5-acre lot and the shipping containers he keeps there despite not having a primary residence there. They spoke of the eyesore the structures have created and the impact on their property value. Dan explained that the lot is in a Rural Residential zone and thus the proposed ordinance would not alleviate the situation with regard to placement of the structures. He and Richards added that the property would also be "grandfathered in" and because the property owner keeps applying for building permits, he is considered in compliance. Richards said unless and until the owner applies for a new permit and is found to be out of compliance with code, the Planning Department cannot force him to change anything. Supervisor Pucci said there should be a way to address situations where someone is clearly trying to work around the system. Supervisor Kingsley said the County needed to be cautious in its approach to these regulations and said no ordinance can be written to resolve neighbor disputes. Earl Wilson of Lone Pine inquired about height restrictions. The Chairperson closed the public hearing at 11:49 a.m.

Supervisor Pucci asked whether storage containers could be permitted via Conditional Use Permit. Dan said the greatest issue is people not applying for the necessary permits to begin with. Supervisor Griffiths said he appreciated the balance used in creating the proposed policy. He said if regulations are written to address specific situations, they invariably come with unintended consequences that impact other people and thus he was wary of over-regulating accessory buildings. He added that while some people can keep re-applying for permits for nefarious purposes, some people need to do so for legitimate reasons as sometimes building a home takes years. Supervisor Kingsley said the only addition he would consider is a possible limit on accessory buildings at 10 before having to apply for a Conditional Use Permit. Chairperson Totheroh said 10 sounded more like an entitlement than a limitation. Supervisor Pucci said his main concern was keeping residential areas looking residential. Supervisor Kingsley said he was sympathetic to the Gilberts but didn't think anything the Board did with the ordinance would solve their problem. Richards said complaints haven't centered so much on the number of structures on a property as much as placement, advertisements and appearance of the structures, and not having permits so the Planning Department can enforce code. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) certify that provisions of the California Environmental Quality Act have been met and make certain findings with respect to and approving Zone Text Amendment 2018-02/Inyo County-Portable Storage and Shipping Containers; and B) waive the first reading of an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, adding Section 18.06.496 and Amending Section 18.78.150 of the Inyo County Code Regarding Shipping Containers and Other Accessory Structures" and schedule enactment for Tuesday, August 21, 2018 in the Board of Supervisors Room, County Administrative Center, Independence.

Recess for Lunch The Chairperson recessed the meeting for lunch at 12:10 p.m. and reconvened the meeting at 1:01 p.m. with all Board members present.

District Attorney – BPAR Legal Secretary I-II Moved by Supervisor Tillemans and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) BPAR Legal Secretary I-II exists in the General Fund, as certified by the District Attorney and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position and the vacancy could possibly be filled through an internal recruitment, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) BPAR Legal Secretary I,

Range 56 (\$17.63 - \$21.42/hr.) or BPAR Legal Secretary II, Range 60 (\$19.36 - \$23.51/hr.), depending on qualifications. Motion carried unanimously.

Sheriff – American Security Group Sole-Source Contract

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) declare American Security Group of Vista, CA a sole-source provider for video security maintenance and support; B) ratify and approve a contract between the County of Inyo and American Security Group for maintenance of security surveillance system equipment, in the amount of \$23,130 for the period of July 1, 2018 through June 30, 2019, contingent upon the Board's adoption of future budgets, and authorize the Sheriff or his designee to sign contingent upon all appropriate signatures being obtained; and C) authorize budgeting for routine equipment replacement costs with American Security Group in an amount not to exceed \$48,250 for Fiscal Year 2018-2019. Motion carried unanimously.

HHS-Social Services – America's Best Value Inn CalWORKs Contract

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and America's Best Value Inn in Bishop to be a CalWORKs Program Worksite for the period of July 1, 2018 through June 30, 2019, and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Social Services – City of Bishop CalWORKs Contract

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to ratify and approve the contract between the County of Inyo and the City of Bishop to be a CalWORKs Program Worksite for the period of July 1, 2018 through June 30, 2019, and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Social Services – Tri-County Fair CalWORKs Contract

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and the Eastern Sierra Tri-County Fairgrounds to be a CalWORKs Program Worksite for the period of July 1, 2018 through June 30, 2019, and authorize the Chairperson to sign. Motion carried unanimously.

Probation – Redwood Toxicology Lab Sole-Source Contract

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) declare Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA a sole-source provider; and B) ratify and approve a contract between the County of Inyo and Redwood Toxicology Laboratory, Inc. of Santa Rosa, CA for the provision of urine sample collection devices and laboratory services, in an amount not to exceed \$100,000 for the period of July 1, 2018 to June 30, 2020 with an option to renew a third and fourth year, contingent upon the Board's adoption of future fiscal year budgets; and C) authorize the Chairperson to sign. Motion carried unanimously.

