

MINUTES



County of Inyo Board of Supervisors

October 2, 2018

AMENDED BY BOARD ORDER 08.20.19

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 October 2, 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 8:33 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 potential litigation pursuant to (2) of subdivision (d) of Government Code §54956.9 (*one case*); and 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.
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present.
- Pledge* Acting 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* The Chairperson called for Department Reports and there was no-one wishing to address the Board.
- CAO/BOS – Change in Authorized Strength* Moved by Supervisor Pucci and seconded by Supervisor Tillemans to:
- A) Approve the job descriptions for both the Assistant to the County Administrator/Assistant Clerk of the Board Supervisors and Deputy Clerk of the Board of Supervisors/Deputy Assistant to the County Administrator positions; and
 - B) Consistent with the Fiscal Year 2018-2019 Board Approved Budget, reclassify the Assistant Clerk of the Board, Range 68 (\$4,357 - \$5,294) as the Assistant to the County Administrator/Assistant Clerk of the Board Supervisors position, Range 74 (\$5,021 - \$6,103);
 - C) Also consistent with the Fiscal Year 2018-2019 Board Approved Budget, change the authorized strength in the County Administrator’s Office by
 1. Adding one (1) Assistant to the County Administrator/Assistant Clerk of the Board Supervisors position (Range 74) and one (1) Deputy Clerk of the Board of Supervisors/Deputy Assistant to the County Administrator position (Range 68), and
 2. Deleting both the Assistant Clerk of the Board (Range 68) and the Assistant to the County Administrator (Range 74) positions; and
 - D) Consistent with the adopted Authorized Position Review Policy, find that:

1. Funding availability for the Assistant to the County Administrator/Assistant Clerk of the Board Supervisors position, Range 74 (\$5,021 - \$6,103) and Deputy Clerk of the Board of Supervisors/Deputy Assistant to the County Administrator position, Range 68 (\$4,357 - \$5,294) exists in the General Fund, as certified by the County Administrator and concurred with by the Auditor-Controller,
2. Where internal candidates may meet the qualifications for the position of Deputy Clerk of the Board of Supervisors/Deputy Assistant to the County Administrator, the vacancy could possibly be filled by internal candidates, however an open recruitment would be more appropriate to ensure qualified candidates apply, and
3. Approve the hiring of one (1) Deputy Clerk of the Board of Supervisors/Deputy Assistant to the County Administrator, Range 68 (\$4,357 - \$5,294).

Motion carried unanimously.

*Probation –
Change in
Authorized Strength*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to, consistent with the Fiscal Year 2018-2019 Board Approved Budget: A) reclassify the Office Technician III, Range 63 (\$3,867 - \$4,705) to an Administrative Analyst I, Range 68 (\$4,357 - \$5,294); and B) change the authorized strength in the Probation Department as follows:

1. Add one (1) BPAR Office Technician I, Range PT55 (\$17.22 - \$20.93)
2. Delete one (1) Administrative Legal Secretary position, Range 70 (\$4,569 - \$5,557) and
3. Delete one (1) Office Technician III position, Range 63 (\$3,867 - \$4,705).

Motion carried unanimously.

*Public Works –
Transportation
Planner/Sr.
Transportation
Planner*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy, the availability of funding for one (1) Transportation Planner/Senior Transportation Planner exists in the Transportation and Planning Trust budget, as certified by the Acting Public Works Director and concurred with by the Acting County Administrator and the Auditor-Controller; B) where internal candidates might 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 either one (1) Transportation Planner at Range 74 (\$5,021 - \$6,103), or one (1) Senior Transportation Planner at Range 78 (\$5,518 - \$6,705), depending upon qualifications. Motion carried unanimously.

*Public Works –
Bartell Road
Temporary Closure*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the closure of Bartell Road during the morning of October 6, 2018 for the purpose of the Big Pine Tribe's Fall Fandango. Motion carried unanimously.

*Public Works –
School Street
Temporary Closure*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the closure of School Street during the morning of October 13, 2018 for the purpose of the Big Pine Homecoming Parade. Motion carried unanimously.

