

Agenda



County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom signed Assembly Bill 361 – Brown Act: Remote Meetings During a State of Emergency that suspends certain requirements of the Brown Act. Please be advised that the Board of Supervisors Chambers are closed to the public, and the Board will be conducting its meetings online.

Board Members and Staff will participate via Zoom webinar, accessible to the public at <https://zoom.us/j/868254781>. Individuals will be asked to provide their name and an email address in order to access the videoconference. Anyone who does not want to provide their email address may use the following generic, non-functioning address to gain access: donotreply@inyocounty.us.

The meeting may also be accessed by telephone at the following numbers: (669) 900-6833; (346) 248-7799; (253) 215-8782; (929) 205-6099; (301) 715-8592; (312) 626-6799. Webinar ID: 868 254 781.

Anyone wishing to make either a general public comment or a comment on a specific agenda item prior to the meeting or as the item is being heard, may do so either in writing or by utilizing the Zoom "hand-raising" feature when appropriate during the meeting (the Chair will call on those who wish to speak). Generally, speakers are limited to three minutes. Written public comment, limited to **250 words or less**, may be emailed to the Assistant Clerk of the Board at boardclerk@inyocounty.us. Your comments may or may not be read aloud, but all comments will be made a part of the record. Please make sure to submit a separate email for each item that you wish to comment upon.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch; the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

February 8, 2022 - 8:30 A.M.

1. ***PUBLIC COMMENT ON CLOSED SESSION ITEMS***

CLOSED SESSION

2. ***CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Pursuant to Government Code Section 54956.8*** - Property: APNs 002-056-0600 and 002-056-0602 (102 S. Edwards St., Independence, CA 93526; Agency Negotiators: Leslie Chapman, Meaghan McCamman, and John-Carl Vallejo; Negotiating Parties: LADWP; Under Negotiation: Price and terms of payment.
3. ***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 et al, Kern Superior Court Case No. BCV-18-101513-KCT (CEQA).***

OPEN SESSION (With the exception of timed items, all open-session items may be considered at any time and in any order during the meeting in the Board's discretion.)

10 A.M. 4. ***PLEDGE OF ALLEGIANCE***

5. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW**
6. **PUBLIC COMMENT** (Comments may be time-limited)
7. **COUNTY DEPARTMENT REPORTS**

DEPARTMENTAL - PERSONNEL ACTIONS

8. **Health & Human Services** - Request Board:
 - A) Change the Authorized Strength in HHS by adding one Term-Limited Equity and Diversity Coordinator position;
 - B) Approve the Equity and Diversity Coordinator job description;
 - C) Find that, consistent with the adopted Authorized Position Review Policy:
 1. the availability of funding for one (1) Equity and Diversity Coordinator exists in a non-general fund budget as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
 2. 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;
 - D) Approve the hiring of one (1) Equity and Diversity Coordinator at Range 72 (\$5,180-\$6,292); and
 - E) If an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.
9. **Health & Human Services - Fiscal** - Request Board find that, consistent with the adopted Authorized Position Review Policy:
 - A) The availability of funding for one (1) Office Technician exists in one or more non-General Fund budgets, as certified by the Health and Human Services 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 an open recruitment is more appropriate to ensure qualified applicants apply;
 - C) Approve the hiring of one (1) Office Technician I at Range 55 (\$3,477 - \$4,228), Office Technician II at Range 59 (\$3,816 - \$4,636) or Office Technician III at Range 63 (\$4,184 - \$5,091), dependent upon qualifications; and
 - D) If an internal candidate is hired as a result of the open recruitment, authorize Health and Human Services to backfill resulting vacancy.
10. **Health & Human Services - Health/Prevention** - Request Board:
 - A) Approve the revised Prevention Specialist I-III job description;
 - B) Find that, consistent with the adopted Authorized Position Review Policy:
 1. the availability of funding for one (1) Prevention Specialist I-II exists in one or more non-General Fund budgets, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
 2. 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;
 - C) Approve the hiring of one (1) Prevention Specialist I at Range 60 (\$3,908 - \$4,747), Prevention Specialist II, Range 63 (\$4,184 - \$5,091), or a Prevention Specialist III, Range 66 (\$4,489 - \$5,464); and
 - D) If an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.

11. **Health & Human Services - Health/Prevention** - Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Prevention Program Manager exists in one or more non-General Fund budgets, 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 an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Prevention Program Manager at Range 80 (\$6,259 - \$7,613); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.
12. **Public Works** - Request Board 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 General Fund and non-General Fund budgets, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates 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) Office Technician I/II or III at Range 55 to 63 (\$3,477 - \$5,091), depending on qualifications.
13. **Public Works - Parks & Recreation** - Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists in the General Fund, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) due to the seasonal nature of the positions it is unlikely that the positions could be filled by internal candidates meeting the qualifications for the positions, so an open recruitment is appropriate to ensure qualified applicants apply, and C) approve the hiring of three (3) Seasonal Park and Campground Maintenance Helpers at Range PT50 (\$17.85 - \$27.71/hr).

CONSENT AGENDA (Items that are considered routine and are approved in a single motion; approval recommended by the County Administrator)

14. **County Administrator - Personnel** - Request Board authorize deletion of the Authorized Position Review process from the Extraordinary Budget Control Policies, originally approved by the Board in Fiscal Year 2008-2009 and reaffirmed and made permanent in Fiscal Year 2015-2016.
15. **County Counsel** - Request Board approve Amendment No. 4 to the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, to include an annual contract limit of \$25,000.00, and authorize the Chairperson.
16. **County Counsel** - Request Board approve Amendment No. 3 to the existing contract between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services to include an annual contract limit of \$25,000.00; and authorize the Chairperson to sign.
17. **Public Works - Road Department** - Request Board authorize a purchase order in an amount not to exceed \$192,655.06, payable to RDO Equipment Company of Riverside, CA for one (1) new John Deere 6105E Tractor with two (2) Alamo Industrial mower attachments.

DEPARTMENTAL (To be considered at the Board's convenience)

18. **Water Department** - Request Board provide direction to the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for February 10, 2021.
19. **County Counsel** - Request Board approve the amendment to the minutes of the Board of Supervisors' March 10, 2020 meeting.

TIMED ITEMS (Items will not be considered before scheduled time but may be considered any time after the scheduled time.)

20. **11 A.M. - Presentation** - Request Board receive a presentation from temporary Death Valley National Park Superintendent James Woolsey and Management Analyst Abby Wines, including an update on the Park and the Stovepipe Wells Environmental Assessment.
21. **1 P.M. - Planning** - Request Board conduct a Public Hearing regarding Appeal No. 2021-01 (Shade Grown Farms) and deny the appeal.

COMMENT (Portion of the Agenda when the Board takes comment from the public and County staff)

22. ***PUBLIC COMMENT*** (*Comments may be time-limited*)

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

23. **California Fish & Game Commission** - Agenda for meeting of February 16-17, 2022, via webinar and teleconference.



County of Inyo



Health & Human Services

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Anna Scott

SUBJECT: Adding an Equity and Diversity Coordinator to the authorized strength and hire the position

RECOMMENDED ACTION:

Request Board:

A) Change the Authorized Strength in HHS by adding one Term-Limited Equity and Diversity Coordinator position;

B) Approve the Equity and Diversity Coordinator job description;

C) Find that, consistent with the adopted Authorized Position Review Policy:

1. the availability of funding for one (1) Equity and Diversity Coordinator exists in a non-general fund budget as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
2. 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;

D) Approve the hiring of one (1) Equity and Diversity Coordinator at Range 72 (\$5,180-\$6,292); and

E) If an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.

SUMMARY/JUSTIFICATION:

This term-limited position is being established to meet the requirements of the California Equitable Recovery Initiative (CERI), which is being funded by the Centers for Disease Control and Prevention (CDC) National Initiative to Address COVID-19 Health Disparities Among Populations at High-Risk and Underserved, Including Racial and Ethnic Minority Populations and Rural Communities grant. Funding for these activities is covered for the period September 1, 2021 to May 31, 2023. The California Department of Public Health (CDPH) has allocated \$300,000 to Inyo County, which will be used to fund the Equity and Diversity Coordinator to address COVID-19 and advance health equity for disproportionately impacted racial and ethnic groups, rural populations, those experiencing socioeconomic disparities, and other underserved communities within state and local health jurisdictions.

This allocation will be used to implement one or more of four distinct CDC strategies that collectively build upon current investments, better position California to meet COVID-19 response and recovery needs over the next 24 months, and allow the state to prioritize and target resources to those most vulnerable to the impacts of the pandemic. The four CDC strategies are:

1. Expand existing and/or develop new mitigation and prevention resources and services to reduce COVID-19 related disparities among populations at higher risk and that are underserved.
2. Increase/improve data collection and reporting for populations experiencing a disproportionate burden of COVID-19 infection, severe illness, and death to guide the response to the COVID-19 pandemic.
3. Build, leverage, and expand infrastructure support for COVID-19 prevention and control among populations that are at higher risk and underserved.
4. Mobilize partners and collaborators to advance health equity and address social determinants of health as they relate to COVID-19 health disparities among populations at higher risk and that are underserved.

Several staff within the Health and Human Services Department have participated in the Department's Justice, Equity, Diversity, and Inclusion (JEDI) workgroup for the past two years, with the goal of advancing issues of equity and inclusion in the services provided throughout the department. The team has worked together, adding additional time and duties to existing staff in order to advance this important work. While the Diversity and Equity Coordinator will be established under the CERI grant, the successful candidate will also work with the JEDI workgroup to address broader equity initiatives within the Department and County. HHS will continue to assess the availability of ongoing funding with a goal of continuing equity and diversity work beyond the term of the CERI grant. The Department respectfully requests your Board approve the addition of a term-limited Equity and Diversity Coordinator to the authorized strength and approve the hiring of the position.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to authorize the hiring of this term-limited position, which would mean that the HHS Department would not have the capacity to meet the requirements of the CERI grant, nor have a position dedicated to advancing equity within the Department.

OTHER AGENCY INVOLVEMENT:

California Department of Public Health, community healthcare and service providers

FINANCING:

Federal funding. This limited term position will be paid 100% from the California Equitable Recovery Initiative grant within the Health budget (045100) in the Salaries and Benefits object codes.

ATTACHMENTS:

1. Job Description: Equity and Diversity Coordinator Term-Limited

APPROVALS:

Anna Scott	Created/Initiated - 1/25/2022
Darcy Ellis	Approved - 1/26/2022
Marilyn Mann	Approved - 1/27/2022
Stephanie Tanksley	Approved - 1/27/2022
Melissa Best-Baker	Approved - 1/27/2022
Amy Shepherd	Approved - 1/27/2022
Sue Dishion	Approved - 2/3/2022
Marilyn Mann	Final Approval - 2/3/2022

INYO COUNTY
PERSONNEL SERVICES
P.O. BOX 249
INDEPENDENCE, CA 93526



(760) 878-0377
FAX (760) 878-0465

AN EQUAL OPPORTUNITY EMPLOYER
(WOMEN, MINORITIES, AND DISABLED ARE
ENCOURAGED TO APPLY)

ANNOUNCES AN **OPEN RECRUITMENT** FOR:

TERM-LIMITED
EQUITY AND DIVERSITY COORDINATOR

Application Deadline:

DEPARTMENT: Health and Human Services
LOCATION: Countywide
SALARY: Range 72 \$5,180-\$6,292

****BENEFITS:** CalPERS Retirement System: Existing ("Classic") CalPERS members as of January 1, 2013, (2% at 55) – Inyo County pays employee contribution for current CalPERS members; new CalPERS members hired after January 1, 2013 (2% at 62) will be required to pay employee portion of retirement. Medical Plan – Inyo County pays a portion of employee and dependent monthly premium on PERS medical plans; 100% of employee and dependent monthly premium paid for dental and vision; \$20,000 term life insurance policy on employee. Vacation – 10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year. Sick leave – 15 days per year. Flex (personal days) – 5 days per fiscal year. Paid holidays – 11 per year.

DEFINITION: Under supervision of the HHS Program Integrity Quality Assurance Manager or other designated senior leader, leads a comprehensive California Equitable Recovery Initiative program across the Inyo County Health and Human Services Department for the purpose of working with county and regional partners to address health disparities and inequity. This position is responsible for leading complex program development, implementation and evaluation, including policy development and operations for an ever-evolving program area in alignment with California Equitable Recovery Initiative (CERI) Grant and the state Equity Plan. The successful candidate will lead and support culturally responsive policies, systems and environmental change, as well as education within the Department and to the public with a focus on mitigating health disparities within a public health delivery system.

ESSENTIAL JOB DUTIES: Evaluates new and existing internal and external departmental organizational and operational policies, procedures, programs, services, and initiatives that support equity and identifies opportunities to maximize efforts and lead policy process review as it relates to equity; coordinate and provide leadership to existing departmental efforts to address equity and diversity; engage and mobilize community members, agencies, leaders, and other partners for community planning, solutions and program design; collaborate with colleagues and community members to identify, develop, implement and evaluate strategic, effective health equity strategies; serve as a connector and resource to staff and/or community partners around equity and diversity

best/promising practices; build and maintain departmental relationships and help influence change and positive behaviors across the organization; play a critical role in advancing the Department's mission of *Strengthening Resilience & Well-Being In Our Community* by fostering a culture of inclusion; evaluate the short- and long-term impact of equity and diversity strategies through effective goal setting, key performance indicators, action plans, surveys, and metrics to assess and track progress over time; create presentations, communications and reports to update on equity and diversity strategies, programs, and initiatives; gather and perform research and analysis on current equity and diversity trends and best practices, benchmarking, needs assessments, focus groups, surveys, etc.; and act as an advisor to leadership and recommend process improvement strategies regarding resource allocation, talent management, and organizational alignment. May supervise other employees and perform other duties, as assigned.

MINIMUM QUALIFICATIONS:

Training/Experience: Equivalent to graduation from a four-year college or university with major coursework in public health, public policy, public administration, social work, education or a closely related field AND

- a. Two years of experience providing professional-level program or administrative support to management, preferably in a health-care setting directly related to this assignment; OR,
- b. A combination of training, education, and experience that is equivalent to one of the employment standards listed above and that provides the required knowledge and abilities.

Skills in: Facilitation of meetings between various internal and external partners with various levels of understanding of equality and diversity; Coordinating staff or volunteers and delegating tasks and authority; Researching, investigating, evaluating, and creating strategic plans; Prevention strategies; Program planning, implementation, communication and coordination skills; Collecting, analyzing, interpreting, and communicating quantitative and qualitative data; Assessing and prioritizing multiple tasks, projects, and demands; Demonstrated cultural competency and ability to work with diverse groups of people; Demonstration of sound judgement, social competency, adaptability, initiative, enthusiasm and resourcefulness, as well as dedication to duty.

Special requirements: Must possess a valid California driver's license. Must successfully complete a pre-employment background check. Must have physical ability to produce written documentation by hand or computer; sit, stand, walk, twist, and lift and carry up to 30 pounds; climb and descend stairs.

SELECTION: Selection procedures will be determined by the number and qualifications of applicants and may include a qualification screening and oral examination.

APPLICATION: Applications **must be received** no later than 5:00 p.m. on **XX XX, 2022 (postmarks not accepted)**. Applications **must be received** in the Personnel Office, P.O. Box 249, Independence, CA 93526. **Must apply on an Inyo County application form.** A cover letter and/or resume will be accepted in addition to the application form but will not serve as a substitute for a completed application. Incomplete applications will not be processed. **It is not acceptable to complete the application with statements like, "See/Refer to Resume", or "See Attached". Applications may be faxed to meet deadline.**

REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH QUALIFYING DISABILITIES: Inyo County will make reasonable efforts in the examination process on a case-by-case basis to accommodate persons with disabilities. If you have special needs, please contact (760) 878-0377 prior to the examination process.

CITIZENSHIP/IMMIGRATION STATUS: Inyo County employs only U.S. citizens and lawfully authorized non-citizens in accordance with the Immigration Reform and Control Act of 1986.

The County of Inyo has work sites located throughout Inyo County in the Owens Valley (Independence, Bishop, Lone Pine, Big Pine, and Olancho) and the Death Valley area (Death Valley, Shoshone, and Tecopa). Positions are assigned to a work site based upon the needs of the County. Positions may be temporarily or permanently reassigned to another work site as deemed necessary by the Department Head and or/County Administration.



County of Inyo



Health & Human Services - Fiscal

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Melissa Best-Baker

SUBJECT: Authorization to hire a full-time Office Technician I/II/III in the Health and Human Services Fiscal division

RECOMMENDED ACTION:

Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician exists in one or more non-General Fund budgets, as certified by the Health and Human Services 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 an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Office Technician I at Range 55 (\$3,477 - \$4,228), Office Technician II at Range 59 (\$3,816 - \$4,636) or Office Technician III at Range 63 (\$4,184 - \$5,091), dependent upon qualifications; and D) if an internal candidate is hired as a result of the open recruitment, authorize Health and Human Services to backfill resulting vacancy.

SUMMARY/JUSTIFICATION:

We are asking to fill a budgeted full-time Office Tech I/II/III position in the HHS Fiscal Division, which recently became vacant when an employee resigned. This position is responsible for receiving and processing payables for all HHS divisions, depositing and tracking payments as well as State and Federal revenue, assisting the Administrative Analysts in maintaining more complex tracking for revenues/expenditures, compiling monthly program Account Director Reports, processing daily and monthly assistance payments, entering data into various tracking workbooks, processing employee travel reimbursements and reviewing multiple systems for EBT card and benefit tracking and monitoring. This position also cross-trains within HHS Fiscal to ensure that there is coverage across multiple budgets in case of vacancies. The Department is respectfully requesting permission to hire an Office Tech I/II/III to fill the vacant position.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to approve the filling of this position which could negatively impact the timeliness of

claims being submitted and could cause delays in payments to vendors due to the shortage of staff in the fiscal division.

OTHER AGENCY INVOLVEMENT:

County Auditor's Office, County Treasury and other County offices

FINANCING:

State, Federal, and Health, and Social Services Realignment funds. This position is budgeted 44% in Health (045100), 30% in CMH (045200), 9% in SUD (045315), 5% in Social Services (055800), 5% in Tobacco (640322), 2% in CARES (641221), and 5% in MCAH (641621) in the Salaries and Benefits object codes.

ATTACHMENTS:

APPROVALS:

Melissa Best-Baker	Created/Initiated - 1/25/2022
Darcy Ellis	Approved - 1/26/2022
Melissa Best-Baker	Approved - 1/28/2022
Marilyn Mann	Approved - 1/30/2022
Sue Dishion	Approved - 2/3/2022
Amy Shepherd	Approved - 2/3/2022
Marilyn Mann	Final Approval - 2/3/2022



County of Inyo



Health & Human Services - Health/Prevention

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Anna Scott

SUBJECT: Request to hire one Prevention Specialist I or II in the HHS Public Health and Prevention Division

RECOMMENDED ACTION:

Request Board:

A) Approve the revised Prevention Specialist I-III job description;

B) Find that, consistent with the adopted Authorized Position Review Policy:

1. the availability of funding for one (1) Prevention Specialist I-II exists in one or more non-General Fund budgets, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; and
2. 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;

C) Approve the hiring of one (1) Prevention Specialist I at Range 60 (\$3,908 - \$4,747), Prevention Specialist II, Range 63 (\$4,184 - \$5,091), or a Prevention Specialist III, Range 66 (\$4,489 - \$5,464); and

D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.

SUMMARY/JUSTIFICATION:

The essential duties section of the Prevention Specialist I-III job description has been updated to more accurately reflect the duties required of the position in accordance with various Public Health and Prevention programs and grants. The Department is respectfully requesting your Board's approval of the revised job description.

A Prevention Specialist in the HHS Public Health and Prevention division recently accepted a position with the Probation Department, resulting in a vacancy. This Prevention Specialist is primarily assigned duties in the Youth Services category, including: facilitating youth coalition meetings with high school students throughout the county; providing education to high school and middle school youth on tobacco and substance use prevention topics; promoting positive youth development; engaging youth in community service projects; engaging youth in educating younger peers; leading group discussions with youth regarding the prevention of addiction issues; promoting positive activities for youth; and assisting with developing and promoting tobacco education campaigns and initiatives. The Department is respectfully requesting your Board's authorization to fill this vacancy.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to approve the filling of this position, which would limit our ability to offer SUD/ Tobacco prevention activities throughout the county and would reduce the department's ability to meet the requirements of the Tobacco and SUD Prevention grants.