Planning – Assistant, Associate or Senior Planner

Moved by Supervisor Griffiths 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, Associate or Senior Planner exists in the Planning Department budget, as certified by the Planning Director and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position and the vacancy could possibly be filled through an internal recruitment, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Assistant Planner at Range 70 (\$4,826 - \$5,865), one (1) Associate Planner at Range 74 (\$5,021 - \$6,103), or one (1) Senior Planner at Range 78 (\$5,303 - \$6,445), depending on qualifications. Motion carried unanimously.

Recycling and Waste Management – Program Update

Assistant County Administrator Ken Walker gave the Board a presentation on the Integrated Waste Management program, including what has been and what is currently required by state regulators, what projects and goals have been accomplished, the status of the program currently, and what projects and initiatives are planned for the future – including by mandate. The Board engaged in lengthy discussion with Walker about priorities going forward, identifying them as: reaching out to the City of Bishop with regard to implementation of mandatory commercial recycling; restarting franchise agreement discussions with local waste haulers to get a new agreement in place as soon as possible; and working on a mandatory recycling policy that also includes bottles and cans, instead of just cardboard as required.

Water – Direction on SGMA Grant Administration

Water Director Dr. Bob Harrington went before the Board for direction as to whether Inyo County should remain the administrator of a State Groundwater Management Act (SGMA) grant it received in April, or if it should turn that role over to the Owens Valley Groundwater Authority (OVGA) as previously planned. He said there were pros and cons to both options, as described in more detail in the staff report. He said, basically, at this point, it appears more

streamlined and acceptable to the Department of Water Resources (DWR) to remain the contractor on the grant, and the OVGA might not have time to accomplish what it needs to administratively to take over the grant before DWR's deadlines pass. Chairperson Totheroh said the OVGA/Joint Powers Authority was always under the impression the County would apply for the grant and it would be turned over to the JPA. Harrington said it was discussed as a possibility, not a guarantee. Supervisor Pucci asked how the allocation of the grant money would be decided if the County administered it and was told the allocation was outlined in the grant application.

Supervisor Griffiths said he was uncomfortable with staff recommending the County administer the grant, largely due to continued confusion among members of the OVGA over the County's role – which is essentially equal to theirs. He said he also didn't like the County taking on the liability associated with meeting the grant requirements when the OVGA will be the one deciding how the grant requirements are carried out. He suggested perhaps even transferring the administration of the grant, for the state's purposes, to the OVGA, and then it could contract with the County or another entity to actually administer the grant, but the liability for not meeting SGMA deadlines would be shared by OVGA members, who might be more agreeable to getting the work done on time for that reason. Assistant County Counsel John-Carl Vallejo said the option is valid, however the OVGA would have to decide to accept the grant by Friday and the agenda for their meeting has already been published without that item on it. County Counsel Rudolph was uncertain whether the County could transfer liability to the OVGA to the satisfaction of the DWR.

Discussion ensued about indemnification and funding issues. Supervisor Pucci, initially skeptical about the amount of liability the County would face, said he supported having the OVGA schedule an emergency meeting to decide to accept the grant, and letting the OVGA decide how it's administered. Supervisor Griffiths supported the idea as well. After more discussion, he suggested accepting administration of the SGMA grant on a contingency basis only, which the Board supported in addition to the OVGA holding an emergency meeting to discuss the grant. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley for the County to accept responsibility for administering the SGMA grant under the following conditions: 1. If the grant is not able to be transferred to the OVGA by the DWR's deadline; 2. If a solid indemnification for the County is included in an agreement between the County and OVGA; and 3. If attempts are made to transfer the grant to the OVGA as soon as possible, when possible, in the future. Motion carried unanimously.

Public Comment

The Chairperson 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 Griffiths reported on last night's City Council meeting and a proposal from the Sierra Business Council for the city to co-sponsor a visitor impact study, and the possibility of expanding that study to the Owens Valley. He also reported on a meeting of the CSAC Health and Human Services Policy Commission and a bond to provide housing for mentally ill homeless individuals.

Supervisor Kingsley said he would be missing the August 21 meeting.

Acting CAO Quilter reminded the Board about the joint meeting with the Town of Mammoth Lakes Town Council on August 28, and encouraged Board members to meet with him one-on-one about upcoming projects.

Adjournment

Chairperson Totheroh adjourned the meeting at 3:02 p.m. to 8:30 a.m. Tuesday, August 21, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

*by: _____
Darcy Ellis, Assistant*