*CAO – CCR
Sublease of Narrow
Gauge Engine 18*

CAO Quilter introduced an item that would allow the Carson & Colorado Railroad (C&CR) Company to sublease the Southern Pacific Narrow Gauge Steam Locomotive #18 to the Durango & Silverton Narrow Gauge Railroad in Colorado. He said it could provide great publicity for Inyo County and its locomotive. Dave Mull, president of the C&CR, discussed the proposed arrangement with Durango & Silverton more in-depth, describing it as a win-win for both the C&CR and Durango & Silverton, which must convert from coal-fired to oil-fired engines and plans to use the #18 to train its engineers as they run the train on its tourist line for at least 90 days. He said the costs of transporting the engine will be split down the middle, but anticipated planned passenger runs would generate enough revenue to cover C&CR's costs. County Counsel Rudolph noted that any sublease should first be reviewed by him and the Risk Manager before being approved by C&CR, and suggested the Board make approval of C&CR's request contingent upon such review. Mull was in agreement but also asked that the process be expedited so that transport could begin before snow season. Supervisor Tillemans said it is heartening to be able to offer something back to the Durango & Silverton railroad after they provided so much assistance to C&CR in getting the #18 up and running. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to authorize the County Administrator to provide written consent for Carson and Colorado Railway, Inc. to sublease Southern Pacific Narrow Gauge Steam Locomotive #18, subject to any additional reasonable conditions as the CAO may require and a review of the sublease by County Counsel and Risk Management. Motion carried unanimously.

BOS – Reso # 2018-42 Supporting Prop 3

Supervisors Kingsley and Griffiths offered background information on Prop 3, noting that it is supported by both RCRC and CSAC. Supervisor Griffiths did note some opposition in CSAC because of the proposed funding for the Oroville Dam repairs. Supervisor Kingsley said it comes with a lot of funding for the Sierra Nevada region. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve a resolution titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California in Support of the Water Supply and Water Quality Act of 2018 (Prop 3).” Motion carried unanimously.

BOS – CSAC Board Member Nominations

Supervisor Pucci suggested keeping Supervisor Griffiths Inyo County’s CSAC director and making Supervisor Tillemans the alternate. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to nominate Supervisor Griffiths as a director and Supervisor Griffiths an alternate to serve on the California State Association of Counties (CSAC) Board of Directors for the 2018-2019 Association Year, beginning November 27, 2018. Motion carried unanimously.

Planning – Comment Letter on EA for Keystone Mine Plan of Operations Modification

Associate Planner Tom Schaniel reviewed for the Board a proposed comment letter addressing the Environmental Assessment for a Modification to the Keystone Mine Plan of Operations. He described four issues of concern to the County: The EA did not reference the County General Plan; the EA refers to a Goler Wash Road that is actually named Coyote Canyon Road; the project is potentially subject to SMARA when private roads to be utilized are included in the disturbance area; and use of County roads by water trucks may require an Encroachment Permit. Charles McLaughlin of Black Swan Advisors, the agent for Keystone Mine, addressed the Board to take exception to some of the comments in staff’s letter. Planning Director Cathreen Richards clarified that staff was not saying the project is subject to SMARA – only that if the project is modified so that there is more than one acre of disturbance, it could be and wanted that fact recognized. She said the letter contained stronger language than intended, and staff would be happy to revise, as well as to use the term “maintenance road” instead of “private road.” Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the letter with the changes to the section referencing SMARA, as proposed by staff. Motion carried unanimously.

Planning – Public Hearing on Appeal No. 2018-02 (Marty Williams)

Planner Steve Karamitros presented for Board consideration an appeal of a Planning Commission decision on June 27, 2018 to not approve Conditional Use Permit 2018-01/Silver Canyon Storage, which would have allowed Marty Williams to place 41 prefabricated, metal containers on his parcel as part of a commercial storage operation at 2636 Gerkin Road, in the community of Wilkerson. He described how the Planning Commission took public comment, heard from seven residents opposed to the project, added its own comments and questions, and then Commissioner Kemp made a motion to approve the CUP, which died for lack of a second. Williams appealed the denial, primarily on the grounds that his project application has met all Inyo County requirements.