OTHER AGENCY INVOLVEMENT:

Local Schools, Probation, and other HHS Divisions

FINANCING:

State and Federal funds. This position is currently budgeted 40% SUD (045315) and 60% Tobacco (640322) in the Salary and Benefits object codes. No County General Funds

ATTACHMENTS:

1. Job Description: Prevention Specialist I-III

APPROVALS:

Anna Scott	Created/Initiated - 1/25/2022
Darcy Ellis	Approved - 1/26/2022
Marilyn Mann	Approved - 1/27/2022
Melissa Best-Baker	Approved - 1/27/2022
Sue Dishion	Approved - 1/27/2022
Amy Shepherd	Approved - 1/31/2022
Marilyn Mann	Final Approval - 2/3/2022



AN EQUAL OPPORTUNITY EMPLOYER
(WOMEN, MINORITIES, AND DISABLED ARE ENCOURAGED TO APPLY)

ANNOUNCES AN OPEN RECRUITMENT FOR:

PREVENTION SPECIALIST I, II, or III

Deadline: XXXX

DEPARTMENT: Health and Human Services
LOCATION: Countywide
SALARY: Prevention Specialist I Range 60 \$3908 \$4099 \$4305 \$4524 \$4747
Prevention Specialist II Range 63 \$4184 \$4394 \$4622 \$4850 \$5091
Prevention Specialist III Range 66 \$4489 \$4716 \$4959 \$5202 \$5464
(The above monthly salary is paid over 26 pay periods annually)

****BENEFITS:** CalPERS Retirement System: Existing ("Classic") CalPERS members as of January 1, 2013, (2% at 55) – Inyo County pays employee contribution for current CalPERS members; New CalPERS members hired after January 1, 2013 (2% at 62) will be required to pay at least 50% of normal cost. Medical Plan – Inyo County pays a portion of employee and dependent monthly premium on PERS medical plans; 100% of employee and dependent monthly premium paid for dental and vision; \$20,000 term life insurance policy on employee. Vacation – 10 days per year during the first three years; 15 days per year after three years; 1 additional day for each year of service after ten years to a maximum of 25 days per year. Sick leave – 15 days per year. Flex (personal days) – 5 days per fiscal year. Paid holidays – 11 per year.

The current vacancy is primarily assigned duties in the _____ program.

DEFINITION: Under general supervision from the Health and Human Services Deputy Director of Public Health and Prevention or her designee, the Prevention Specialist plans and implements a wide range of educational services and outreach activities. The Prevention Specialist works, as part of a team that is leading change and empowering healthy communities, ensuring that service delivery is both trauma-informed and respectful of culture.

ESSENTIAL JOB DUTIES: Essential duties include, but are not limited to developing and implementing prevention education services and other prevention strategies in a wide range of venues, as well as across multiple disciplines. Prevention Specialists may be primarily assigned one or more of the following activities and will work as part of the team to provide support in all areas:

Women, Infants, and Children (WIC) Program: Provides direct service to women, infants, and children through age five in the (WIC) Program; provides resources and referrals; determines eligibility for WIC services; promotes breastfeeding; provides breastfeeding support and referrals; completes WIC appointments with participants in person, by video call, and over the phone; conducts nutrition risk assessments and nutrition education while navigating the WIC WISE Internet-based system; assists WIC participants with participant-centered education and setting nutrition and health goals for their family; writes care plans with participants; and issues WIC benefits and provides information on WIC foods.

Child Health: Provides health education to low income children and adolescents; provides food preparation demonstrations; promotes healthy dietary habits through participation in community promotions, educational displays and other outlets including social media and other media resources; ensures uninsured and/or under-insured children and families have access to dental care by participating in dental screenings; coordinates with schools and providers to facilitate referrals for services; and provides oral care education and training to children and families.

First 5: Provides direct support to families with children zero to five in topics of child development, literacy, and positive parenting through home visits, parenting classes, and workshops; utilizes evidence-based curriculum to provide parenting supports; provides community presentations and attends community collaborative meetings to connect with providers and resources; implements community-wide literacy programs in partnership with medical clinics and local nonprofits; connects children and families to resources through case management and referrals, including offering developmental screenings for children to connect to early intervention services; and provides coaching and education in early childhood learning environments.

Youth Services: Leads youth coalition meetings with high school students throughout the county; provides education to high school and middle school youth on tobacco and substance use prevention topics; promotes positive youth development; engages youth in community service projects; engages youth in educating younger peers; leads group discussions with youth regarding the prevention of addiction issues; promotes positive activities for youth; and assists with developing and promoting tobacco education campaigns and initiatives.

Outdoor Program: Coordinates Outdoor Program activities for children ages eight and up; leads outings; consults the weather and conditions before each outing; writes up a trip plan before each outing with emergency plan and contacts listed; coordinates with outside vendors providing any outings, such as kayak trips or camps; prepares equipment and staffing for each outing; collaborates with partnering agencies, including but not limited to schools, Behavioral Health, and Probation; receives training on backcountry risk management and first aid; trains other staff on Outdoor Program-related topics; communicates with families and children to invite them on outings and make sure all paperwork is signed; follows up on any risk concerns; and follows up on all referrals.

Mentoring: Recruits and trains adult mentors to match with children and youth in the community and/or schools; conducts outreach to children/youth referred to program and their caregivers to gain permission for participation, to identify areas of interest and need, and to maintain on-going supportive relationships; provides on-going support to mentors and their mentees as needed; works with partnering agencies including, but not limited to schools, Behavioral Health, and Probation to provide outdoor activities for youth with risk factors.

Disaster Preparedness Activities: Assist in the development and implementation of public health disaster preparedness work plans, and provides input into the mid-year and year-end reports; review research articles and synthesize information to assist local hospitals in the development of written hospital emergency plans, and works with the public health staff and partners in the planning of healthcare and community response to public health emergencies; organizes, sets agendas, and convene meetings of the Healthcare Coalition and other collaborative groups; participates in the planning and implementation of table-top drills, functional exercises, and disaster preparedness curriculum; tracks and reports project deliverables and expenditures; and monitors implementation of training and exercise programs.

The Prevention Specialist II is distinguished from the entry level I position, as it is a journey level classification demonstrating the training and experience needed to perform job duties with independence and minimal supervision.

The Prevention Specialist III is distinguished from the journey level II, as it reflects the training and experience necessary to act in the capacity of a lead worker with the ability to provide guidance and direction in the absence of a supervisor, to facilitate high-level community partner policy and planning meetings, to provide direct training and support to entry level Prevention Specialists, and other lead worker tasks as identified.

EMPLOYMENT STANDARDS

Education/Experience:

Prevention Specialist I:

Path A: A Bachelor's degree in Education, Health Education, Human Services-related field, Marketing or other directly related field; OR

Path B: An Associate's Degree in Education, Health Education, Human Services, Marketing or other directly related field AND one year of experience providing general education programming.

Path C: A high school graduate or equivalent with 2 years of full-time experience in creating (or providing support in the creation) and implementing written and verbal public information/educational programming which targets either specific populations or the community at large. Providing written and verbal public information/educational programming must be identified as a primary role for the position(s) identified by applicant as meeting the experiential requirement.

Prevention Specialist II:

Path A: One full-time year of experience working in the Prevention Specialist I classification: OR

Path B: Must meet the education/experience requirements of a Prevention Specialist I AND have an additional year of full-time experience providing prevention/community education as outlined above in Path C of the Prevention Specialist I classification.

Prevention Specialist III:

One year of full-time experience working in the Prevention Specialist II classification.

Knowledge of: Child development, the addiction process and the impact of addiction on a person's life functioning and the community they live in; prevention strategies; rapport building techniques; effective youth engagement skills; appropriate support techniques for volunteers working with at-risk youth; effective problem solving and group facilitation skills; appropriate professional interpersonal skills; correct English usage, spelling, grammar, and punctuation; IBM-compatible computers and software, especially MS Word, Excel, and Publisher; some internet familiarity; use of media as a communication tool.

Ability to: Communicate effectively, both orally and in writing; be comfortable dealing with difficult topics under a variety of circumstances, and with a wide range of community members; deliver information to a variety of audiences in a wide range of settings including but not limited to county offices, schools, libraries, community centers, the juvenile center, the jail, and client homes; work as part of a prevention team, including adult and youth volunteers; speak to both large and small groups; interact with at-risk youth; continually seek knowledge of new prevention topics and strategies, integrating this knowledge into classes, presentations, and systems; read and synthesize information; structure the work day and prioritize tasks towards program goals; exercise appropriate independent judgment; use supervision appropriately; keep accurate, clear, and timely records, reports, and evaluations; travel routinely within the county and periodically within the state; work flexible hours including evening and weekends as program needs require. Consistent attendance is an essential function of the position. Must have ability to sit for prolonged periods of time, stand, twist, lift, and carry up to 25 pounds; climb and descend stairs; frequent telephone use.

Special Requirements: You may be required to drive a motor vehicle in the course of employment and must possess a valid operator's license issued by the State Department of Motor Vehicles. Must successfully complete a pre-employment background investigation. Your position may be required to serve as a Disaster Service Worker during a County emergency.

SELECTION: Selection procedures will be determined by the number and qualifications of applicants and may include a qualification screening, written examination, and oral interview.

APPLICATION: Applications must be received at the Inyo County Personnel Department, P.O. Box 249, Independence, CA 93526, no later than **5:00 p.m., xxxxx**. Must apply on Inyo County application form. A cover letter and/or resume will be accepted in addition to the application form but will not serve as a substitute for a completed application. **It is not acceptable to complete the application with statements like "See/Refer to Resume" or "See Attached"**. Incomplete applications will not be processed.

THIS RECRUITMENT MAY ESTABLISH AN ELIGIBILITY LIST WHICH MAY BE USED FOR ONE YEAR IN FILLING VACANCIES WHICH MAY OCCUR IN THIS JOB CLASSIFICATION AND SALARY RANGE.

The County of Inyo has work sites located throughout the Owens Valley (Independence, Bishop, Lone Pine, Big Pine, and Olancho) and the Death Valley area (Death Valley, Tecopa, and Shoshone). Positions are assigned to a work site based upon the needs of the County. Positions may be temporarily or permanently reassigned to another work site as deemed necessary by the Department Head and/or County Administration. **All positions are considered Countywide positions**, and employees are expected to report to all Inyo County work locations as needed to complete assigned work.

REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH QUALIFYING DISABILITIES: Inyo County will make reasonable efforts in the examination process on a case-by-case basis to accommodate persons with disabilities. If you have special needs, please contact (760) 878-0377 prior to the examination process.

CITIZENSHIP/IMMIGRATION STATUS: Inyo County employs only U.S. citizens and lawfully authorized non-citizens in accordance with the Immigration Reform and Control Act of 1986.



County of Inyo



Health & Human Services - Health/Prevention

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Anna Scott

SUBJECT: Request to hire one Prevention Program Manager in the HHS Public Health and Prevention Division

RECOMMENDED ACTION:

Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Prevention Program Manager exists in one or more non-General Fund budgets, 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 an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Prevention Program Manager at Range 80 (\$6,259 - \$7,613); and D) if an internal candidate is hired as a result of the open recruitment, authorize HHS to backfill resulting vacancy.

SUMMARY/JUSTIFICATION:

The Prevention Program Manager in the HHS Public Health and Prevention Division recently accepted a position in another HHS program, resulting in a vacancy. The Prevention Program Manager is responsible for administrative oversight and management of the Inyo County WIC Program, and for providing supervisory oversight to the Tobacco Education, Substance Use Disorders Prevention, and other prevention programs. The position is responsible for ensuring program compliance with planning, service delivery, and reporting for all assigned programs. The Department respectfully requests your Board approve recruiting to fill this vacancy.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to approve the filling of this position, which would limit our ability to provide management oversight of the WIC, Tobacco and SUD prevention programs and to meet the requirements of these grants.

OTHER AGENCY INVOLVEMENT:

Local Schools, Probation, Healthcare providers, CA Department of Public Health

FINANCING:

State and Federal funds. This position is currently budgeted 60% WIC (641921), 30% SUD (045315), and 10% Tobacco (640322) in the Salary and Benefits object codes. No County General Funds

ATTACHMENTS:

APPROVALS:

Melissa Best-Baker	Created/Initiated - 1/25/2022
Darcy Ellis	Approved - 1/26/2022
Marilyn Mann	Approved - 1/27/2022
Melissa Best-Baker	Approved - 1/27/2022
Sue Dishion	Approved - 1/27/2022
Amy Shepherd	Approved - 1/31/2022
Marilyn Mann	Final Approval - 2/3/2022



County of Inyo



Public Works

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Breanne Nelums

SUBJECT: Authorization to recruit and hire (1) Office Technician I/II or III

RECOMMENDED ACTION:

Request Board 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 General Fund and non-General Fund budgets, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates 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) Office Technician I/II or III at Range 55 to 63 (\$3,477 - \$5,091), depending on qualifications.

SUMMARY/JUSTIFICATION:

Public Works would like to recruit and hire one (1) Office Technician I/II or III depending on qualifications. This vacancy was created as a result of an internal recruitment to another County Department. This Office Technician is critical to Public Works operations and is spread between multiple budgets and daily tasks. This position is funded with General Fund budgets and non-General Fund budgets and is included in the Authorized Strength for fiscal year 2021/2022.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to authorize the recruitment of this Office Technician, however, that is not recommended as it would have direct impacts on service delivery to the community and other County departments.

OTHER AGENCY INVOLVEMENT:

Personnel
Auditor's Office

FINANCING:

This position is funded with multiple budgets within Public Works. This position is included in the 2021/2022 Authorized Strength.

ATTACHMENTS:

APPROVALS:

Breanne Nelums	Created/Initiated - 1/19/2022
Darcy Ellis	Approved - 1/19/2022
Breanne Nelums	Approved - 1/19/2022
Sue Dishion	Approved - 1/24/2022
Amy Shepherd	Approved - 1/24/2022
Michael Errante	Final Approval - 1/24/2022



County of Inyo



Public Works - Parks & Recreation

DEPARTMENTAL - PERSONNEL ACTIONS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Teresa Elliott

SUBJECT: Request to Hire Three Seasonal Park and Campground Maintenance Helpers for the Parks and Recreation Dept.

RECOMMENDED ACTION:

Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested positions exists in the General Fund, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) due to the seasonal nature of the positions it is unlikely that the positions could be filled by internal candidates meeting the qualifications for the positions, so an open recruitment is appropriate to ensure qualified applicants apply, and C) approve the hiring of three (3) Seasonal Park and Campground Maintenance Helpers at Range PT50 (\$17.85 - \$27.71/hr).

SUMMARY/JUSTIFICATION:

Operation of the County parks and campgrounds requires help from seasonal employees during the summer. The department is requesting that three (3) seasonal employees be hired for the period from April through October to assist regular County staff in maintaining the facilities during our busy summer season. These positions were included in the approved 2021/2022 budget.

Staff recommends filling the seasonal parks and campground maintenance positions through open recruitment.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could choose not to authorize filling these positions. However, this is not recommended, as the positions are needed to properly maintain the facilities.

OTHER AGENCY INVOLVEMENT:

Personnel

FINANCING:

Funding for these positions is included in the FY 2021-2022 Parks and Recreation Budget 076998 object code 5012.

ATTACHMENTS:

APPROVALS:

Teresa Elliott	Created/Initiated - 1/19/2022
Darcy Ellis	Approved - 1/19/2022
Breanne Nelums	Approved - 1/19/2022
Sue Dishion	Approved - 1/24/2022
Amy Shepherd	Approved - 1/24/2022
Michael Errante	Final Approval - 1/24/2022



County of Inyo



County Administrator - Personnel

CONSENT - ACTION REQUIRED

MEETING: February 8, 2022

FROM: CAO Leslie Chapman

SUBJECT: Rescission of the Authorized Position Review Policy

RECOMMENDED ACTION:

Request Board authorize deletion of the Authorized Position Review process from the Extraordinary Budget Control Policies, originally approved by the Board in Fiscal Year 2008-2009 and reaffirmed and made permanent in Fiscal Year 2015-2016.

SUMMARY/JUSTIFICATION:

The Authorized Position Review Policy was put in place several years ago and served the County well during lean and unpredictable budget years. Now, the environment has changed and staff is recommending that your Board approve eliminating the requirement to secure Board approval for every County position that is advertised and hired, regardless of whether it is in the budget or part of the authorized staffing report. Staffing shortages and difficulties attracting qualified candidates have left us short-handed and scrambling to provide responsive services to our constituents. We used to receive over 50 applications for positions such as janitor and park specialist, now we are lucky to receive 5. Many times, we have to re-advertise the positions before we find qualified candidates. This leaves our good, conscientious employees always trying to catch up and they are getting burned out while trying to maintain high standards of service. This is particularly challenging in our Health and Human Services department, where duties have expanded exponentially due to added workloads and stress from the pandemic response. Consequently, we are seeing a high level of turnover, and a need to fill vacancies quickly. Eliminating this policy will expedite the process for authorized and budgeted positions. Any requests for new positions, unbudgeted positions, or changes due to restructuring will still be required to be approved by your Board before recruiting to fill the position.

Currently, under the approved Authorized Position Review policy, departments must bring all hiring requests to the Board for approval. Specifically, the policy states:

"An authorized position review hiring process ... requires Board of Supervisors approval prior to hiring vacant positions, and prohibits department heads from agendizing requests to fill vacant positions unless: (1) the department head first certifies either (a) the availability of Non-General Fund position funding at the time of the request, and the County Administrator and Auditor-Controller concur, or (b) the position is funded by the General Fund; and, (2) the position can be filled through an internal recruitment if requested by the Personnel Director in response to budget reductions."

This process for filling vacancies was first introduced in Fiscal Year 2008-2009, when the County Budget Team introduced and the Board approved a set of Extraordinary Budget Control Policies in response to much uncertainty surrounding the State Budget. The Board reaffirmed the Extraordinary Budget Control Policies annually during the Mid-Year Financial Review until Fiscal Year 2015-2016, when it voted to make the policies, including the Authorized Position Review process, permanent.

The rationale for making the Extraordinary Budget Control Policies permanent was outlined in a staff report from the CAO:

"The County's Extraordinary Budget Control Policies were adopted several years ago, when uncertainty over the State Budget wreaked havoc on the stability of the County Budget year around. Although the State Budget picture has become less clouded the last couple years, the County Budget – out of necessity stemming from the constant reality of glacial General Fund revenue growth – remains lean. And, although titled, 'Extraordinary,' the Budget Control Policies are simply good fiscal practice. For this reason, staff is recommending that the Extraordinary Budget Control Policies last visited by the Board of Supervisors as part of the Fiscal Year 2014-2015 Mid-Year Financial Review simply be made permanent as part of the County budget policies."

In more recent years, the CAO polled the Board during Mid-Year as to whether it wanted to keep the Authorized Position Review process in place. As was last explained to the Board in Fiscal Year 2017-2018, if the Board did choose to dispense with the policy, departments would revert to the standard process for filling positions that was in place until FY 2008-2009, in which requests are initiated with, and approved by, the Personnel Office and CAO. The requesting department could still appeal to the Board if the request were rejected at the staff level. Changes to authorized staffing levels and other restricting proposals would still be required to go before the Board.

With the changes in the employment and staffing environment described above, staff respectfully requests your consideration in eliminating the policy.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

OTHER AGENCY INVOLVEMENT:

Clerk of the Board; Personnel

FINANCING:

ATTACHMENTS:

1. Budget Control and Responsibility & Extraordinary Budget Controls

APPROVALS:

Darcy Ellis	Created/Initiated - 2/2/2022
Darcy Ellis	Approved - 2/2/2022
Sue Dishion	Approved - 2/3/2022
John Vallejo	Approved - 2/3/2022
Amy Shepherd	Final Approval - 2/3/2022



COUNTY OF INYO

BUDGET CONTROL AND RESPONSIBILITY & EXTRAORDINARY BUDGET POLICIES

I. PURPOSE

The purpose of this policy is to ensure that department heads are responsible and accountable to maintain their department expenditure levels within the adopted budget and to collect, in a timely manner, the full amount of revenues budgeted.

II. GUIDING PRINCIPLES FOR THE REQUESTED, RECOMMENDED AND ADOPTED BUDGETS

With the exception of traditional General Fund Discretionary Revenues (i.e., sales tax, property tax and other general purpose revenues) all versions of the budget(s) should reflect an appropriation for all expenditures to be incurred and revenues expected to be received during the Fiscal Year.

For example:

- General Fund Discretionary Revenues will be budgeted in a separate budget to be known as “General Revenues” and will be the joint responsibility of the County Administrator and the Auditor-Controller;
- Grant expenditures and revenues need to be appropriated on an annual basis;
- Revenues directed to a specific program and/or department will be reflected in the receiving program and/or department (i.e., Trial Court Funds in the court budgets, Prop 172 in the Public Safety departments, Health Realignment in Health, etc.);
- All Capital Project Budgets will reflect anticipated expenditures as well as clearly delineate the source(s) and amount(s) of all offsetting revenues;
- The General Fund obligation/contribution to a program and/or department will be reflected as the “Net County Cost” of said program and/or department;



III. SUBMISSION OF AMENDMENTS TO THE ADOPTED BUDGET PLAN

If a department determines it cannot operate within the parameters of the Adopted Budget, the department shall submit a plan to the County Administrator as soon as the department determines a problem exists, outlining corrective actions necessary to bring their budget under control for the balance of the fiscal year.

IV. APPROPRIATION OF UNANTICIPATED REVENUE

Unanticipated revenue is generally a new source of revenue for a specific purpose not originally included in the budget.

- A. The appropriation of **UNANTICIPATED REVENUE** during the year will **NOT** be permitted unless the department has realized its pro rata percentage of estimated revenue, e.g., a department with an estimated revenue of \$100,000 must have received at least \$25,000 by September 30th before the Board will consider approval of the request to appropriate unanticipated revenue.

Department Heads in processing **FUND TRANSFERS** must specify the date(s) by which the unanticipated revenue will be received and whether it will be in advance of or in arrears (after costs have been incurred). If the full amount of unanticipated revenue will lag behind the expenditure of program funds, this must be specified on the fund transfer with a recommendation as to how to deal with the negative cash flow.

- B. Exceptions to IV.A. will be considered on a case-by-case basis. For example, unanticipated revenue for a new program, restricted program, etc. would probably constitute an exception.

V. BUDGET CONTROL

- A. During the Fiscal Year, the following expenditure accounts will be subject to object code controlled at the object level. This means that changes/transfers from these accounts will require prior approval of the County Administrator.



1. Workers Compensation
 2. Liability Insurance
 3. Public Liability Insurance
 4. Motor Poll
 5. Telephone – Internal
 6. Postage – Internal
 7. Computer Charge – Internal
 8. Any other charges categories (5500)
- B. All other expenditure object codes will be controlled and monitored at the object category level (i.e., 5000 - Salaries & Benefits; 5100 – Services and Supplies; 5600 – Fixed Assets) by the Auditor-Controller.

All appropriation changes/transfers between object categories will require prior approval of the County Administrator.

- C. Department’s expenditures for grant-funded programs shall not exceed projected grant revenues. Authorization to “increase” appropriations without offsetting revenues must be obtained from the Board of Supervisors.

Note 1: This policy applies even if a department is within its overall departmental expenditure and revenue budget.

Note 2: Should expenditures exceed the projected grant revenues, the Auditor-Controller will inform the department of this occurrence so the department can work with the County Administrator to get the appropriate authorization to “increase” appropriations from the Board of Supervisors.

- D. The County Administrator is authorized to approve a new fixed asset or augment an existing fixed asset in an amount not to exceed \$10,000, provided that the total appropriation of the budget unit is not increased.
- E. If an **OVER-EXPENDITURE** is projected to occur, the department head shall perform one of more of the following steps.
1. Lower the expenditure level to maintain overall expenditures within the budgeted amount at the object level or overall departmental budget.
 2. Request an Appropriation Change from another object category within the same budget.



3. Request an Appropriation Change from another budget unit within the same department and under the Department Head's control.
 4. Prepare a memo to the County Administrator, providing adequate justification. Additionally, prepare an Appropriation Change Request Form for an appropriation from Contingencies and an agenda item for the Board of Supervisors approval.
- F. If estimated revenue is projected to be **UNDER-ACHIEVED**, the Department Head shall perform one or more of the following steps.
1. Lower expenditure levels so Net County Costs are not exceeded.
 2. Same as Section V.E.

VI. PROCESSING OF OVER-EXPENDED ACCOUNTS

- A. It shall be the responsibility of the Auditor-Controller to not process any payment request when an over-expenditure of object categories of accounts will occur and there has been no increase in appropriations approved either by the County Administrator or the Board of Supervisors as defined under Section IV.B.
- B. It shall be the Department's responsibility to initiate appropriation changes between non-controlled objects to keep them from being over-expended. In the event that an appropriation change is not processed in a timely manner and the object code is over-expended, as long as the total object category is not over-expended, the Auditor-Controller will continue to process any payments and inform the Department of the over-expenditure and request an immediate correction. However, should the Department consistently over-expend object line items, the Auditor-Controller will inform the County Administrator who will take appropriate corrective actions, which may include requesting Board of Supervisors approval to implement budget controls over the department's entire budget.
- C. It shall be the responsibility of the Purchasing Agent to withhold the processing of any purchase order which would result in over-expenditure of the Fixed Assets Object.
- D. Even if expenditure savings are available, the transfer of funds between major object categories (i.e., Salaries and Services and Supplies) will NOT be authorized if a department's Net County Cost is projected to exceed that originally budgeted and approved by the Board of Supervisors. The department should take corrective action(s) as outlined in Section V.E and/or F.



VII. APPROPRIATION FROM CONTINGENCIES

It will be the Department Head's responsibility to fully justify a request for an appropriation from contingencies and demonstrate an inability to reduce corresponding expenditures and/or increase revenues in other areas of the budget. In addition, the County Administrator, in working with the affected departments, reserves the right to use savings in other areas of the County budget to offset shortfalls before using contingencies.

VIII. REPORTS

Department Heads shall submit MID-YEAR and THIRD QUARTER FINANCIAL REPORTS to the County Administrator. These reports will provide a projection of the department's expenditures, revenues and Net County Cost for the fiscal year and include the reasons for over-expenditures and/or under-realization of revenues, along with a corrective action plan by the Department.

It shall be the responsibility of the County Administrator to submit the Mid-Year and Third-Quarter Financial Report to the Board of Supervisors. The Mid-Year Financial Report will usually occur in January and Third-Quarter Financial Report will usually occur in April. Subsequent financial reports may be required based on the overall financial condition of the County and/or as directed by the Board of Supervisors.

IX. ACCOUNTABILITY

As provided for in State law, it is the intent of the Board of Supervisors to hold Department Heads PERSONALLY LIABLE for over-spending their budgets and not adhering to the foregoing policy. Department Heads may be required to address the Board of Supervisors and/or the County Administrator on the financial performance of their departments.



EXTRAORDINARY BUDGET CONTROL POLICIES

1. Department heads are responsible and accountable to maintain their department budgets.
2. Departments must promptly prepare and submit billings for reimbursable revenue; doing so as soon as permissible under the terms of the applicable funding agreement or program guidelines.
3. Upon being notified, or otherwise learning of a reduction in funding, or a possible reduction in funding that could impact a department's ability to collect the full amount of budgeted revenues, the department head shall immediately notify, in writing, the Board of Supervisors and County Budget Officer.
4. Upon being notified of the suspension or elimination of payments, or upon learning of any other known reduction in budgeted revenues, the department head shall immediately prepare appropriate amendments to the affected budget(s) for consideration by the Board of Supervisors within two-weeks of the notice.
5. Minimize purchases to maximize end-of-the-year Fund Balance.
6. Minimize travel expense to maximize end-of-the-year Fund Balance.
7. To enrich cultural and recreational opportunities for residents and visitors alike, and to provide assistance to the local tourism industry in attracting visitors to the county, the County will strive to maintain Advertising County Resources programs and contracts to the extent practical when considering other Budget needs and revenue projections, but no recipient of a County grant or contract should assume or count on continued funding beyond the year in which the grant or contract is awarded.
8. An *authorized position review* hiring process that requires Board of Supervisors approval prior to hiring vacant positions, and prohibits department heads from agendizing requests to fill vacant positions unless: (1) the department head first certifies either (a) the availability of Non-General Fund position funding at the time of the request, and the County Administrator and Auditor-Controller concur, or (b) the position is funded by the General Fund; and, (2) the position can be filled through an internal recruitment if requested by the Personnel Director in response to budget reductions.
9. Department heads responsible for programs that might be proposed for realignment or restructuring by the State, need to evaluate all realignment/restructuring proposals and alert the Board of Supervisors and County Administrator of the proposals, their potential impacts (positive and negative), and any issues specific to Inyo County or small rural counties in general.
10. Departments are encouraged to remain cognizant and utilize the principles of Service Redesign to achieve ongoing reductions in expense of increases in revenues.



County of Inyo



County Counsel

CONSENT - ACTION REQUIRED

MEETING: February 8, 2022

FROM: John Vallejo

SUBJECT: Contract Amendment

RECOMMENDED ACTION:

Request Board approve Amendment No. 4 to the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, to include an annual contract limit of \$25,000.00, and authorize the Chairperson.

SUMMARY/JUSTIFICATION:

As your Board is aware, Mr. James has extensive experience providing Inyo County with water and environmental related legal advice. Mr. James has represented the County on Yucca Mountain related matters since October of 2008. This contract amendment is made to correct an omission in the previous amendment that extended the contract term: namely to expressly provide the annual contract limit of \$25,000.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Decline to approve the Amendment No. 4 with Gregory L. James as recommended, and not provide a contract limit.

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

Funding is included in the Planning Yucca Mountain Department Budget 620605 Object Code 5265 in the 2021/22 budget.

ATTACHMENTS:

1. Greg James Yucca Mountain Contract Amendment 4
2. Greg James Yucca Mountain Contract Amendment 3

APPROVALS:

Cori Denault
Darcy Ellis
Cori Denault
John Vallejo
Amy Shepherd

Created/Initiated - 1/20/2022
Approved - 1/20/2022
Approved - 1/20/2022
Approved - 1/20/2022
Final Approval - 1/20/2022

AMENDMENT NUMBER 4

**AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
YUCCA MOUNTAIN NUCLEAR REPOSITORY**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Gregory L. James of Bishop, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated June 5, 2018, on County of Inyo Standard Contract No.123, for the term from July 1, 2018 through June 30, 2019 ("Agreement").

WHEREAS, Amendment No. 3 to the Agreement extended the contract term through fiscal year 2021/2022, but did not provide for a specific limit on the amount of compensation available for the term extension.

WHEREAS, County and Contractor do desire and consent to amend such Agreement set forth below:

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

1. Paragraph 3.E. Limit upon Amount Payable Under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement in each fiscal year during which this Agreement is in effect, including incidental expenses, if any, shall not exceed \$25,000 Dollars, (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed, including incidental expenses which is in excess of the contract limit.

/// NOTHING FOLLOWS ///

The effective date of this Amendment to the Agreement is July 1, 2021.

All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER 4

**AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
YUCCA MOUNTAIN NUCLEAR REPOSITORY**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
_____ DAY OF JANUARY, 2022.

COUNTY OF INYO

By: _____

Dated: _____

CONTRACTOR

By: _____
Signature

Type or Print

Dated: _____

APPROVED AS TO FORM AND LEGALITY:

County Counsel

APPROVED AS TO ACCOUNTING FORM:

County Auditor

APPROVED AS TO RISK ASSESSMENT:

County Risk Manager

s/CoCo/Contract/Modified/GJAmnd401/13/2022YuccaMt

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisors of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 15th day of June 2021 an order was duly made and entered as follows:

*County Counsel –
Greg James Yucca
Mountain Contract
Amendment 3*

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve Amendment No. 3 to the contract between County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, extending the term of the contract for the period of July 1, 2019 through June 30, 2022, contingent upon the Board's adoption of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign. Motion carried unanimously.

Routing	
CC	X
Purchasing	
Personnel	
Auditor	
CAO	
Other:	
DATE: June 16, 2021	

WITNESS my hand and the seal of said Board this 15th
Day of June, 2021



CLINT G. QUILTER
Clerk of the Board of Supervisors

A handwritten signature in blue ink, appearing to read "Clint G. Quilter".

By: _____



County of Inyo



County Counsel

CONSENT - ACTION REQUIRED

MEETING: June 15, 2021

FROM: Marshall Rudolph

SUBJECT: Contract Extension

RECOMMENDED ACTION:

Request Board approve Amendment No. 3 to the contract between County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions, extending the term of the contract for the period of July 1, 2019 through June 30, 2022, contingent upon the Board's adoption of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign.

SUMMARY/JUSTIFICATION:

As your Board is aware, Mr. James has extensive experience providing Inyo County with water and environmental related legal advice. Mr. James has represented the County on Yucca Mountain related matters since October of 2008. He was instrumental in inserting Inyo County into the licensing process in a professional manner with a good likelihood of success. As it was last year, it is fair to say that the licensing proceeding is in a state in flux if not moribund. However, there is an occasional need for Mr. James advice regarding the program.

Additionally, it will be important to stay abreast of the current litigation regarding withdrawal of the license and rejuvenated license proceedings, and of the regulations and guidance that would be issued by DOE regarding return or use of the funding that has been provided and equipment and evidence obtained as a result of federal funding. The continuity Mr. James provides will be valuable whether the licensing proceedings continue or the program comes to a halt.

The rate in this contract Amendment is the same as in the previous contract. The proposed contract rate is \$185.00/hour for attorney time with an additional \$40.00/hour if Mr. James spends more than 100 hours a month on Yucca Mountain matters and \$50.00/hour for travel time. The proposed amendment extends the contract for one year. The limit upon the amount payable under the contract remains the same \$25,000.00.

Mr. James' activities under this Agreement will continue to be monitored, directed, and supervised by the County Counsel in consultation with the Planning Director and other involved Department Heads, to ensure that the legal services undertaken to be provided by Mr. James are necessary, cost effective, and in accordance with the Board of Supervisors direction. The County Counsel staff attorneys have and will continue to assist Mr. James to the extent possible in order to hold down the expenses incurred under Mr. James' Agreement.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Decline to approve the Amendment No. 3 with Gregory L. James as recommended, and direct that the office of County Counsel provide the County and its departments with legal services relating to Yucca Mountain proceedings with existing attorney staff.

2. Decline to approve Amendment No. 3 with Gregory L. James as recommended, and direct staff to circulate a Request for Qualifications for another attorney or law firm to provide these services.

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

Funding will be included in the Planning Yucca Mountain Department Budget 620605 Object Code 5265 in the 2021/22 budget.

ATTACHMENTS:

1. Planning - Greg James Yucca Mountain Legal Services Contract
2. Contract Amendment No. 3

APPROVALS:

Cori Denault

Darcy Ellis

Cori Denault

Marshall Rudolph

Amy Shepherd

Created/Initiated - 6/1/2021

Approved - 6/3/2021

Approved - 6/3/2021

Approved - 6/3/2021

Final Approval - 6/3/2021

AMENDMENT NUMBER 3

**AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
YUCCA MOUNTAIN NUCLEAR REPOSITORY**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Gregory L. James of Bishop, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated June 5, 2018, on County of Inyo Standard Contract No.123, for the term from July 1, 2018 through June 30, 2019.

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below;

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

1. Paragraph 2. TERM. is amended to read as follows:

The term of this Agreement shall be from July 1, 2019 to June 30, 2022 unless sooner terminated as provided below.

/// NOTHING FOLLOWS ///

The effective date of this Amendment to the Agreement is July 1, 2021.


All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER 3

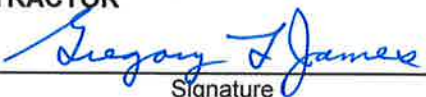
AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
YUCCA MOUNTAIN NUCLEAR REPOSITORY

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
15th DAY OF June 2021

COUNTY OF INYO

By: 
Dated: 06/15/2021


CONTRACTOR

By: 
Signature
Gregory L. James
Type or Print
Dated: May 26, 2021

APPROVED AS TO FORM AND LEGALITY:


County Counsel

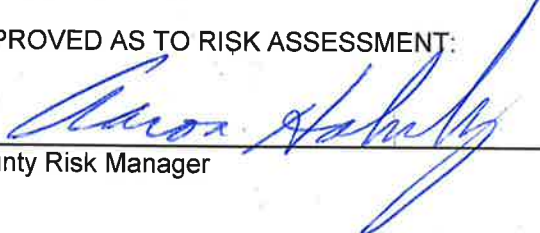
APPROVED AS TO ACCOUNTING FORM:


County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:


Personnel Services

APPROVED AS TO RISK ASSESSMENT:


County Risk Manager

s/CoCo/Contract/Modified/GJAmnd3 05/19/2021YuccaMt



County of Inyo



County Counsel

CONSENT - ACTION REQUIRED

MEETING: February 8, 2022

FROM: John Vallejo

SUBJECT: Approval of Amendment No. 3 to Contract with Gregory L. James

RECOMMENDED ACTION:

Request Board approve Amendment No. 3 to the existing contract between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services to include an annual contract limit of \$25,000.00; and authorize the Chairperson to sign.

SUMMARY/JUSTIFICATION:

As your Board is aware, Mr. James has represented Inyo County on water/environmental law related matters for decades, as both a County employee and contractor. His expertise on such matters has proved to be invaluable to this and previous County Counsels. This contract amendment is made to correct an omission in the previous amendment to extend the contract term: namely to expressly provide the annual contract limit of \$25,000.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Decline to approve the Agreement with Gregory L. James as recommended, and provide no contract limit.

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

Funding is included in County Counsel's Budget 010700 Object Code 5265 in the 2021/22 budget in the amount of \$25,000.00.

ATTACHMENTS:

1. Greg James Environmental Contract Amendment 3
2. Greg James Environmental Contract Amendment 2

APPROVALS:

Cori Denault

John Vallejo

Darcy Ellis

Cori Denault

John Vallejo

Amy Shepherd

Created/Initiated - 1/20/2022

Approved - 1/20/2022

Approved - 1/20/2022

Approved - 1/20/2022

Approved - 1/20/2022

Final Approval - 1/20/2022

AMENDMENT NUMBER 3

**AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
WATER/ENVIRONMENTAL ATTORNEY SERVICES
REGARDING MATTERS AT THE DIRECTION OF THE COUNTY COUNSEL**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Gregory L. James of Bishop, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated June 5, 2018, on County of Inyo Standard Contract No.123, for the term from July 1, 2019 through June 30, 2021 ("Agreement").

WHEREAS, Amendment No. 2 to the Agreement extended the contract term through fiscal year 2021/2022, but did not provide for a specific limit on the amount of compensation available for the term extension.

WHEREAS, County and Contractor do desire and consent to amend such Agreement set forth below:

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

1. Paragraph 3.E. Limit upon Amount Payable Under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement in each fiscal year during which this Agreement is in effect, including incidental expenses, if any, shall not exceed \$25,000 Dollars, (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed, including incidental expenses which is in excess of the contract limit.

/// NOTHING FOLLOWS ///

The effective date of this Amendment to the Agreement is July 1, 2021.

All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER 3

**AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
WATER/ENVIRONMENTAL ATTORNEY SERVICES
REGARDING MATTERS AT THE DIRECTION OF THE COUNTY COUNSEL**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
_____ DAY OF JANUARY, 2022.

COUNTY OF INYO

By: _____

Dated: _____

CONTRACTOR

By: _____

Signature

Type or Print

Dated: _____

APPROVED AS TO FORM AND LEGALITY:

County Counsel

APPROVED AS TO ACCOUNTING FORM:

County Auditor

APPROVED AS TO RISK ASSESSMENT:

County Risk Manager

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisors of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 15th day of June 2021 an order was duly made and entered as follows:

*County Counsel –
Greg James
Environmental
Contract
Amendment 2*

Moved by Supervisor Pucci and seconded by Supervisor Tothoroh to approve Amendment No. 2 between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services, extending the term of the contract for the period of July 1, 2019 through June 30, 2022, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign. Motion carried unanimously.

<i>Routing</i>	
CC	X
Purchasing	
Personnel	
Auditor	
CAO	
Other:	
DATE: June 16, 2021	

WITNESS my hand and the seal of said Board this 15th
Day of June, 2021



CLINT G. QUILTER
Clerk of the Board of Supervisors

A handwritten signature in blue ink, appearing to read "Clint G. Quilter".

By: _____



County of Inyo



County Counsel

CONSENT - ACTION REQUIRED

MEETING: June 15, 2021

FROM: Marshall Rudolph

SUBJECT: Contract Extension

RECOMMENDED ACTION:

Request Board approve Amendment No. 2 between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services, extending the term of the contract for the period of July 1, 2019 through June 30, 2022, contingent upon the Board's approval of the Fiscal Year 2021-2022 Budget, and authorize the Chairperson to sign.

SUMMARY/JUSTIFICATION:

As your Board is aware, Mr. James has represented Inyo County on water/environmental law related matters for decades, as both a County employee and contractor. His expertise on such matters has proved to be invaluable to this and previous County Counsels. Such expertise would be difficult if not impossible to replace. The proposed contract rate of \$175.00/hour for work directly related to litigation services, \$155.00/hour for other matters, and \$50.00/hour for travel time is below market rate for an attorney with his expertise.

Mr. James has demonstrated the ability to handle numerous assignments in the area of water/environmental law simultaneously, accepting the County's priority for each case or matter, managing his time effectively, and willingly adjusting his schedule to meet unforeseeable work load requirements. His excellent oral and written communication skills and amicable personality have allowed him to gain the trust and confidence of the Board of Supervisors, Department Heads, other County employees, and a variety of parties in various lawsuits. Overall, Mr. James has performed as a highly skilled and competent attorney in the area of Environmental law and his services contribute significantly to the County's ability to successfully represent itself and its officers and employees in environmental law related litigation.