The Board asked questions of Karamitros and Planning Director Cathreen Richards, getting clarification that the property is located in a residential area but zoned commercial, and commercial storage operations are a conditionally permitted use. They said approval of the project could be made contingent on conditions being place on the project to alleviate surrounding residents’ concerns. Staff noted that the property was re-zoned commercial in the 1980s to accommodate a church project that never materialized, and at one point hosted a convenience store that has long been abandoned. Planning staff recommended approval of the appeal on the assertion that denial of the CUP cannot be justified based on the County’s zoning code and a Mitigated Negative Declaration that found less than significant environmental impacts. The proponent, Marty Williams, said he was disappointed in the Planning Commission failing to listen to the conditions he would agree to, and felt slighted by the residents’ untrue and negative comments. He discussed some of the efforts he was willing to take to camouflage the containers and fix up the property in general, noting the abandoned convenience store has been in a state of disrepair for years, and said there are many other, much more disruptive commercial uses he can legally pursue on the property without having to obtain a CUP. He said storage is the least disruptive option.

The Chairperson opened the public hearing at 11:33 a.m. Comments in opposition to the CUP were made by Clancy Batchelder, Tracy Bahr (who also read an opposition letter from Carlie Cano), Dave McCoy, Ted McLaughlin, Sagette Gilbert, Greg Stamper, Rebecca Garcia, Tom Batchelder, and Charles Phinizy (who also read a letter from Linda Baptie). Comments included concerns about increased traffic causing safety hazards for children in the neighborhood; less desirables from outside the community coming in, including potentially

homeless individuals; lowered property values; the creation of an eyesore and ruined viewsheds; no demand for storage from within the Wilkerson community itself; unsavory characters coming and going at all hours; light pollution; possible fire and health hazards from unsafe chemicals being stored in the units; increased noise; and a general negative effect on their quality of life. Cindy Freeman, also a Wilkerson resident, acknowledged that she represented Williams in the sale of the property and does not live in the same neighborhood as those opposed to the project, but felt the Planning Commission decision was made in response to misrepresentations. She said she has lived in Wilkerson for 30 years, and the convenience store has already been an eyesore for the past 15 years. She also cautioned to be careful what you wish for, because zoning code allows Williams to put in other businesses that are far worse, and far more unsightly. The Chairperson closed the public hearing at 12:06 p.m.

The Board engaged in lengthy discussion and deliberation. Supervisor Pucci said he used to live in Wilkerson and remembered the convenience store being controversial before residents began to find it a benefit. He said the real issue is zoning that is out of place for the neighborhood and the reality is only the property owner can ask for it to be re-zoned. He agreed that Williams can operate much more disruptive commercial operations on the property if he wishes, and residents have the chance now to work with him on acceptable conditions for the storage units via the CUP process. Supervisor Kingsley said he is normally supportive of mixed use zoning but not for this neighborhood, and understood residents' concerns. He said he did nevertheless take offense to the implication that community outsiders were inherently bad for the neighborhood, and also agreed that other, allowed commercial uses could prove worse for the community. Supervisor Griffiths said the purpose of a CUP is so that decision-makers can hear from the community potentially being impacted, and the Board had heard overwhelming opposition. He said considering community standards is important and there is never a guarantee a CUP will be approved. Chairperson Totheroh said the Board was faced with a difficult decision, where a property owner purchased commercial property with the expectation of being able to operate a business there. He asked about specific conditions that could be placed on the permit and expressed surprise that traffic is a concern as he has witnessed no increased traffic with Williams' storage units at Laws. Supervisor Tillemans said the Fourth District Planning Commissioner's decision to not vote for the CUP carried a lot of weight with him, noting that the CUP is the democratic process residents can follow if they are opposed to something they believe will impact their community, and the Board has heard a lot of opposition. He did note the difficult position for those involved because of the zoning, and private property rights, as well as the proponent's willingness to compromise. He said ultimately, he was not willing to support a motion on the CUP. After additional discussion, the Board directed staff to meet with residents and Williams to discuss possible conditions that they could support as part of the CUP, and to bring those conditions back to the Board for further consideration.