The rate in this contract is the same as in the previous contract. The proposed contract rate of \$175.00/hour for work directly related to litigation services, \$155.00/hour for other matters, and \$50.00/hour for travel time. The limit upon the amount payable under the contract is \$25,000.00. Of course, there is no obligation to incur services up to the contract limit. Compensation under the contract is paid by hour of actual service. Mr. James' activities under his existing contract are, and will continue to be, monitored, directed, and supervised by the County Counsel in consultation with the Planning Director to ensure that the legal services provided by Mr. James are necessary, cost effective, and in accordance with the Board of Supervisors direction. The County Counsel staff attorneys have and will continue to assist Mr. James to the extent possible in order to hold down the expenses incurred under Mr. James' Agreement.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Decline to approve the Agreement Amendment No. 2 with Gregory L. James as recommended, and direct that the office of County Counsel provide the County and its departments with legal services relating to environmental matters with existing attorney staff. This option would result in significant delays in completing requests for legal services for all but the most critical matters; and would significantly reduce this office's ability to represent and defend the County and its officers in litigation as well as to direct and manage litigation involving the County that is handled by outside counsel.

2. Decline to approve the Agreement Amendment No. 2 with Gregory L. James as recommended and direct staff to circulate a Request for Qualifications for another attorney or law firm to provide these services

OTHER AGENCY INVOLVEMENT:

N/A

FINANCING:

Funding is included in County Counsel's Budget 010700 Object Code 5265 in the 2021/22 budget in the amount of \$25,000.00

ATTACHMENTS:

1. County Counsel - Greg James Environmental Attorney Contract
2. Contract Amendment No. 2

APPROVALS:

Cori Denault	Created/Initiated - 6/1/2021
Darcy Ellis	Approved - 6/3/2021
Cori Denault	Approved - 6/3/2021
Marshall Rudolph	Approved - 6/3/2021
Amy Shepherd	Final Approval - 6/3/2021

AMENDMENT NUMBER 2
AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
WATER/ENVIRONMENTAL ATTORNEY SERVICES
REGARDING MATTERS AT THE DIRECTION OF THE COUNTY COUNSEL

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Gregory L. James of Bishop, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated July 1, 2019 on County of Inyo Standard Contract No.123, for the term from July 1, 2019 through June 30, 2021 (extend with Amendment No. 1)

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below;

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

1. Paragraph 2. TERM. is amended to read as follows:

The term of this Agreement shall be from July 1, 2019 to June 30, 2022, unless sooner terminated as provided below.

/// NOTHING FOLLOWS ///

The effective date of this Amendment to the Agreement is July 1, 2021.


All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER 2


AGREEMENT BETWEEN THE COUNTY OF INYO AND
GREGORY L. JAMES
FOR THE PROVISION OF LEGAL SERVICES
WATER/ENVIRONMENTAL ATTORNEY SERVICES
REGARDING MATTERS AT THE DIRECTION OF THE COUNTY COUNSEL

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
15th DAY OF June, 2021


COUNTY OF INYO

By: 
Dated: 06/15/2021

CONTRACTOR

By: 
Signature
Gregory L. James
Type or Print
Dated: May 26, 2021


APPROVED AS TO FORM AND LEGALITY:


County Counsel

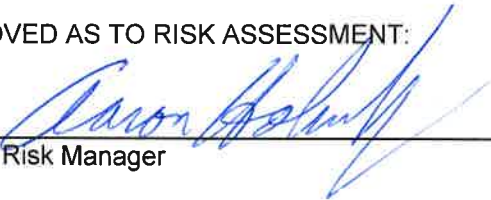
APPROVED AS TO ACCOUNTING FORM:


County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:


Personnel Services

APPROVED AS TO RISK ASSESSMENT:


County Risk Manager

s/CoCo/Contract/Modified/GJAmedmentNo2CountyCounsel 05/19/2021



THE HARTFORD
BUSINESS SERVICE CENTER
3600 WISEMAN BLVD
SAN ANTONIO TX 78251

March 25, 2021

GREGORY JAMES
1839 SHOSHONE DR
BISHOP CA 93514

Policy Information:

Policy Number:	72 SBM BC4253
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Contact Us

Business Service Center

Business Hours: Monday - Friday
(7AM - 7PM Central Standard Time)

Phone: (866) 467-8730

Fax: (888) 443-6112

Email: agency.services@thehartford.com

Website: <https://business.thehartford.com>

Enclosed please find information pertaining to your policy. Please contact us if you have any questions or concerns.

Thank you for selecting The Hartford for your business insurance needs.

Sincerely,

Your Hartford Service Team

GREG JAMES
Attorney at Law
1839 Shoshone Drive
Bishop, California 93514
Telephone: 760-873-8381
Facsimile: 760-873-8479
Email: gregjames@earthlink.net

May 10, 2021

Darcy Ellis
Assistant Clerk of the Board/
Assistant to the CAO
P.O. Drawer N
Independence, CA 93526

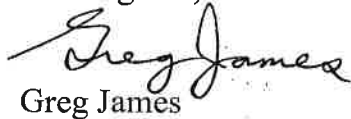
Subject: Verification of Sole Proprietorship

Dear Darcy:

This will verify that I operate my law office as a sole proprietor. I have no employees, thus, I do not carry workers compensation insurance.

Please contact me if you have any questions.

Best regards,


Greg James



Interinsurance Exchange of the Automobile Club

Automobile Insurance Policy Change Confirmation

05/10/2021

Named Insured and Mailing Address:

JAMES, GREGORY AND JAMES, CINDY

1839 XXXXXXXXXXXX
Bishop, CA 93514

Policy Number: CAA063308154

Policy Term Dates: 02/18/2021 - 02/18/2022

IMPORTANT NOTICE: This will confirm the policy change(s) you recently made effective **05/11/2021**. You will be receiving a Policy Change Declaration in the mail shortly.

DRIVER INFORMATION:

Drivers' Names (Last, First)	Date of Birth	Gender	Rated Veh	Year First Licensed	GDD	Driving Safety Record	
						Chargeable Citations	Chargeable Accidents
James, Gregory	XX-XX-1947	M	01	1962	Y	0	0
James, Cindy	XX-XX-1956	F	03	1970	Y	0	0

VEHICLE INFORMATION:

No.	Year	Vehicle Make/Model	Garage Zip Code	Garaged	Annual Miles	Verified Mileage	Salvage	Deductibles		Special Equip.	Car Rent. Expense	Primary Driver
								Comp.	Collision			
1	2014	FORD/EDGE SEL		No	27,521	Yes	No	\$500	\$500		\$45	01
2	2016	WINN/VISA (WINNIEBAGO)		No	7,500	Yes	No	\$500	\$500			01
3	2021	LEXS/RX 450H HYBRID		No	11,451	Yes	No	\$500	\$500		\$45	02

VEHICLE PREMIUM INFORMATION:

Coverages	Limits (\$)	Vehicle		
		Vehicle 1	Vehicle 2	Vehicle 3
Bodily Injury	500,000/500,000	\$260	\$66	\$173
Property Damage	100,000	\$236	\$49	\$158
Medical Payments	2,000	\$15	\$11	\$15
Uninsured/Underinsured Motorist Bodily Injury	100,000/300,000	\$54	\$23	\$48
Comprehensive	(See Deductibles)	\$54	\$227	\$119
Collision	(See Deductibles)	\$369	\$274	\$602
Car Rental Expense	(See Above)	\$58		\$51
Uninsured Collision				
Uninsured Deductible Waiver	Yes	Included	Included	Included
12-MONTH VEHICLE PREMIUM:		\$1,046	\$650	\$1,166

LIMIT OF LIABILITY (IF APPLICABLE)

No.	Year	Vehicle Make/Model	Limit of Liability
2	2016	WINN/VISA (WINNIEBAGO)	\$67,000

POLICY DISCOUNTS: Please review these carefully as you are warranting that you are entitled to the following discounts.

Good Driver	Good Student	Student Away	Multi - Vehicle	Multi - Policy	Mature Driver	Driving Course	Loyalty	Grp-Deg. Professional	Verified Mileage
Yes	No	No	Yes	Yes	No	No	Yes	Yes	Yes

CURRENT 12-MONTH POLICY PREMIUM TOTAL: \$2,862 NEW 12-MONTH POLICY PREMIUM TOTAL after Policy Changes: \$2,862

SUBJECT(S) OF POLICY CHANGE:

THIS IS NOT A BILL

- Auto - Add/Change Other Party
- Auto - Eliminate Other Party
- Auto - Correction

This policy change will not increase or decrease your premium.



Interinsurance Exchange of the Automobile Club

Mailing Address: P.O. BOX 25001 SANTA ANA, CALIFORNIA 92799-5001

BINDER OF INSURANCE

Name and Address of Lienholder or Additional Insured

Policy Number: CAA063308154

COUNTY OF INYO
PO BOX M
INDEPENDENCE CA 93526

NOTICE TO LIENHOLDER
IN THE EVENT OF CANCELLATION OF THIS BINDER, THE EXCHANGE WILL GIVE THE LIENHOLDER 10 DAYS' WRITTEN NOTICE OF CANCELLATION.

Loan Number: _____

The Interinsurance Exchange of the Automobile Club hereby acknowledges itself bound to the named insured for the coverages specified in the schedule subject to all the provisions of the Exchange's applicable policy form. The issuance of a policy to the named insured or, if a policy is in force, the issuance of an endorsement covering the automobile, boat or trailer described herein shall void this binder. A pro rata premium charge computed for the term of coverage in accordance with the current rates of the Exchange in effect at inception of the binder will be made unless such a policy or policy endorsement is issued. This binder shall not be construed to afford cumulative insurance with any existing policy.

Name of Insured: JAMES, GREGORY AND JAMES, CINDY

DESCRIPTION OF AUTOMOBILE, BOAT, OR TRAILER				
Car No.	Year	Trade Name	Type of Body or Boat	Identification Number
1	2014	FORD	EDGE SEL	2FMDK4JC5EBA95510

AUTOMOBILE INSURANCE	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.	
		Car # 1	Car #
Bodily Injury Liability	\$500 thousand dollars, each person \$500 thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Damage Liability	\$100 thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Payments	\$2,000 each person	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Underinsured/Uninsured Motorists	Not Less Than \$15,000 each person/\$30,000 each accident	<input type="checkbox"/>	<input type="checkbox"/>
Comprehensive (incl. Fire and Theft)	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
Collision	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Uninsured Deductible Waiver		<input type="checkbox"/>	<input type="checkbox"/>
Uninsured Collision		<input type="checkbox"/>	<input type="checkbox"/>

WATERCRAFT INSURANCE (Boat)	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.
Bodily Injury Liability and Property Damage Liability	Thousand Dollars, each occurrence Actual cash value not to exceed Limit of Liability of	<input type="checkbox"/>
Physical Damage	\$ less \$ deductible	

Effective Date of Binder: 05/11/2021 12:01 A.M. Pacific Standard Time

This binder shall expire 30 days from the effective date or may be cancelled by the named insured at any time during such 30-day period. The Exchange may cancel this binder by mailing to the named insured at the address shown above written notice stating when, not less than 10 days thereafter, such cancellation shall be effective. The mailing of such notice shall be sufficient proof of notice.

District Office: _____

By: _____

(Authorized Representative)

ACSC Management Services, Inc.
ATTORNEY-IN-FACT



Interinsurance Exchange of the Automobile Club

Mailing Address: P.O. BOX 25001 SANTA ANA, CALIFORNIA 92799-5001

BINDER OF INSURANCE

Name and Address of Lienholder or Additional Insured

Policy Number: CAA063308154

CHASE AUTO
PO BOX 78232
PHOENIX AZ 85062

NOTICE TO LIENHOLDER
IN THE EVENT OF CANCELLATION OF THIS BINDER, THE EXCHANGE WILL GIVE THE LIENHOLDER 10 DAYS' WRITTEN NOTICE OF CANCELLATION.

Loan Number: _____

The Interinsurance Exchange of the Automobile Club hereby acknowledges itself bound to the named insured for the coverages specified in the schedule subject to all the provisions of the Exchange's applicable policy form. The issuance of a policy to the named insured or, if a policy is in force, the issuance of an endorsement covering the automobile, boat or trailer described herein shall void this binder. A pro rata premium charge computed for the term of coverage in accordance with the current rates of the Exchange in effect at inception of the binder will be made unless such a policy or policy endorsement is issued. This binder shall not be construed to afford cumulative insurance with any existing policy.

Name of Insured: JAMES, GREGORY AND JAMES, CINDY

DESCRIPTION OF AUTOMOBILE, BOAT, OR TRAILER				
Car No.	Year	Trade Name	Type of Body or Boat	Identification Number
3	2021	LEXS	RX 450H HYBRID	2T2HGMDA5MC061019

AUTOMOBILE INSURANCE	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.	
		Car # 3	Car #
Bodily Injury Liability	\$500 thousand dollars, each person \$500 thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Damage Liability	\$ thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Payments	\$2,000 each person	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Underinsured/Uninsured Motorists	Not Less Than \$15,000 each person/\$30,000 each accident	<input type="checkbox"/>	<input type="checkbox"/>
Comprehensive (incl. Fire and Theft)	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
Collision	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Uninsured Deductible Waiver		<input type="checkbox"/>	<input type="checkbox"/>
Uninsured Collision		<input type="checkbox"/>	<input type="checkbox"/>

WATERCRAFT INSURANCE (Boat)	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.
Bodily Injury Liability and Property Damage Liability	Thousand Dollars, each occurrence Actual cash value not to exceed Limit of Liability of	<input type="checkbox"/>
Physical Damage	\$ less \$ deductible	

Effective Date of Binder: 05/11/2021 12:01 A.M. Pacific Standard Time

This binder shall expire 30 days from the effective date or may be cancelled by the named insured at any time during such 30-day period. The Exchange may cancel this binder by mailing to the named insured at the address shown above written notice stating when, not less than 10 days thereafter, such cancellation shall be effective. The mailing of such notice shall be sufficient proof of notice.

District Office: _____

By: _____

(Authorized Representative)

ACSC Management Services, Inc.
ATTORNEY-IN-FACT



Interinsurance Exchange of the Automobile Club

Mailing Address: P.O. BOX 25001 SANTA ANA, CALIFORNIA 92799-5001

BINDER OF INSURANCE

Name and Address of Lienholder or Additional Insured

Policy Number: CAA063308154

COUNTY OF INYO
PO BOX M
INDEPENDENCE CA 93526

NOTICE TO LIENHOLDER
IN THE EVENT OF CANCELLATION OF THIS BINDER, THE EXCHANGE WILL GIVE THE LIENHOLDER 10 DAYS' WRITTEN NOTICE OF CANCELLATION.

Loan Number: _____

The Interinsurance Exchange of the Automobile Club hereby acknowledges itself bound to the named insured for the coverages specified in the schedule subject to all the provisions of the Exchange's applicable policy form. The issuance of a policy to the named insured or, if a policy is in force, the issuance of an endorsement covering the automobile, boat or trailer described herein shall void this binder. A pro rata premium charge computed for the term of coverage in accordance with the current rates of the Exchange in effect at inception of the binder will be made unless such a policy or policy endorsement is issued. This binder shall not be construed to afford cumulative insurance with any existing policy.

Name of Insured: JAMES, GREGORY AND JAMES, CINDY

DESCRIPTION OF AUTOMOBILE, BOAT, OR TRAILER				
Car No.	Year	Trade Name	Type of Body or Boat	Identification Number
3	2021	LEXS	RX 450H HYBRID	2T2HGMDA5MC061019

AUTOMOBILE INSURANCE	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.	
		Car # 3	Car #
Bodily Injury Liability	\$500 thousand dollars, each person \$500 thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Damage Liability	\$ thousand dollars, each occurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Payments	\$2,000 each person	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Underinsured/Uninsured Motorists	Not Less Than \$15,000 each person/\$30,000 each accident	<input type="checkbox"/>	<input type="checkbox"/>
Comprehensive (incl. Fire and Theft)	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
Collision	(a) Actual Cash Value less \$500 deductible	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Uninsured Deductible Waiver		<input type="checkbox"/>	<input type="checkbox"/>
Uninsured Collision		<input type="checkbox"/>	<input type="checkbox"/>

WATERCRAFT INSURANCE (Boat)	LIMITS OF LIABILITY	"✓" indicates coverage bound and afforded.
Bodily Injury Liability and Property Damage Liability	Thousand Dollars, each occurrence Actual cash value not to exceed Limit of Liability of	<input type="checkbox"/>
Physical Damage	\$ less \$ deductible	

Effective Date of Binder: 05/11/2021 12:01 A.M. Pacific Standard Time

This binder shall expire 30 days from the effective date or may be cancelled by the named insured at any time during such 30-day period. The Exchange may cancel this binder by mailing to the named insured at the address shown above written notice stating when, not less than 10 days thereafter, such cancellation shall be effective. The mailing of such notice shall be sufficient proof of notice.

District Office: _____

By: _____

(Authorized Representative)

ACSC Management Services, Inc.
ATTORNEY-IN-FACT



County of Inyo



Public Works - Road Department

CONSENT - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Shannon Platt

SUBJECT: Road Department request to purchase a John Deere tractor with Alamo Industrial mower attachments

RECOMMENDED ACTION:

Request Board authorize a purchase order in an amount not to exceed \$192,655.06, payable to RDO Equipment Company of Riverside, CA for one (1) new John Deere 6105E Tractor with two (2) Alamo Industrial mower attachments.

SUMMARY/JUSTIFICATION:

The Road Department is continuing its effort to bring its fleet into compliance with EPA and California Air Resource Board (CARB) laws and requirements. Non-compliant and aging equipment in the fleet will continue to become more obsolete as the operable hours and mileage become limited by law. The need for a new tractor for mowing roadway shoulders was identified as part of the continuing effort to replace aging and outdated within the fleet. The John Deere 6105E Tractor with Alamo Industrial mowing attachments will replace a 1976 John Deere tractor with a rotary mower deck. The new tractor will meet all CARB Tier 4 emission laws and requirements.

The Road Department is utilizing Sourcewell, a cooperative purchasing program that provides nationally leveraged discount pricing through John Deere (Sourcewell Contract #AI 070821-AGI). RDO Equipment Company has been authorized by John Deere and Alamo Industrial to sell this contract directly. The pricing offered by Sourcewell and RDO Equipment provides the County with a discount of approximately 15% off the list price, which makes the pricing highly competitive against comparable products offered on the market. Pursuant to Inyo County Purchasing Manual Section III(B)(5), the Road Department may purchase this equipment via Sourcewell / RDO Equipment Company without soliciting bids.

The Road Department is recommending your Board authorize the purchase of one (1) new John Deere 6105E tractor, one (1) Alamo Industrial Samuri side boom mower attachment and one (1) Alamo Industrial Eagle 10 rotary mower attachment from RDO Equipment Company, to be delivered to the Road Department shop in Independence. The total expense, including delivery and taxes, is not to exceed \$192,655.06.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could choose not to approve this purchase. This is not recommended, as the current Road Department fleet is aging and each year more of it is put under usage restrictions due to CARB regulations. These usage restrictions are having an adverse impact on road operations.

OTHER AGENCY INVOLVEMENT:

County Counsel
Auditor's Office

FINANCING:

The funding for the tractor/mower combination has been approved in the FY 21/22 Road Department Budget, 034600, Object code 5650, Equipment.

ATTACHMENTS:

1. John Deere Tractor-Mower Quote

APPROVALS:

Shannon Platt	Created/Initiated - 1/14/2022
Darcy Ellis	Approved - 1/18/2022
Sally Faircloth	Approved - 1/20/2022
Breanne Nelums	Approved - 1/20/2022
Shannon Platt	Approved - 1/20/2022
John Vallejo	Approved - 1/20/2022
Amy Shepherd	Approved - 1/24/2022
Michael Errante	Final Approval - 1/24/2022



Investment Proposal (Quote)

RDO Equipment Co.
 20 Iowa Avenue
 Riverside CA, 92507
 Phone: (951) 778-3700 - Fax: (951) 778-3746



Proposal for:
 INYO COUNTY
 PO Drawer Q
 INDEPENDENCE, CA, 93526
 INYO

Investment Proposal Date: 1/4/2022
Pricing Valid Until: 2/25/2022
Deal Number: 1514567
Customer Account#: 5501034
Government Account Manager SW: Stefanie Miller
Phone: (951) 778-3700
Fax: (951) 778-3746
Email: smiller@rdoequipment.com

Comments

* Sourcwell AI 070821-AGI / Sourcwell ID# 4507
 * Payment Term Net 30 or sooner

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2021 JOHN DEERE 6105E	\$79,645.96
			Outside Parts and Labor PDI and Delivery	\$3,105.00
			Item Subtotal:	\$82,750.96
1	TBD TBD	0	New 2021 ALAMO INDUSTRIAL Samuri	\$72,231.84
1	TBD TBD	0	New 2022 ALAMO INDUSTRIAL EAGLE10	\$23,808.90
			Equipment Subtotal:	\$178,791.70

Purchase Order Totals

Balance:	\$178,791.70
CA STATE TAX:	\$10,727.50
CA COUNTY TAX:	\$446.98
CA SPECIAL TAX:	\$2,681.88
Sales Tax Total:	\$13,856.36
CA Tire Fee:	\$7.00
Sub Total:	\$192,655.06
Cash with Order:	\$0.00
Balance Due:	\$192,655.06

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2021 JOHN DEERE 6105E	32123204 6105E C4, 380/85R24 and 460/85R38 Tires, New Spec
1	TBD	2021 ALAMO INDUSTRIAL Samuri	04852208 22' Samurai™ Boom Joystick for 4WD Tractors 02986213SJ 50" Sever Duty Rotary, Blade Bar, Joystick 02982002 FACTORY MOUNTING 02996553 18'-22' Mount Kit, C4 6105E/6120E/6135E, Tier 4B
1	TBD	2022 ALAMO INDUSTRIAL EAGLE10	01052110 10' Eagle™ Flex-Wing



County of Inyo



Water Department

DEPARTMENTAL - NO ACTION REQUIRED

MEETING: February 8, 2022

FROM: Aaron Steinwand

SUBJECT: Owens Valley Groundwater Authority Meeting – February 10, 2021

RECOMMENDED ACTION:

Request Board provide direction to the Owens Valley Groundwater Authority representatives in advance of the Owens Valley Groundwater Authority special meeting scheduled for February 10, 2021.