Recess for Lunch

The Chairperson recessed the meeting at 12:59 p.m. for lunch and reconvened the meeting at 1:47 p.m. with all Board members present.

Public Comment

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

Jaque Hickman of the Museum of Lone Pine Film History and Lone Pine Film Festival thanked the Board of Supervisors for its continued support and proffered a special invitation to next Thursday's Film Festival opening event. She also distributed copies of the 2018 Lone Pine Film Festival Official Souvenir Program.

CAO – Update from The Ferguson Group

Kristi More of The Ferguson Group provided the Board with an overview to the legislative advocacy work she and the firm would be doing on behalf of the County, and noted she had reviewed the County's recently updated Legislative Platform and found it very thorough. She discussed the start of the federal fiscal year and appropriation bills that have already been passed. More also noted that she had met with four County departments already today and would meet with more tomorrow as part of an effort to identify federal funding priorities. She said an agenda would be developed that enhances the County's Legislative Platform, and said the Legislative Platform will inform other areas outside of the agenda. Acting CAO Quilter thanked More for making the trip to Independence and said it will be exciting to have a federal playbook moving forward. Wrapping up her overview, More scheduled meetings with individual Board members for after the meeting and the following day to gather their input as well.

*Child Support
Services – Mammoth
Lease Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) ratify and approve the Lease Agreement between the County of Inyo and Mammoth Mall Owners LLC for the real property described as 126 Old Mammoth Road, Mammoth Lakes, CA, 93546, Suite 202, for an initial period of three years, with two one-year options to extend, in an initial amount of \$962.85 per month and \$75 per month for parking for the period of October 1, 2018 through September 30, 2021, with a maximum allowed increase of 3 percent each year, contingent upon the Board's adoption of future budgets; and B) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously. *(The agenda included a typo that incorrectly had the term at October 1, 2018 through September 30, 2019.)*

*Public Works – See
Vee Lane Stoplight
Cost Sharing
Agreement*

Acting Public Works Director Mike Errante reported that Caltrans will be completing the installation of a stoplight at See Vee Lane and U.S. 395 in Bishop, and starting on the intersection of State Route 168 West and See Vee Lane in January, and has asked Inyo County to enter into an agreement to pay for its share of the costs – which will be about \$34 a month. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) approve an agreement between the State of California, acting by and through the Department of Transportation, and the County of Inyo for the sharing of costs of state highway electrical facilities related to the intersections of U.S. Highway 395/See Vee Lane and Highway 168/See Vee Lane in Bishop, CA; and B) authorize the Public Works Director to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Board Member and
Staff Reports*

Supervisor Kingsley provided an update on the Alabama Hills National Scenic Area legislation, noting he might be bringing a letter forward for Board approval at the next meeting in response to some language changes that are not favorable. He also reported working with the Acting CAO on a possible listening session with the California director of the USDA, and mentioned that the Lone Pine Film Festival is this weekend.

Supervisor Pucci reported attending Chief Probation Officer Jeff Thomson's son's wedding and a retirement function for Bishop City Administrator Jim Tatum over the weekend.

Chairperson Totheroh said he attended an Eastern Sierra Transit Authority meeting last week where a new Executive Director was selected and also attended a Southern Sierra Leadership Forum hosted by the Sierra Nevada Conservancy.

Supervisor Griffiths thanked Deputy Personnel Director Sue Dishion and Assistant County Counsel John Vallejo for assisting with interviews of the ESTA Executive Director candidates and said he attended an IMACA board meeting where members followed up on some of the homelessness programs in the works. He said there will be a Continuum of Care meeting tomorrow morning and would be meeting at Bishop City Hall this afternoon with Mammoth Town Council member John Wentworth and Bishop officials regarding opportunity zones.

Adjournment

Chairperson Totheroh adjourned the meeting at 2:18 p.m. to 8:30 a.m. Tuesday, October 9, 2018 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