SUMMARY/JUSTIFICATION:

The Final Groundwater Sustainability Plan (GSP) was approved by the OVGA in December 2021 and submitted to the California Department of Water Resources on January 26, 2022. Following adoption of the GSP, the Mono County Board of Supervisors notified the OVGA it will withdraw from the OVGA in accordance with procedures contained in the Joint Powers Agreement. No notices were received from other OVGA members. Mono's withdrawal becomes effective on July 1, 2022 at which time the OVGA will no longer have a member with land and water management responsibilities in the Mono County portion of the groundwater basin. The OVGA as presently composed cannot implement management actions contained in the GSP, assess fees, or impose regulatory requirements in Mono County.

It is appropriate for the OVGA to consider whether it desires to amend the GSA boundary (not the groundwater basin boundary). At the February 10 meeting, staff are requesting direction whether to prepare the necessary notifications and OVGA actions to amend the boundary at a future meeting. Several options will be discussed including: do nothing and remain the exclusive GSA for the entire basin, consider the 2021 request of the Tri-Valley Groundwater Management District (TVGMD) to remove the portion of the basin within their district from the GSA, or amend the boundary to coincide with the area where members have jurisdiction, i.e. at the Inyo-Mono county line. In the first two options, the OVGA would remain responsible for areas where it has no jurisdiction. As long as the basin remains low priority, such an arrangement is allowed, but it is not recommended. Amending the GSA boundary to include Inyo County would allow Mono County, TVGMD, or another agency to submit a notice of intent to be a GSA. SGMA allows a basin to be managed by multiple GSA's, but the additional step of developing coordination agreements is required.

As described above, the basin is low priority and aside from annual reporting to DWR, the OVGA is not required to implement any GSP provisions unless the basin is ranked as medium or high priority in the future. At the February meeting, the OVGA will consider whether to implement management actions contained in the GSP.

This is a necessary step to develop a 2022-23 OVGA budget that the agency is required to adopt in April. Briefly, the GSP proposed that the OVGA develop two ordinances. The first would register pumping wells and require

reporting of pumping amounts (domestic wells would be exempt). A second ordinance could establish procedures for OVGA review of permit applications for new wells in Inyo County (approval of the well permits would remain with the County). These ordinances are necessary to address data gaps and to maintain an up-to-date database of wells and pumping amounts in the basin. In addition, the GSP included a project to increase the groundwater level monitoring network. Monitoring data in portions of Round Valley and the Owens Valley south of Owens lake are sparse, and this project would attempt to locate cooperating well owners to volunteer their well for monitoring as potentially a more cost effective method to fill data gaps that installing dedicated monitoring wells. The GSP included a project to develop a groundwater model for the Tri-Valley portion of the basin and the OVGA placed that project on the list to be considered for funding by the Inyo-Mono Integrated Regional Water Management Group. Development of the groundwater model could precede without Mono County as a member, but the OVGA will discuss whether to continue with that grant request. Finally, the OVGA could direct staff to increase coordination with the Regional Water Management Group for assistance with other grant funding, continue to participate on the Owens Lake Groundwater Stakeholder Development project, and/or initiate monitoring of groundwater dependent ecosystems outside LADWP lands using remote sensing techniques.

The additional action item on the agenda is a request that the OVGA adopt findings pursuant to AB 361 after considering the existing State of Emergency in response to the COVID-19 pandemic, and that local officials continue to recommend measures that impact the ability of the members to meet safely in person.

BACKGROUND/HISTORY OF BOARD ACTIONS:

N/A

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

OTHER AGENCY INVOLVEMENT:

City of Bishop, Mono County, Indian Creek-Westridge CSD, Big Pine CSD; Lone Pine Paiute-Shoshone Tribe

FINANCING:

N/A

ATTACHMENTS:

1. OVGA 02.10.22 Draft Agenda

APPROVALS:

Aaron Steinwand	Created/Initiated - 1/27/2022
Darcy Ellis	Approved - 1/27/2022
Aaron Steinwand	Approved - 1/27/2022
John Vallejo	Approved - 1/27/2022
Amy Shepherd	Final Approval - 1/31/2022

Owens Valley Groundwater Authority

February 10, 2022
2:00 PM

Board of Directors Special Meeting Agenda

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Members of the public will be allowed to speak about each agenda item before the Board of Directors takes action on it. Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Directors or the Owens Valley Groundwater Authority.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact Laura Piper at (760) 878-0001. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the OVGA to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require alternative formatting of this agenda, please notify Laura Piper 72 hours prior to the meeting to enable the OVGA to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2).

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. The Bishop City Council Chambers are closed to the public, and the Owens Valley Groundwater Authority will conduct this meeting exclusively online. Directors and staff will participate via videoconference accessible to the public at: [Insert Zoom here](#)

To join by phone, refer to the numbers and webinar ID at the bottom of the agenda. To provide public comment, at the appropriate agenda item during the meeting, press the raise your hand button in the Zoom window. Public comment also may be provided by emailing comments, limited to **250 words or less**, prior to the meeting or before the staff report for the item has ended. Efforts will be made to read your comment, but submittals longer than 250 words may not be read or may be summarized due to time limitations. All comments will be made a part of the record. Please submit a separate email for each item that you wish to comment upon to lpiper@inyocounty.us, and identify in the subject line of the email which agenda item the comment addresses.

OPEN SESSION (With the exception of timed items, all open-session items may be considered at any time and in any order during the meeting at the Board's discretion.)

1. Pledge of allegiance.
2. Public comment.
3. Introductions.
4. Request that the OVGA 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.
5. Approval of minutes from the January 27, 2021 OVGA Meeting.
6. Board Member Reports.
7. Update on the Final GSP status and submittal.
8. Status of OVGA membership and possible direction to staff regarding adjustment of the OVGA boundary.
9. Discussion of OVGA GSP Management Actions and possible direction to staff for inclusion in the 2022-2023 budget.

10. Discussion regarding future meeting dates and agenda items.

11. Adjourn.

Join the February 10, 2022 OVGA webinar:

Or One tap mobile:

US: +16699006833, 89188551131 or +13462487799, 89188551131

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833
+1 346 248 7799
+1 253 215 8782
+1 312 626 6799
+1 929 205 6099
+1 301 715 8592

Webinar ID: 834 7395 0169

Passcode: 818257

International numbers available: <https://us02web.zoom.us/j/k3UoAkXDX>



County of Inyo



County Counsel

DEPARTMENTAL - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Darcy Ellis

SUBJECT: Amendment to meeting minutes

RECOMMENDED ACTION:

Request Board approve the amendment to the minutes of the Board of Supervisors' March 10, 2020 meeting.

SUMMARY/JUSTIFICATION:

Pursuant to a settlement agreement relating to litigation filed by Mr. Allen Berrey, the minutes of the March 10, 2020 meeting are being amended and those amendments will become part of the record of the March 10th meeting. The amendments are attached to this agenda item, and constitute additions to the existing minutes your Board previously approved.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

This action is required pursuant to the settlement agreement reached with Mr. Berrey. Your Board could choose not to amend the March 10, 2020, meeting minutes and continue to defend against Mr. Berrey's litigation.

OTHER AGENCY INVOLVEMENT:

FINANCING:

N/A

ATTACHMENTS:

1. Amendment to Minutes 03.10.2020

APPROVALS:

John Vallejo
John Vallejo
Darcy Ellis
Leslie Chapman

Created/Initiated - 1/24/2022
Approved - 1/24/2022
Approved - 1/24/2022
Approved - 2/3/2022

John Vallejo

Final Approval - 2/3/2022

AMENDMENT TO THE MINUTES OF THE BOARD'S MARCH 10, 2020, MEETING CONCERNING RE-NAMING PORTAGEE JOE CAMPGROUND

On March 10, 2020, after having discussed the matter in closed session on December 10, 2019, the Board of Supervisors approved changing the name of the "Portagee Joe Campground" to the "Portuguese Joe Campground." Mr. Berrey played a significant role in the Board of Supervisors' decision to change the name of the campground. To recognize that role, the minutes of the Board's March 10, 2020 meeting concerning its action on that date to change the name of Inyo County's 'Portagee Joe Campground' to 'Portuguese Joe Campground' are amended by adding the following:

1) At a community meeting in Lone Pine in February, 2017, Mr. Berrey advised those assembled that he did not consider anyone involved in naming the campground "Portagee Joe" to have acted out of racism, bigotry, or malice; but that, nevertheless, the campground's name should be changed because the word "portagee" is offensive. And, in support of that contention, he read an excerpt from a 2014 essay in the Portuguese American Journal by Professor George Monteiro of Brown University titled, "From Portingale to Portugee," which points out why the use of the word "Portagee" could be considered offensive.

2) At that meeting Mr. Berrey also suggested that the campground be re-named 'Portuguese Joe Campground', the reasons for which he elaborated upon in a letter he sent the next day to the editor of, and which was published in, The Inyo Register. The gist of Mr. Berrey's letter was that it was simply much more respectful for the community to now refer to "Portagee Joe" as "Portuguese Joe."

3) Later in 2017, and then in 2019, Mr. Berrey also suggested to the Board of Supervisors that it re-name the campground in honor of Wayne Geiger, a U.S. Army soldier from Lone Pine killed in action in Iraq, and that a monument be erected at the campground in remembrance of Jose Pires, aka . "Portagee Joe."

4) During the course of his efforts to change the campground's name, and pursuant to the request of then-Assistant County Administrator Chapman that he help her discover "Portagee Joe's" real name, Mr. Berrey looked for and found Jose Pires's (Portuguese Joe's) gravestone at the Mt. Whitney Cemetery in Lone Pine and took photographs of it, one of which he sent to Ms. Chapman and which she later included in the Staff Report she presented to the Board of Supervisors at its March 10, 2020 meeting.

5) The July 16, 2017, email from Mr. Berrey to the Board of Supervisors suggesting and explaining his reasons why the campground should be re-named in honor of Wayne Geiger was entered into the record in connection with the Board's March 10, 2020, action re-naming the campground Portuguese Joe Campground.

6) The letter Mr. Berrey wrote to the editor of The Inyo Register in 2017 and which he supplied to Board of Supervisors at its March 10, 2020, meeting was entered into the record in connection with the Board's action on that date to re-name the campground "Portuguese Joe Campground."

7) Also entered into the record in connection with that action was an email from Mr. Carlos Fonseca to Assistant Board Clerk Darcy Ellis for the Board of Supervisors to consider on March 10, 2020, in deciding whether to change the name of the campground to "Portuguese Joe Campground."

8) The Board does understand that Mr. Berrey feels that his contributions to effectuating the name change were not appropriately recognized at the March 10, 2020 meeting. The Board hereby recognizes Mr. Berrey's efforts in having the campground's name changed.



County of Inyo



Board of Supervisors

TIMED ITEMS - NO ACTION REQUIRED

MEETING: February 8, 2022

FROM: DVNP

SUBJECT: Update on Death Valley National Park and Stovepipe Wells Environmental Assessment

RECOMMENDED ACTION:

11 A.M. - Presentation - Request Board receive a presentation from temporary Death Valley National Park Superintendent James Woolsey and Management Analyst Abby Wines, including an update on the Park and the Stovepipe Wells Environmental Assessment.

SUMMARY/JUSTIFICATION:

Mr. James Woolsey is on a temporary assignment as Death Valley's superintendent (until May 10). He's covering for Superintendent Mike Reynolds while he is on a temporary assignment at the National Park Service regional office.

Superintendent Woolsey and Park Management Analyst Abby Wines would like to make a presentation to the Board that includes an update on the Park, as well as information about the Stovepipe Wells Environmental Assessment. The EA is open for public comment, and can be found online at parkplanning.nps.gov/StovepipeWellsPlan.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

OTHER AGENCY INVOLVEMENT:

Death Valley National Park

FINANCING:

N/A

ATTACHMENTS:

1. Death Valley National Park Presentation - Inyo County Board of Supervisors

APPROVALS:

Darcy Ellis
Darcy Ellis

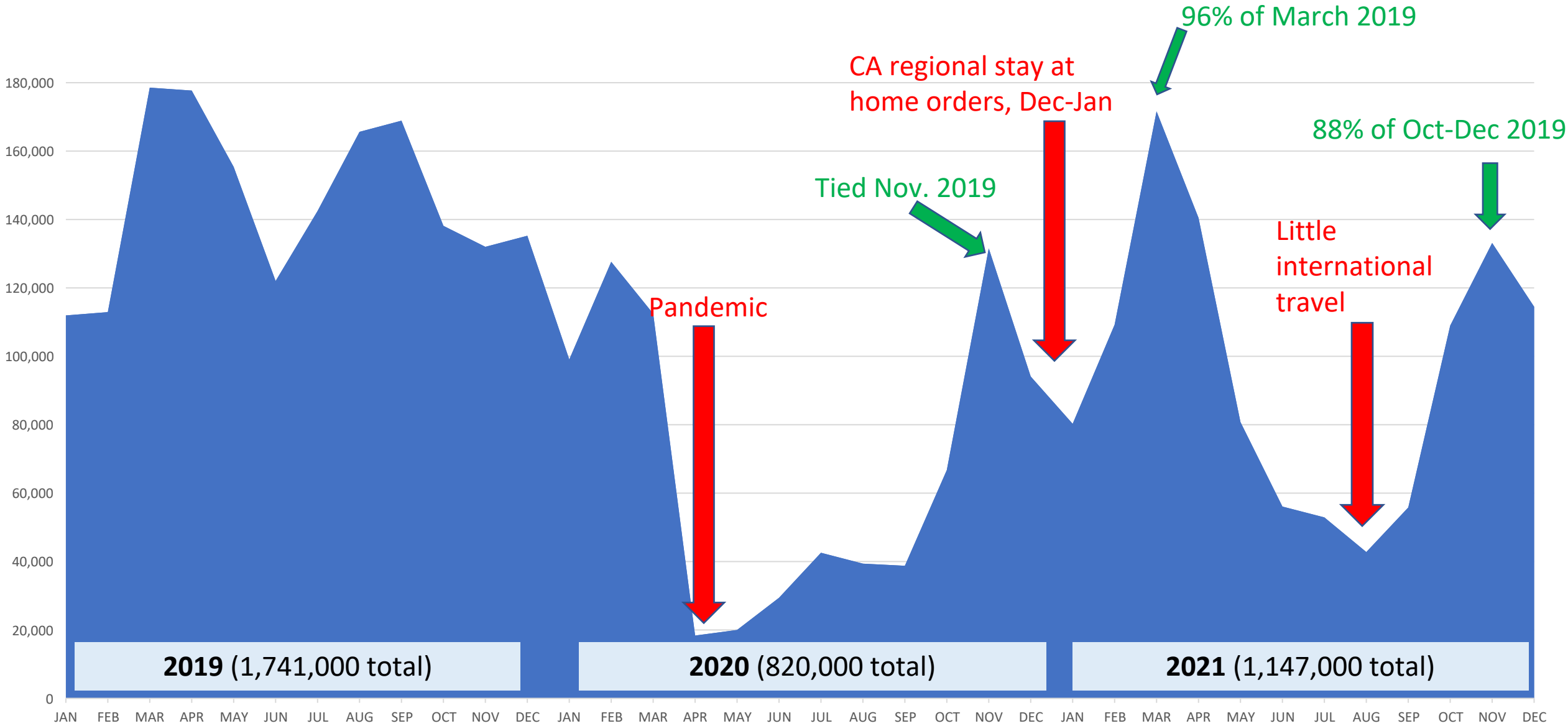
Created/Initiated - 2/2/2022
Final Approval - 2/2/2022



Death Valley National Park February 2022 update



Visitation



Water & Wastewater

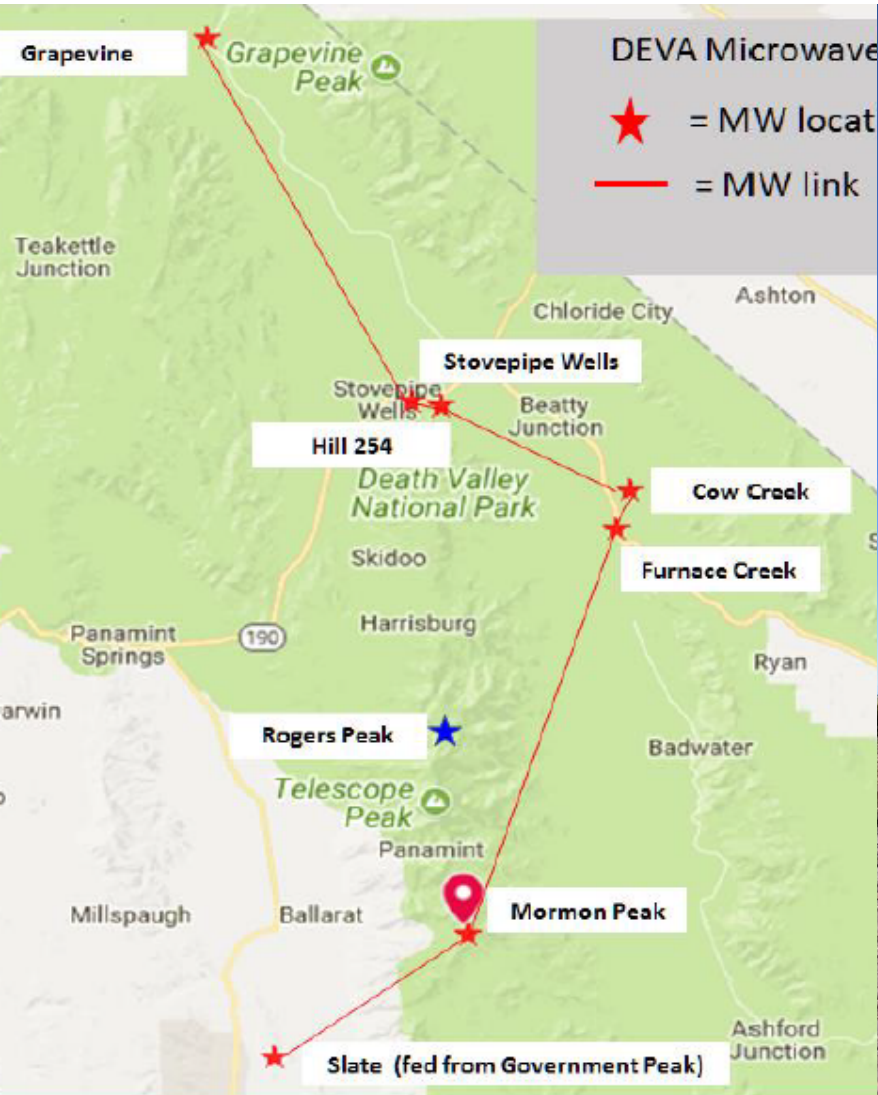


Scotty's Castle



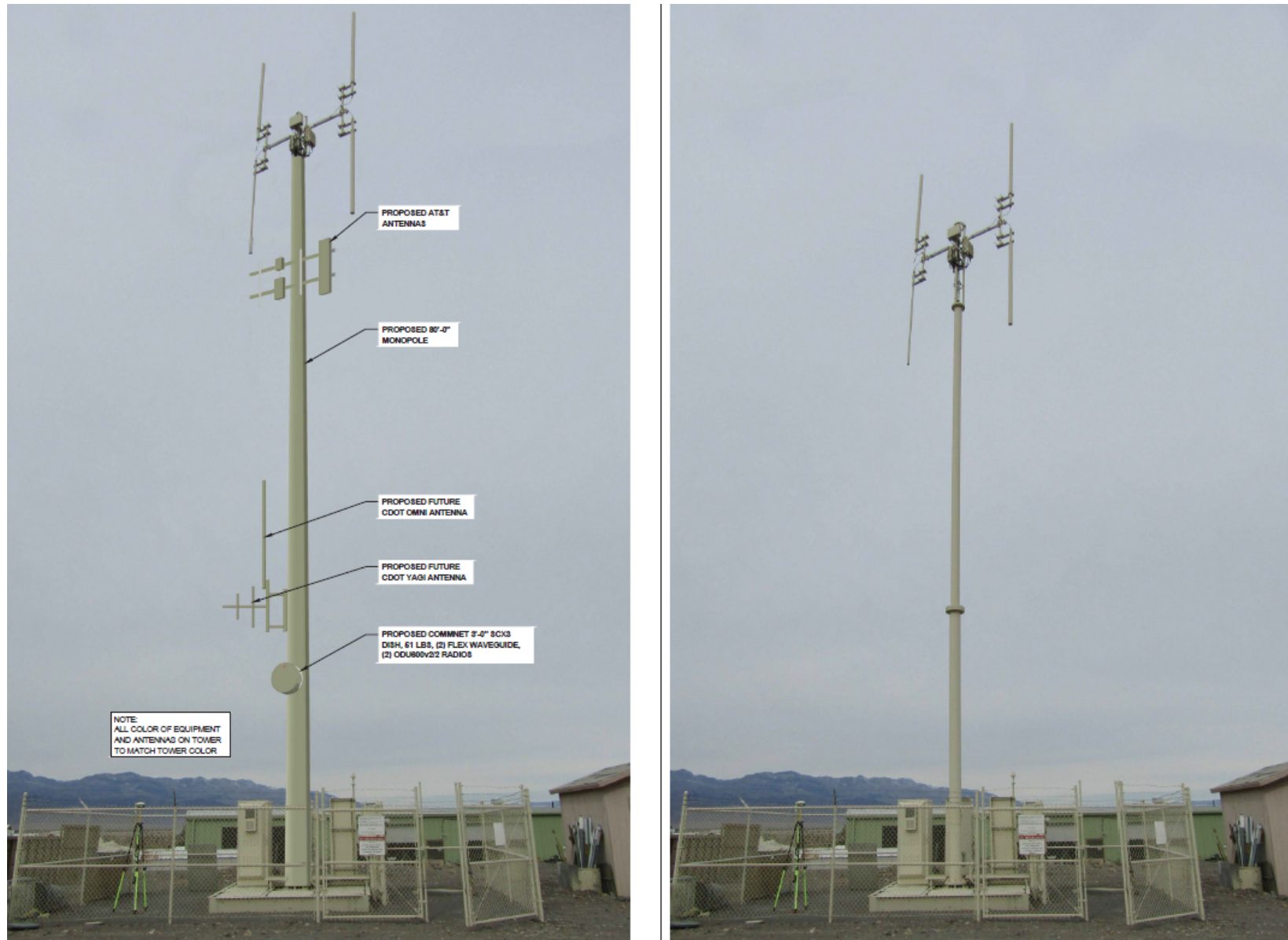
Telecommunications – Mormon Peak

Coming soon: public comment period



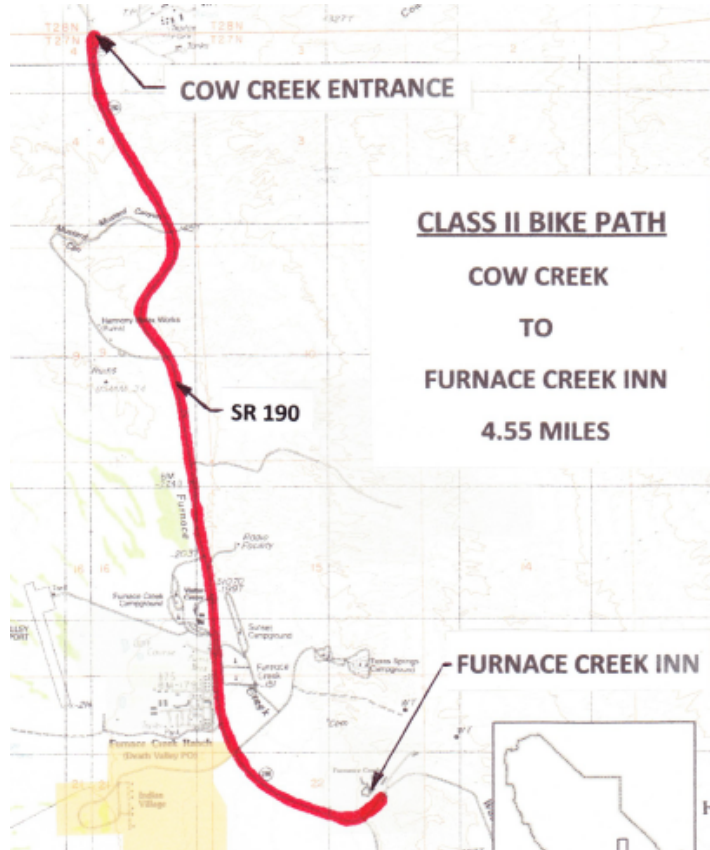
Mormon Peak
Repeater Site
Death Valley National Park, CA

Telecommunications – Stovepipe Wells Cell Tower



Bike Path

Design workshop 2/23-2/24: Caltrans, Timbisha, NPS, Xanterra



Class 2 (paved shoulder on CA-190)

- Cow Creek to The Inn at Death Valley



Class 1 (accessible, paved trail away from road)

- Furnace Creek Visitor Center to the Inn at Death Valley

Stovepipe Wells EA

Comment period through 2/28

parkplanning.nps.gov/StovepipeWellsPlan



Fix/replace failing or inadequate facilities

- Water system at Stovepipe & Emigrant
- Wastewater system at Stovepipe & Emigrant
- Rehab Emigrant historic ranger station & restroom
- Replace emergency services building
- Replace Visitor Contact Station
- Harden (maybe pave?) Mosaic Canyon Road

Stovepipe Wells EA

Comment period through 2/28

parkplanning.nps.gov/StovepipeWellsPlan

Remove Stovepipe Wells airstrip

- Needs about \$3 million in repairs, redundant with Furnace Creek Airport
- Retain paved helipad
- Consider using former airstrip for night sky viewing



Stovepipe Wells EA

Comment period through 2/28

parkplanning.nps.gov/StovepipeWellsPlan

Improve Stovepipe Wells Campground

- Add second restroom
- Add amenities like shade structures and picnic tables
- Reduce campsite density (add separation between sites), and consider expanding to the east in future
- Add more RV hookups





County of Inyo



Planning Department

TIMED ITEMS - ACTION REQUIRED

MEETING: February 8, 2022

FROM: Cathreen Richards

SUBJECT: Appeal 2021-01/Shade Grown Farms - Revocation of Conditional Use Permit (CUP) 2019-01

RECOMMENDED ACTION:

1 P.M. - Planning - Request Board conduct a Public Hearing regarding Appeal No. 2021-01 (Shade Grown Farms) and deny the appeal.

SUMMARY/JUSTIFICATION:

On February 27, 2019, the Planning Commission, upon the recommendation of staff, approved a CUP for the applicant, Lowell Shade, to operate a commercial cannabis cultivation operation at 140 Agate Drive in the community of Stewart Valley. One of the conditions of approval within the CUP (condition #3) required Mr. Shade to comply with the Inyo County Code, which in turn requires compliance with the California Building Code.

In mid-2021, the Building Department and the Planning Department learned that Mr. Shade had done extensive construction on the property without the benefit of a building permit. This construction was sub-standard and posed a danger to health and safety. The Building and Planning Departments worked with Mr. Shade for approximately 5 months to assist him in retroactively obtaining the correct permits and correcting the Building Code violations present on the property. Mr. Shade failed to make meaningful progress during this 5-month period.

Accordingly, on October 27, 2021, the Planning Department held a hearing before the Planning Commission where staff requested that the Planning Commission revoke Mr. Shade's CUP for violation of condition of approval #3. At this hearing, the Planning Commission voted unanimously to revoke Mr. Shade's CUP. Mr. Shade has now appealed that decision to your Board. Attached to this staff report is Mr. Shade's appeal request and supporting documentation, along with a response from the Planning Department.

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board may consider the following alternatives:

1. Deny the Appeal and uphold the Planning Commission decision to revoke the CUP.
2. Approve the requested appeal and reverse the Planning Commission decision to revoke the CUP. This is not recommended.

3. Return to staff with direction.

OTHER AGENCY INVOLVEMENT:

Inyo Mono Agriculture Commission; Inyo County Building and Safety Department

FINANCING:

N/A

ATTACHMENTS:

1. Appeal - Shade Grown Farms LLC 11.04.21
2. Staff Report for Shade Grown BOS Appeal

APPROVALS:

Cathreen Richards
Grace Chuchla
Darcy Ellis
Cathreen Richards

Created/Initiated - 1/21/2022
Approved - 2/3/2022
Approved - 2/3/2022
Final Approval - 2/3/2022



APPEAL TO INYO COUNTY BOARD OF SUPERVISORS

To: Inyo County Board of Supervisors
District 1 - Dan Tothoroh
District 2 - Jeff Griffiths
District 3 - Rick Pucci
District 4 - Mark Tillemans
District 5 - Matt Kingsley

RECEIVED

NOV 4 2021

Inyo County Administrator
Clerk of the Board

CC: Inyo County Planning Commission

Appellant: Shade Grown Farms LLC
Lowell Shade

Re: Appeal of Planning Commission Decision Revoking Permit (CUP) NO. 2019-01
APN 048-540-08

Date: November 2, 2021

Dear Sirs,

I am respectfully requesting this Board to consider and grant my appeal of the Inyo County Planning Commission's decision revoking the Conditional Use Permit # 2019-01. I have provided a brief background along with additional facts supporting my appeal request.

SUMMARY & BACKGROUND

- Inyo County Planning granted a Conditional Use Permit to Shade Grown Farms LLC ('SF') for the purposes of cannabis cultivation on February 27, 2019. Since then, SF has obtained State of California licensure to operate its Cannabis cultivation operations. SF's operations were also inspected by Bureau of Cannabis Control, California Dept of Fish and Wildlife, Water Control Board and Cal Cannabis. At all times, SF was operating under the regulations of these agencies.
- Since the grant of the CUP, SF has continuously strived to ensure compliance with County and State regulations. SF has had numerous positive discussions and communications with Inyo County on maintaining compliance.
- In early September, 2021, SF received its first formal notice of non-compliance with the CUP. Despite demonstrating significant progress in compliance issues highlighted by Building & Safety, on October 27, the Planning Commission revoked the CUP and refused to review the continued progress that had been previously acknowledged at the Planning Commission meeting on September 22, 2021. At the Planning Commission meeting on September 22, 2021, a County official stated that "Mr. Shade had shown significant progress" and further "[I]f he continues to make progress we can continue again, or actually suspend the violation process." Unfortunately, I was not allowed to present his continued progress to the Planning Commission.

- The CUP revocation was arbitrary and unreasonable. Further, not being allowed sufficient time at the Planning Commission hearing to present the very significant progress towards compliance violated my due process rights. I am respectfully requesting the Board of Supervisors to reverse the Planning Commission's CUP revocation and allow more time to fully address all compliance issues.

ADDITIONAL FACTS SUPPORTING REVERSAL OF THE REVOCATION

1. Compliance with Building & Safety

Upon the grant of the CUP, I have maintained continuous communication with Building & Safety to ensure compliance with local codes. Due to the pandemic, all activities had slowed down significantly and I worked within the confines of what was possible at the time. Even the County was forced to change the way they conducted their business, so I would have expected that the County would also allow for similar accommodations. My various communications with Inyo Building & Safety are presented in *Exhibit 1*. From the beginning, I faced problems with County staff not being responsive to my multiple queries. I was not given a clear answer on the County's requirements until a year after I reached out to them. Throughout this period, I was given verbal and/or email approval for the work that I had already carried out. Subsequently, Building & Safety informed me that the work performed did not meet state/county requirements. Since then, I have been working tirelessly to meet these requirements and satisfy Building & Safety.

A few representative highlights of these communications are listed below:

- October 8, 2019: Following early communications with Building & Safety and sharing details on the greenhouse structures, Mr. Sparrow stated "Hi Lowell, Yes it appears this exceeds our requirements and will be fine to put up on your property."
- October 31, 2019: Following repeated attempts to get an answer from Building & Safety; "Hello Tyson, I am just trying to verify you've received my three packets. Please let me know if there is anything else you need. I desperately need to finish the construction and am just waiting on the word from you that I can. Thank you"
- February 19, 2020: Following numerous attempts to get feedback on the submitted building permit application: "Hello Tyson, Hope your well. Could you send me the invoice to pay the building permit fees. I still havnt seen how much it is. Ill pay that first thing in the morning so I can get moving forward. Thank you again for all of your help; Sincerely: Lowell Shade"; response received same day from Building & Safety with the requested invoice.
- August 11, 2021: Attempts to meet Building & Safety's requirements: "Hello Tyson, I am still awaiting direction from you on how you would like me to proceed on my power needs and have reached out to Jerry Oser for assistance on the bathroom requirements needed satisfied for environmental health."

- September 16, 2021: Acknowledgement by Building & Safety of my efforts to bring everything into compliance: "Yes Lowell you will be taken off the hearing, with the understanding that you will complete the rest of the work within a reasonable amount of time and call for inspections. I have already told Cathreen that you have done a tremendous job of coming into compliance and should be given another opportunity to create a successful business. Have a great day" [Email from Mr. Sparrow dated September 16, 2021].
- September 28, 2021: Building & Safety requested pictures of the progress at the site (in lieu of an inspection): "Do you have the requested photos of the current status of the underground electrical, pull box and any work done on the ADA bathroom?".
- September 29, 2021: I responded to the above email with the requested pictures and requested approval of the work being done, however, the email bounced back. Building & Safety did not respond to my subsequent attempts to get the property inspected and approved.

Ultimately, the excellent progress that I had made was never reviewed/inspected by Building & Safety, and at the October 27 Planning Commission hearing I was never given a chance to present this progress to the Planning Commission.

2. Compliance with Planning Department

In addition to Building & Safety, I had also been in constant communication with the Planning Department to ensure compliance. The Planning Department noted that I have been in compliance with all but the Building & Safety requirements referenced in Section 1 (above). More importantly, at the Planning Commission meeting on September 22, 2021, Ms. Cathreen Richards (Planning Director) stated

*"Mr. Shade has shown **significant progress** in clearing up his building violations with the Building & Safety Department. They contacted me Monday, September 20, 2021 and stated he had made good progress, so we can continue until October. **If he continues to make progress we can continue again, or actually suspend the violation process.**"*

In fact, since that meeting, I had made even more progress. Had I actually been given a fair chance to present these facts (see Section 4 – Conduct of Planning Commission Hearing), I am confident that the Planning Commission would have abided by its own clear directive above. This directive clearly stated that if I continue to make progress, I would be given more time or even completely exit the violation process. In this case, the CUP revocation contradicted their own stated directive. Pictures of the significant but unreviewed/uninspected progress are set out below in Exhibit 4.

3. Compliance with Environmental Health

Around early August 2021, I was informed by Building & Safety that I was not in compliance with County Environmental Health Department ('EHD') regulations and that these EHD violations were very serious and would cause the CUP to be revoked. However, upon directly contacting the EHD

office, I was told among other clarifications “[I]n summary, at least for the Environmental Health portion of your CUP, you comply.” [See email from Jerry Oser dated August 6, 2021; *Exhibit 2*]

I am providing the above information as an example of the mixed/incorrect information I have been given over the past 2 years by the pertinent County officials.

4. Conduct of the Planning Commission Hearing on October 27, 2021

At the hearing on October 27, 2021, I was not given a chance to present my progress to date and particularly the progress since the pervious Planning Commission meeting on September 22, 2021. Had I been given a chance to fully present the status of the various compliance items, I am confident that an extension would have been granted to allow me to bring all items into compliance. Not providing me enough time and shutting me off at this very crucial meeting that determines my livelihood was simply unjust, unfair and ultimately unreasonable, particularly, when the relevant County officials acknowledged both verbally and in writing that I was continuing to make progress on all compliance matters. I have set out pictures that should have been reviewed and considered by County officials in *Exhibit 3*.

5. Compliance with County Commercial Permitting Office

My compliance and inspection results are set out in Exhibit 4.

Appeal:

Based on the various issues that I have noted above, I believe that the revocation of the CUP did not adequately consider my due process rights and appears to have been abrupt/arbitrary, particularly when I was given positive feedback (as recently as September 22, 2021) from the County that I was in fact making good progress on fixing my compliance issues.

I am simply asking this Board to consider the facts and reverse the CUP revocation by the Planning Commission; and, grant me an additional 120 days to fully and finally address all outstanding compliance issues. I assure this Board that I will comprehensively address every outstanding issue raised by Building & Safety or any other County department. I do believe this would be the more reasonable outcome for both myself and the County instead of allowing this to escalate into unnecessary legal proceedings.

Shade Grown Farms LLC
Lowell Shade

.....

CORRECTION NOTICE

CITY OF BISHOP

Building Department

City Hall - 377 W. Line St. - 873-8458

DATE:

9/1/21

LOCATION:

400 AGATE S.V.

I have this day inspected this structure and these premises and have found the following violations of City Laws governing same:

PER COP: ADA BATHROOM - INSPECTION REQUIRED

ALL ELECTRICAL MUST MEET COMMERCIAL CODE

ALL UBE/UBP MUST BE INSPECTED

ALL WIRE SHALL BE PROTECTED

~~UBE IN CONDUIT - ALL ETC~~

~~ROMEX FROM HOUSE MAIN SHALL BE REMOVED~~

~~50 AMP SUB POWERING WHOLE SITE?~~

~~LOAD CALCULATIONS REQUIRED~~

PROPER PLANS FOR ADA BATHROOM

PROPER PLANS FOR ALL ELE/DUM / INCLUDING

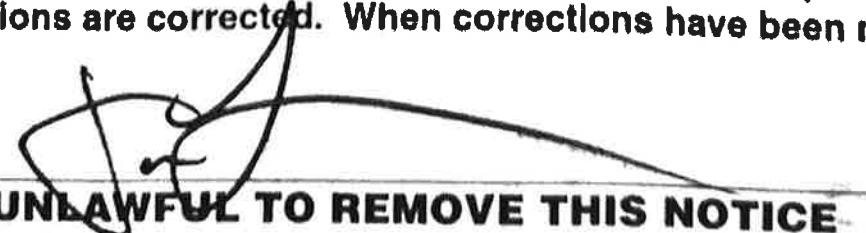
~~ALL DE -~~

~~MAIN FEES SHALL BE IN CONDUIT~~

1-24 COM / REQ

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspections.

Inspector:



IT IS UNLAWFUL TO REMOVE THIS NOTICE

Exhibit 1 – Communications with Building & Safety

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Mon, Apr 8, 2019, 8:37 AM
Subject: zimmerman greenhouse technical data.pdf
To: Tyson Sparrow <tsparrow@inyocounty.us>

Hello and good morning. This is the info that pertains to my greenhouses. Im not sure if this is some of what is needed. I would love to drive up this week and meet with you at your earliest convenience to get some direction in how to proceed so we may continue erecting the greenhouses. I hope to hear your response soon. Thank you again Tyson

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Sep 25, 2019, 2:32 PM
Subject: updated site plan
To: Tyson Sparrow <tsparrow@inyocounty.us>

Here is the updated site plan showing proper set back and spacing. Please note the greenhouses listed as existing are the ones we are applying for building permits for. I am including the paperwork for the third greenhouse to be built on my lot G for you to review and let me know if those are acceptable for that one. the engineer is currently working on converting my electrical schematic to plan form from pen sketch. if you have any suggestions please email anytime. Thank you

Sent from [Mail](#) for Windows 10

Location and Code Requirements

Elevation - 5,800 ft

Ground Snow Load - $p_g = 87$ lbs per square foot

Wind Speed design (code for area) - 110 mph for 3 seconds

Building

Manufacturer - Zimmerman Welding of Versailles, Missouri

Wall Height - 8'

Building Peak Height - 16'

Building Footprint - 30'x96'

Building Design

19 individual arches spaced on 4' centers, each arch includes a W-truss

Materials: Arches - 2-3/8" dia. 14 gauge galvanized steel, W-truss - 1-3/8" dia. 14 gauge galvanized steel, Knee Braces - 1-5/8" dia. 14 gauge galvanized steel, 3 Purlin runs - 1-3/8" dia. 14 gauge, hip boards - 2x8 boards, base boards - 2x6 boards, end walls - 4x4 and 2x4 boards, covering - 6 mil transparent plastic

See attached drawing for arches layout

Snow Load Calculations

Flat Roof Snow Load - $p_f = 0.7 * C_e * C_t * I_s * p_g$ - for the existing structure $p_f = 52.62 \text{ lb/ft}^2$

Exposure Factor - $C_e = .9$

Thermal Factor - $C_t = 1.2$

Importance Factor - $I_s = .8$ (Low risk to human life upon failure)

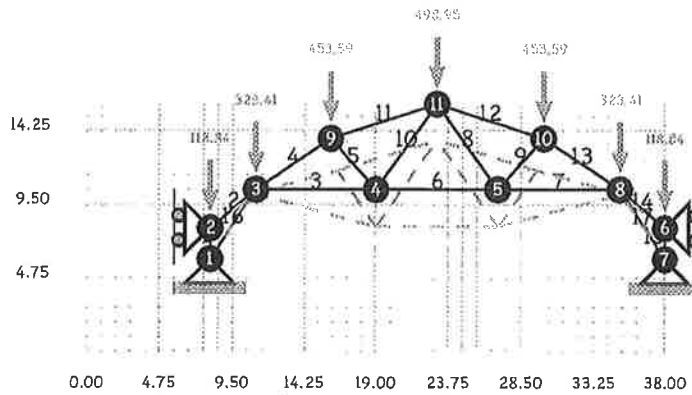
Sloped Roof Snow Load - $p_s = C_s * p_f$ - for the existing structure $p_s = 42.1 \text{ lb/ft}^2$

Cold Roof Slope Factor - $C_s = .8$

Effective Roof Area for 4' section - 120 ft^2

Calculated load for Effective Roof Area for 4' section - 5,052 lbs. - Note in attached calculation file that this load was calculated to show the point loads of an evenly spread layer of snow

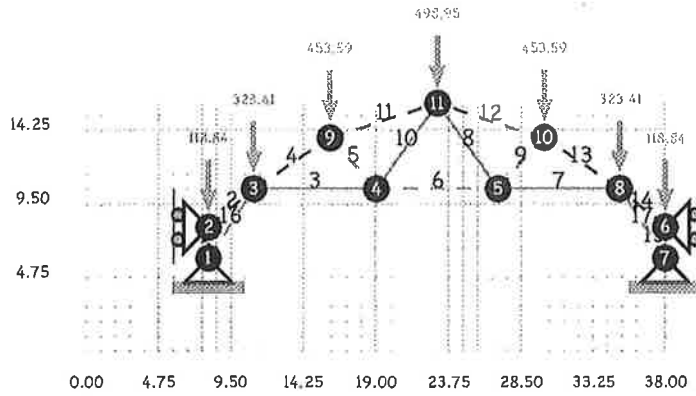
T11: Zimmerman High Tunnel 4' spacing 87 lb ground snow load



Nodes

Node No.	X-co. (ft)	Y-co. (ft)	X-Load (lb)	Y-Load (lb)	Support Type	Reaction, Rx (lb)	Reaction, Ry (lb)	X-translation (ft)	Y-translation (ft)
1	8.00	6.00			Hinge	721.59	2,525.00	0.00	0.00
2	8.00	8.00		262.00	Roller	1,416.73	(0.00)	0.00	(0.00)
3	11.00	10.50		713.00				(0.00)	(0.00)
4	19.00	10.50						0.00	(0.00)
5	27.00	10.50						(0.00)	(0.00)
6	38.00	8.00		262.00	Roller	(1,416.73)	(0.00)	(0.00)	(0.00)
7	38.00	6.00			Hinge	(721.59)	2,525.00	(0.00)	0.00
8	35.00	10.50		713.00				0.00	(0.00)
9	16.00	13.75		1,000.00				0.00	(0.00)
10	30.00	13.75		1,000.00				(0.00)	(0.00)
11	23.00	16.00		1,100.00				(0.00)	(0.00)

T11: Zimmerman High Tunnel 4' spacing 87 lb ground snow load



Members

Elem. No.	From Node	To Node	Length (ft)	Angle (Degree)	Axial Force P, (lb)	Mat#	KL/r (<200)	Allow. Stress (ksi)	Allow. Force Pa, (lb)	Safety Factor (K = Pa/P)
1	1	2	2.00	90.00	(1,442.61)	1	44	25.41	13,967.63	9.68
2	2	3	3.91	39.81	(1,844.17)	1	85	18.24	10,022.58	5.43
3	3	4	8.00	0.00	246.29	2	240	20.48	6,145.20	24.95
4	3	9	5.96	33.02	(2,844.10)	1	130	9.11	5,008.22	1.76
5	4	9	4.42	(47.29)	(227.20)	2	133	8.74	2,620.77	11.53
6	4	5	8.00	0.00	(29.23)	2	240	2.67	801.07	27.40
7	5	8	8.00	0.00	246.29	2	240	20.48	6,145.20	24.95
8	5	11	6.80	(53.97)	206.43	2	204	20.48	6,145.20	29.77
9	5	10	4.42	47.29	(227.20)	2	133	8.74	2,620.77	11.53
10	4	11	6.80	53.97	206.43	2	204	20.48	6,145.20	29.77
11	9	11	7.35	17.82	(2,342.90)	1	161	5.99	3,294.43	1.41
12	10	11	7.35	(17.82)	(2,342.90)	1	161	5.99	3,294.43	1.41
13	8	10	5.96	(33.02)	(2,844.10)	1	130	9.11	5,008.22	1.76
14	6	8	3.91	(39.81)	(1,844.17)	1	85	18.24	10,022.57	5.43
15	6	7	2.00	(90.00)	(1,442.61)	1	44	25.41	13,967.63	9.68
16	1	3	5.41	56.31	(1,300.87)	3	119	10.95	4,150.04	3.19
17	7	8	5.41	(56.31)	(1,300.87)	3	119	10.95	4,150.04	3.19

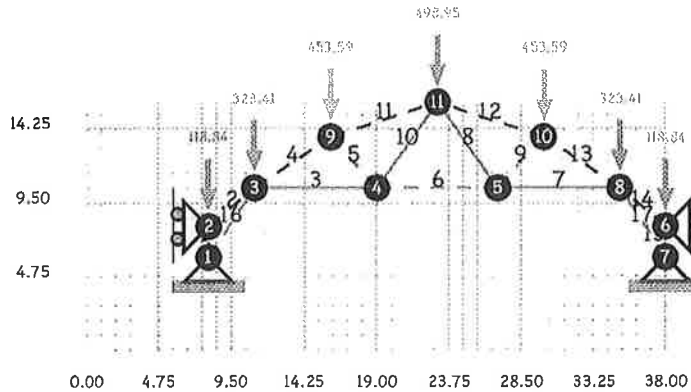
Note1
Detail Note1

Note2
Detail Note2

created by:

Calculation Date:
May 20, 2014

T11: Zimmerman High Tunnel 4' spacing 87 lb ground snow load



Materials

: section-1

Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 0.34 lb/ft

Section Area: 0.55 sq.in.
 Moment of Inertia, I: 0.36 in⁴
 Radius of Gyration, r: 0.55 in
 Color Symbol: ██████████

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
1	1x2.000	2.000	0.680
2	1x3.905	3.905	1.328
4	1x5.963	5.963	2.028
11	1x7.353	7.353	2.500
12	1x7.353	7.353	2.500
13	1x5.963	5.963	2.028
14	1x3.905	3.905	1.328
15	1x2.000	2.000	0.680
subtotal Mat#1		38.443	13.070

: section #2

Material's Type:
 Modulus of Elasticity, E: 2.99E+04 ksi
 Yield's Strength, Fy: 34.14 ksi
 Unit Weight: 0.09 lb/ft

Section Area: 0.30 sq.in.
 Moment of Inertia, I: 0.06 in⁴
 Radius of Gyration, r: 0.40 in
 Color Symbol: ██████████

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
3	1x8.000	8.000	0.720
5	1x4.423	4.423	0.398
6	1x8.000	8.000	0.720
7	1x8.000	8.000	0.720
8	1x6.801	6.801	0.612
9	1x4.423	4.423	0.398
10	1x6.801	6.801	0.612
subtotal Mat#2		46.447	4.180

Note1
Detail Note1

Note2
Detail Note2


created by:

Calculation Date:
May 20, 2014

T11: Zimmerman High Tunnel 4' spacing 87 lb ground snow load

: section #3

Material's Type:
 Modulus of Elasticity, E: 2.99E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 1.00 lb/ft

Section Area: 0.38 sq.in.
 Moment of Inertia, I: 0.11 in⁴
 Radius of Gyration, r: 0.55 in
 Color Symbol: 

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
16	1x5.408	5.408	5.408
17	1x5.408	5.408	5.408
subtotal Mat#3		10.817	10.817

Wind Load Calculations

Building Assumptions - Building is partially enclosed (total area of opening in a wall is up to 50%), Category I building, Low Rise Building (considered rigid for frequency determination)

Design Velocity - $V = 105 \text{ mph}$

Wind Directionality Factor - $K_d = 0.85$

Building Exposure Type - C

Surface Roughness Type - C

Topographic Factor - $K_{tz} = 1$

Reduction Factor = .96

Velocity Pressure Exposure Coefficient evaluated at height of 16' - $K_z = 2.01$

Velocity Pressure Exposure Coefficient evaluated at mean roof height of 12' - $K_h = .85$

Velocity Pressure evaluated at height of 16' - $q_z = 0.00256 \cdot K_z \cdot K_{tz} \cdot K_d \cdot V^2 = 48.22 \frac{\text{lb}}{\text{ft}^2}$

Gust Effect Factor - $G = .85$

Velocity Pressure evaluated at mean roof height of 8' - $q_h = 0.00256 \cdot K_h \cdot K_{tz} \cdot K_d \cdot V^2 = 20.63 \frac{\text{lb}}{\text{ft}^2}$

Internal Pressure $C_{pi} = \pm .55$

Velocity Pressure for Internal Pressure Determination - $q_i = q_z = 48.22 \frac{\text{lb}}{\text{ft}^2}$

Wall Pressure - Windward Side - $C_{pww} = .8$

Wall Pressure - Leeward Side - $C_{plw} = -.5$

Side Wall Pressure - Reduction Factor - $C_{psw} = -.7$

Roof Pressure - Windward Side - $C_p = \pm .2$

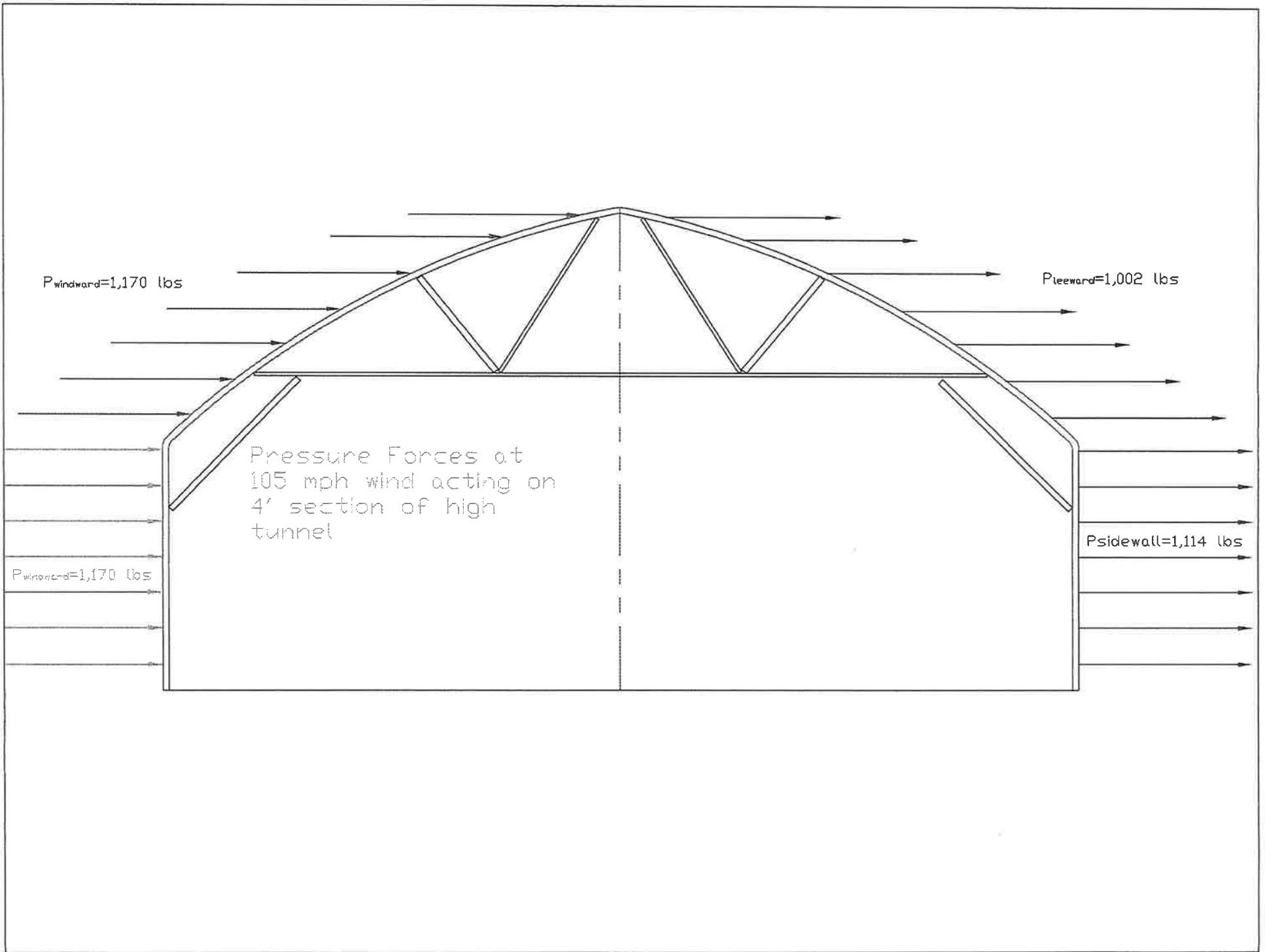
Roof Pressure - Leeward Side - $C_p = -.6$

Roof Pressure - Reduction Factor = .8

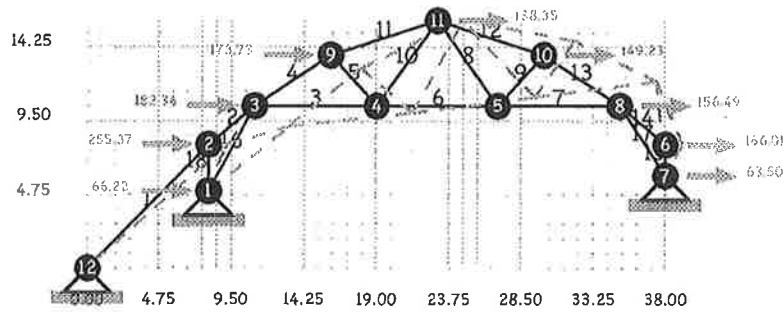
Pressure Windward Side - $P_{windward} = q_h \cdot G \cdot C_{pww} - q_i \cdot G \cdot C_{pi} = 36.57 \frac{\text{lb}}{\text{ft}^2}$

Roof Pressure Leeward Side - $P_{leeward} = q_h \cdot G \cdot C_{plw} - q_i \cdot G \cdot C_{pi} = -31.31 \frac{\text{lb}}{\text{ft}^2}$

Pressure Sidewall - $P_{leeward} = q_h \cdot G \cdot C_{psw} - q_i \cdot G \cdot C_{pi} = -34.82 \frac{\text{lb}}{\text{ft}^2}$



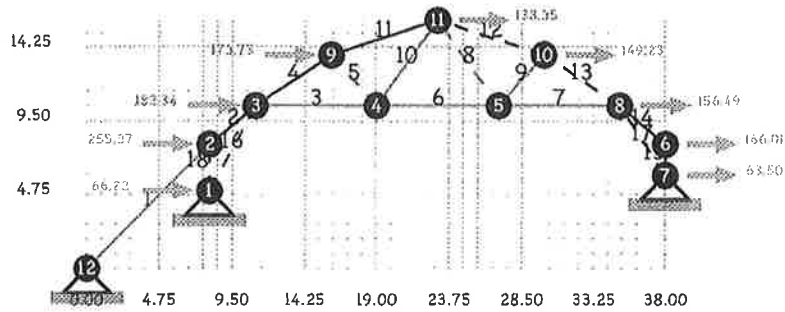
T12:



Nodes

Node No.	X-co. (ft)	Y-co. (ft)	X-Load (lb)	Y-Load (lb)	Support Type	Reaction, Rx (lb)	Reaction, Ry (lb)	X-translation (ft)	Y-translation (ft)
1	8.00	5.00	146.00		Hinge	1,200.85	3,559.33	0.00	0.00
2	8.00	8.00	563.00					0.03	(0.00)
3	11.00	10.50	402.00					0.05	(0.03)
4	19.00	10.50						0.05	(0.01)
5	27.00	10.50						0.05	0.01
6	38.00	8.00	366.00					0.02	0.00
7	38.00	6.00	140.00		Hinge	(454.21)	166.31	(0.00)	0.00
8	35.00	10.50	345.00					0.05	0.04
9	16.00	13.75	383.00					0.04	(0.02)
10	30.00	13.75	329.00					0.04	0.02
11	23.00	16.00	305.00					0.04	0.00
12	0.00	0.00			Hinge	(3,725.64)	(3,725.64)	(0.00)	(0.00)

T12:



Members

Elem. No.	From Node	To Node	Length (ft)	Angle (Degree)	Axial Force P, (lb)	Mat#	KL/r (<200)	Allow. Stress (ksi)	Allow. Force Pa, (lb)	Safety Factor (K = Pa/P)
1	2	12	11.31	45.00	5,268.85	3	26,620	30.00	6,600.00	1.25
2	2	3	3.91	39.81	4,116.83	1	58	30.00	16,488.30	4.01
3	3	4	8.00	0.00	1,157.93	2	240	30.00	9,000.00	7.77
4	3	9	5.96	33.02	305.17	1	88	30.00	16,488.30	54.03
5	4	9	4.42	(47.29)	(217.44)	2	133	8.77	2,632.26	12.11
6	4	5	8.00	0.00	894.25	2	240	30.00	9,000.00	10.06
7	5	8	8.00	0.00	652.66	2	240	30.00	9,000.00	13.79
8	5	11	6.80	(53.97)	(181.01)	2	204	3.71	1,113.38	6.15
9	5	10	4.42	47.29	199.22	2	133	30.00	9,000.00	45.18
10	4	11	6.80	53.97	197.56	2	204	30.00	9,000.00	45.56
11	9	11	7.35	17.82	21.37	1	108	30.00	16,488.30	771.46
12	10	11	7.35	(17.82)	(65.12)	1	108	13.12	7,212.44	110.76
13	8	10	5.96	(33.02)	(305.17)	1	88	17.68	9,715.86	31.84
14	6	8	3.91	(39.81)	476.43	1	58	30.00	16,488.30	34.61
15	6	7	2.00	(90.00)	305.00	1	30	30.00	16,488.30	54.06
16	1	3	6.26	61.39	(2,812.66)	5	137	8.20	3,106.26	1.10
17	7	8	5.41	(56.31)	(566.45)	5	119	11.00	4,168.23	7.36
18	1	2	3.00	90.00	(1,090.11)	1	44	25.33	13,920.44	12.77

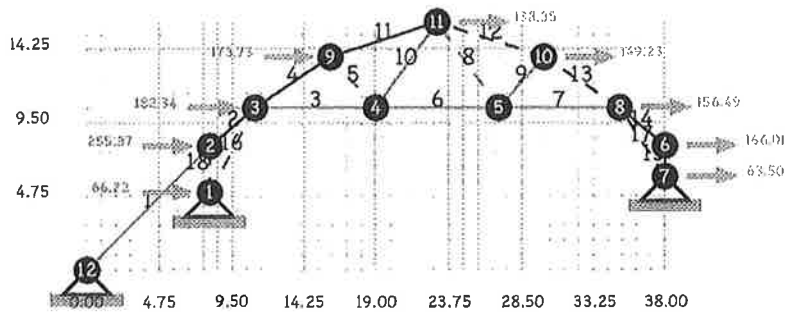
Note1
Detail Note1

Note2
Detail Note2

created by:

Calculation Date:
Jun 3, 2014

T12:



Materials

: section-1

Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 0.34 lb/ft

Section Area: 0.55 sq.in.
 Moment of Inertia, I: 0.36 in⁴
 Radius of Gyration, r: 0.81 in
 Color Symbol:

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
2	1x3.905	3.905	1.328
4	1x5.963	5.963	2.028
11	1x7.353	7.353	2.500
12	1x7.353	7.353	2.500
13	1x5.963	5.963	2.028
14	1x3.905	3.905	1.328
15	1x2.000	2.000	0.680
18	1x3.000	3.000	1.020
subtotal Mat#1		39.443	13.410

: section #2

Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 0.09 lb/ft

Section Area: 0.30 sq.in.
 Moment of Inertia, I: 0.06 in⁴
 Radius of Gyration, r: 0.40 in
 Color Symbol:

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
3	1x8.000	8.000	0.720
5	1x4.423	4.423	0.398
6	1x8.000	8.000	0.720
7	1x8.000	8.000	0.720
8	1x6.801	6.801	0.612
9	1x4.423	4.423	0.398
10	1x6.801	6.801	0.612
subtotal Mat#2		46.447	4.180

Note1
Detail Note1

Note2
Detail Note2

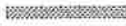
created by:

Calculation Date:
Jun 3, 2014

T12:

: section #3


Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 1.00 lb/ft

Section Area: 0.11 sq.in.
 Moment of Inertia, I: 1.00 in⁴
 Radius of Gyration, r: 0.01 in
 Color Symbol: 

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
1	2x11.314	22.627	22.627
subtotal Mat#3		22.627	22.627

: section #4


Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 1.00 lb/ft

Section Area: 0.47 sq.in.
 Moment of Inertia, I: 0.22 in⁴
 Radius of Gyration, r: 0.68 in
 Color Symbol: 

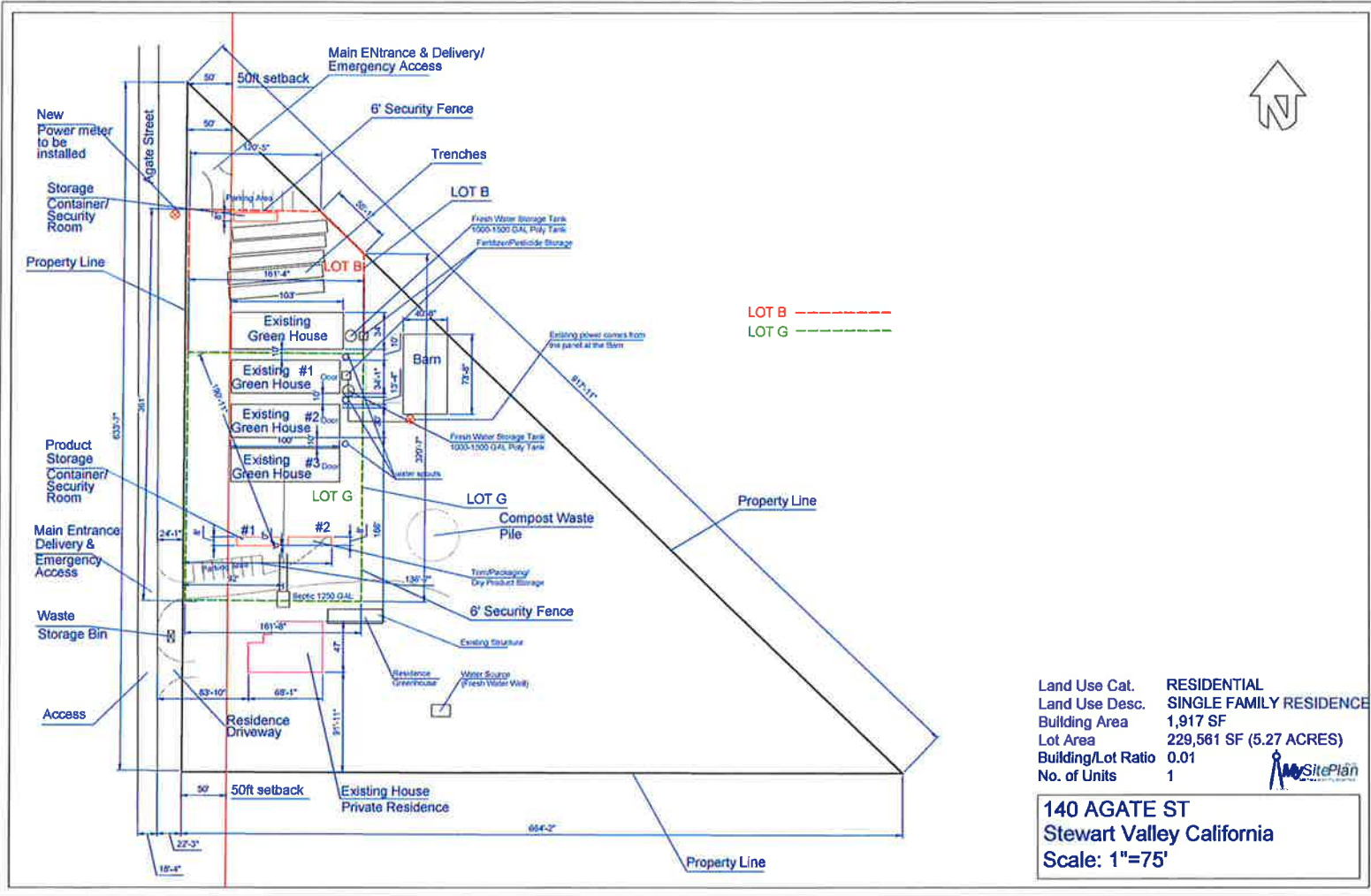
Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
subtotal Mat#4		0.000	0.000

: section #5

Material's Type:
 Modulus of Elasticity, E: 3.00E+04 ksi
 Yield's Strength, Fy: 50.00 ksi
 Unit Weight: 1.00 lb/ft

Section Area: 0.38 sq.in.
 Moment of Inertia, I: 0.11 in⁴
 Radius of Gyration, r: 0.55 in
 Color Symbol: 

Elem#	Length(ft)	Total Length(ft)	Total Weight(lb)
16	1x6.265	6.265	6.265
17	1x5.408	5.408	5.408
subtotal Mat#5		11.673	11.673



Land Use Cat.	RESIDENTIAL
Land Use Desc.	SINGLE FAMILY RESIDENCE
Building Area	1,917 SF
Lot Area	229,561 SF (5.27 ACRES)
Building/Lot Ratio	0.01
No. of Units	1

140 AGATE ST
 Stewart Valley California
 Scale: 1"=75'



From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Fri, Oct 4, 2019, 11:57 AM
Subject: Zimmerman documents
To: Tyson Sparrow <tsparrow@inyocounty.us>

Hello Tyson,

I just wanted to verify you received the information on the Zimmerman greenhouse? Are those adequate renderings for submittal? I look forward to your quick response so I can reply to the engineer before the weekend. Thanks

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Oct 9, 2019, 12:56 PM
Subject: RE: building permit
To: Tyson Sparrow <tsparrow@inyocounty.us>

Hopefully this one goes through. Thanks for the quick response.

Sent from [Mail](#) for Windows 10

From: [Tyson Sparrow](#)
Sent: Wednesday, October 9, 2019 12:34 PM
To: [lowell shade](#)
Subject: RE: building permit

Hi Lowell, There was no attachments.

TYSON SPARROW

BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US

Error! Filename not specified.

From: lowell shade [mailto:shadegrownfarms@gmail.com]

Sent: Wednesday, October 9, 2019 12:17 PM

To: Tyson Sparrow

Subject: RE: building permit

Hello Tyson,

Here are the materials and structural files that came with the first two greenhouses . could you please review and advise on their acceptability. If these are acceptable I will have the electrical drawn up and have all the copies made to hand deliver to you. Thank you

Sent from [Mail](#) for Windows 10

From: [Tyson Sparrow](#)

Sent: Tuesday, October 8, 2019 6:20 AM

To: [lowell shade](#)

Subject: RE: building permit

Hi Lowell,

Yes it appears this exceeds our requirements and will be fine to put up on your property.

TYSON SPARROW

BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

Shandong Yading International Trade Co.,Ltd



Light deprivation Greenhouse Offer

Offer No.: YDW-20190305-158 Date: March 5th, 2019

Client Name: Lowell shade Destination: America

Shandong Yading International Trade Co.,Ltd

Project Overview

Name: Polycarbonate sheet greenhouse

Table 1 greenhouse size

Area (m ²)	Span (m)	Section (m)	Span No.	Section No.	Quantity
270	9	1	1	30	2 sets

1. Foundation

Considering the factors such as heat insulation, economy and aesthetics of the greenhouse, according to the requirements of soil endurance, groundwater level and design load, avoid uneven settlement of the greenhouse, prevent column distortion and shear deformation, we suggest concrete around the greenhouse.

2. Structure Description

(1) Performance index

Table 2 - greenhouse design load

Dead load	0.45KN/m ²	maximum rainfall	≥140mm/h
Wind load	2.0KN/m ²	Seismic rating D Exposure C	Fortification intensity of 8 degrees
Snow load	0.35KN/m ²	Hanging load	≥15kg/ m ²

(2) Framework

Table3- greenhouse structure specification

Item	Specification	Remark
Roof arch	Round pipe ϕ 50*2.0mm	Material: hot galvanized steel structure
Longitude pipe	Round pipe ϕ 25*2.0mm	Material: hot galvanized steel structure
Column	Square tube 50x50x2.0mm	Material: hot galvanized steel structure
Beam	Square tube 50x50x2.0mm	Material: hot galvanized steel structure

All steel components are industrialized production and assembled on site. The main columns are installed on the embedded bolts of foundation. In addition to a small number of fittings, the bolts and rivets are used for connection of other superstructure components.



3.Covering material

(1)Covering

The roof and sides covering material are 0.15mm thickness poly film which light transmittance is more than 92%.



4.Natural ventulation side windows

For greenhouse natural ventilation, we design the windows on the sides of greenhouse. The side widows are worked by the rolling machine

Maximum window width: 1m

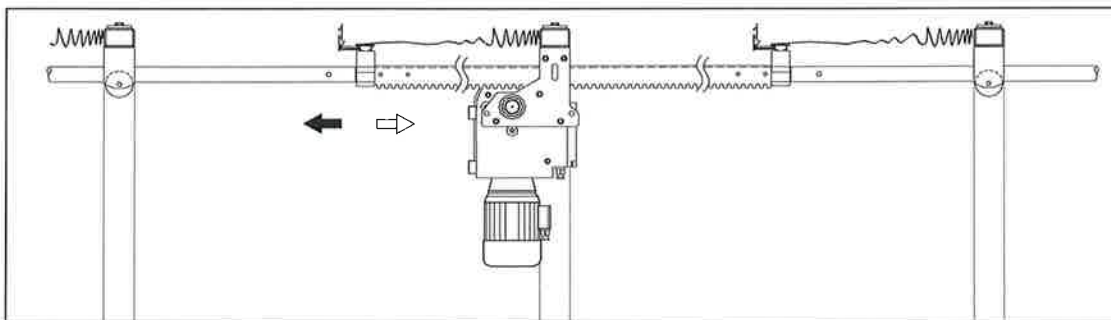


5.Light deprivation system

Light deprivation system can improve the ecological environment in the greenhouse by adjusting the illumination.

In summer, sunshade net can stop part of sunlight according to different shading rates, and diffuse the sunlight into the room, evenly illuminate the crop to protect the crop from glare, and reduce the greenhouse temperature by 3-5°C.

The 99% shading rate net can stop the light into the greenhouse, and make inside of greenhouse dark environment.



Light deprivation system consists of sun shade net, transmission mechanism and power unit, system support accessories and other fixing accessories. This system use A type rack and pinion curtain system.

LA-12type 99% shade net, it can significantly reduce the indoor air temperature. Width of sun shade is 4.3m, It can stop 99% sunshine.

The sun shade net is located between the supporting curtain line and the pressing curtain line

Shandong Yading International Trade Co.,Ltd

when it is installed. The support curtain line bears the weight of all the suashade .The pressing curtain line prevents the curtain from being blown up by wind or overlapping too high when the curtain is closed.

Table 9- Inner shading composition

No.	Name	function	specification	Note
1	Gear motor	Set in the center of each system, and close to the greenhouse column	DWHF-40	
2	shaft coupling	Used with gear motor and drive shaft connection		
3	Motor mounting bracket	Motor and structure fixed connection		
4	push rod	Pull the curtain	Φ 32	
5	Joining clips for the lead-screw of putting	Used with push-rod connection		
6	Curtain wire for support and pressing	Used with push-rod connection	Φ 2	
7	Driving side profile	Drive side, aluminum alloy material		
8	Sun shade net	Black 99% shading net	LA-12	Shading rate 99%

Table 10- Sunshade technical date

material	Shading rate (%)	width (m)	colour	Service life (year)
LA-12	99	4.3	black	5

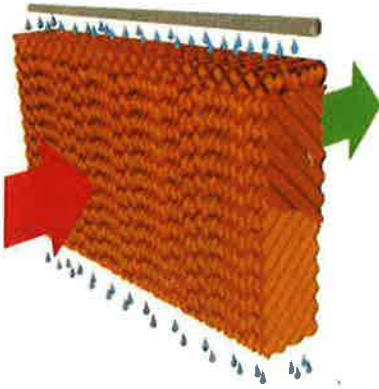
Tabel 11-Inner shading technical date

Running speed (m/min)	0.36
One-way running time (min)	10.8

6.Cooling system

(1) operating principle

The cooling system uses the principle of water evaporation and cooling to achieve the purpose of cooling. The system use high quality wet curtain, water pump and fan.



The wet curtain is made from special paper with honeycomb structure. It adopts new generation polymers and space crosslink technology for high water absorption, high water proof, midew-resistance and long service life. The special wet curtain can ensure that the water evenly drenched the entire cooling curtain wall. When air penetrates wet curtain, it exchanges heat with the moisture of the moist medium to achieve the humidification and cooling of the air.

The fan is installed on the opposite side of the wet curtain.

When temperature is high, start the fan and force the air out of the greenhouse, causing the negative pressure; at the same time, the water pump hits water on the wet curtain wall. When the outdoor air is sucked into the room by pressure, it passes through the wet curtain, then causing the water to evaporate and cool down. The cold air flows through the greenhouse, absorbs the heat in the room, and is discharged by the fan, thereby achieving the purpose of cooling.



(2) basic configuration

Wet curtain: height 1.5m, Thickness 15cm, including the hot galvanized steel frame. In good maintenance, the service life is 8 to 10 years.

Water pump: power 1.1kw/set

Fan: outer size 1380x1380x445mm; air volume 40000m³/h; power 1.1kw/set



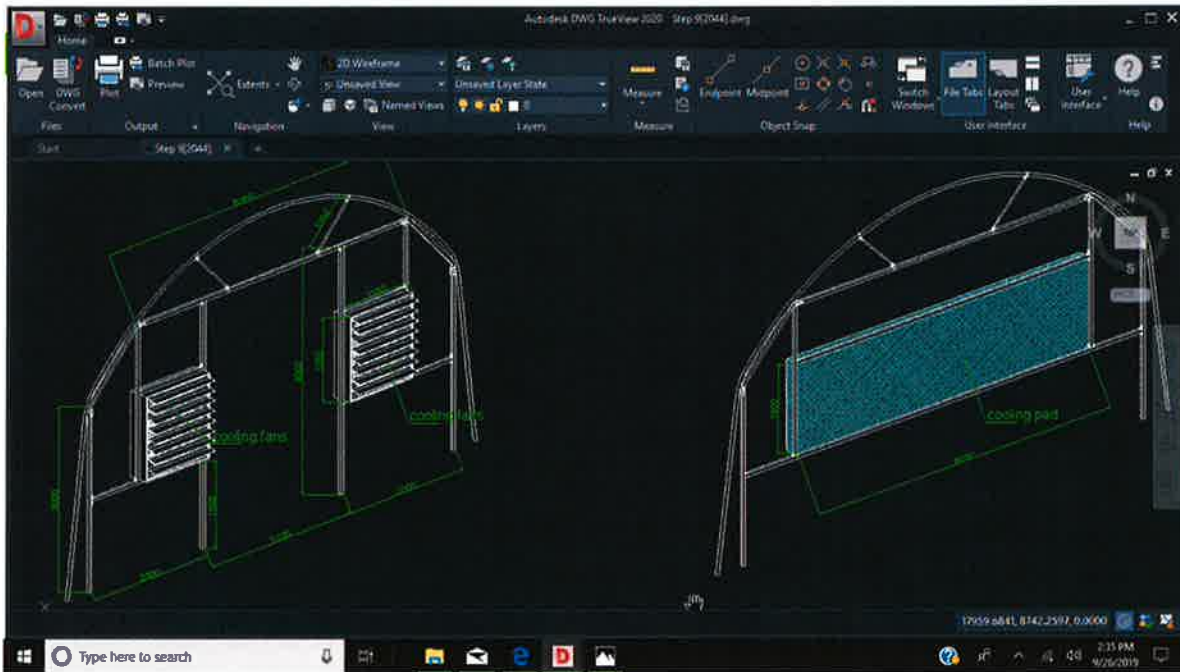
7. Control system

The voltage is 240V, 60HZ

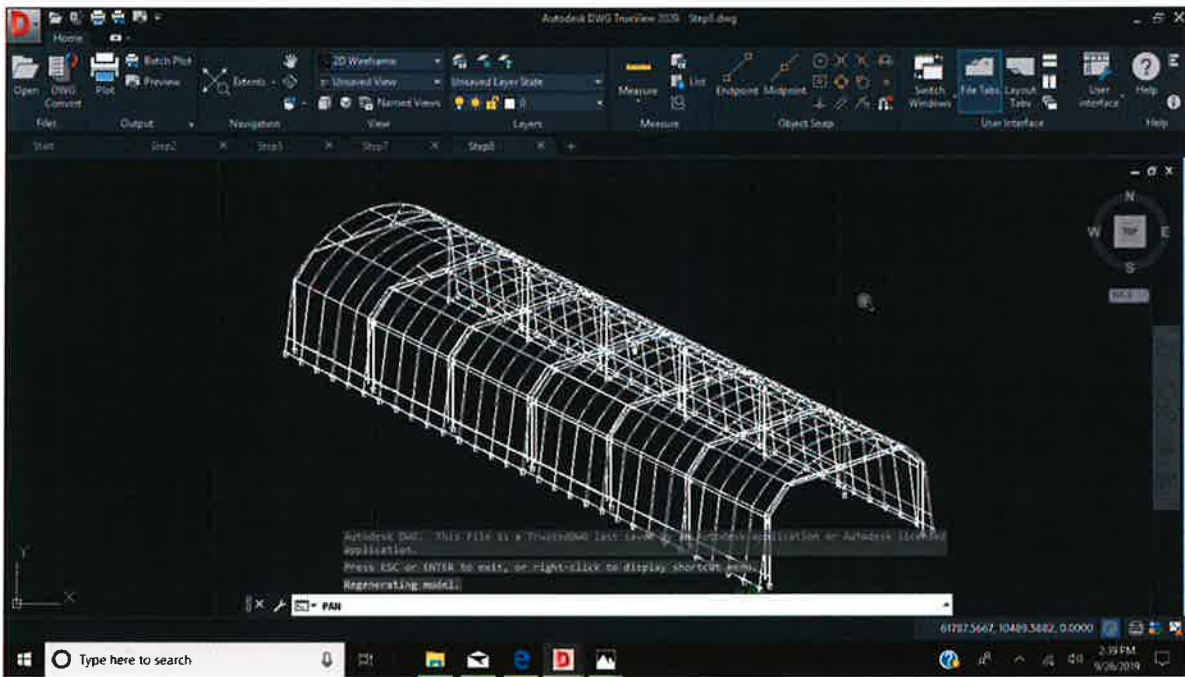
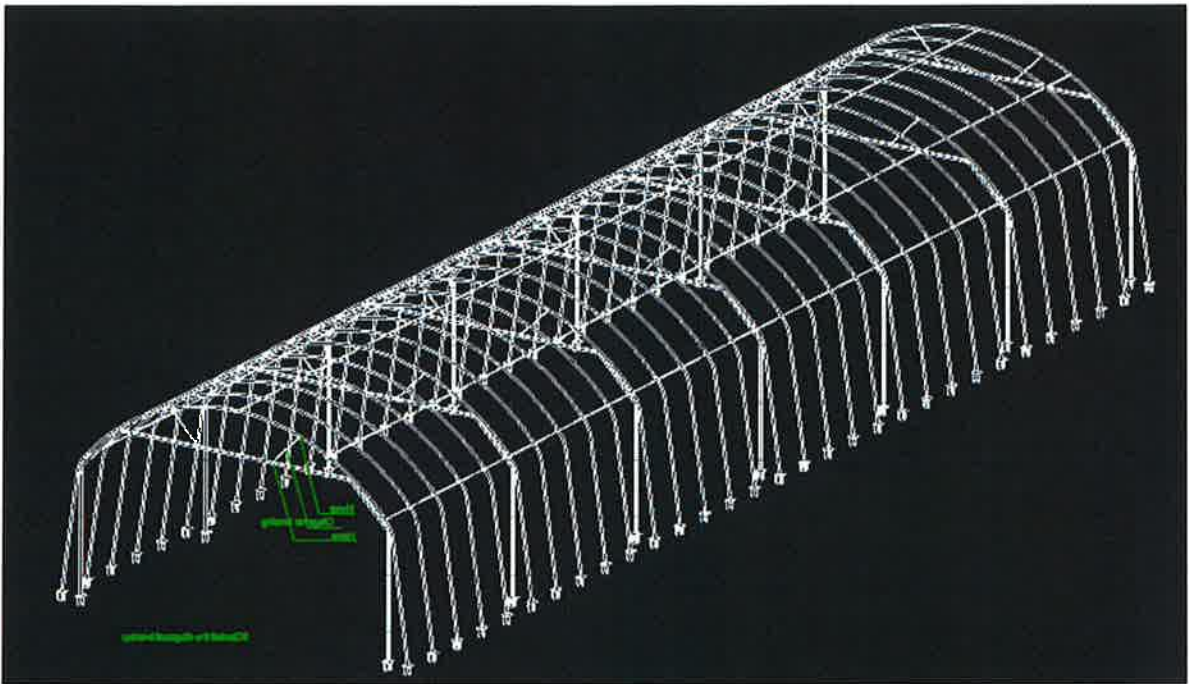
The control cabinet is GB standard product. Indoor wiring uses PVC transmission line. The wire uses RVV plastic sheathed wire.

Control cabinet will control Light deprivation system, cooling system,etc

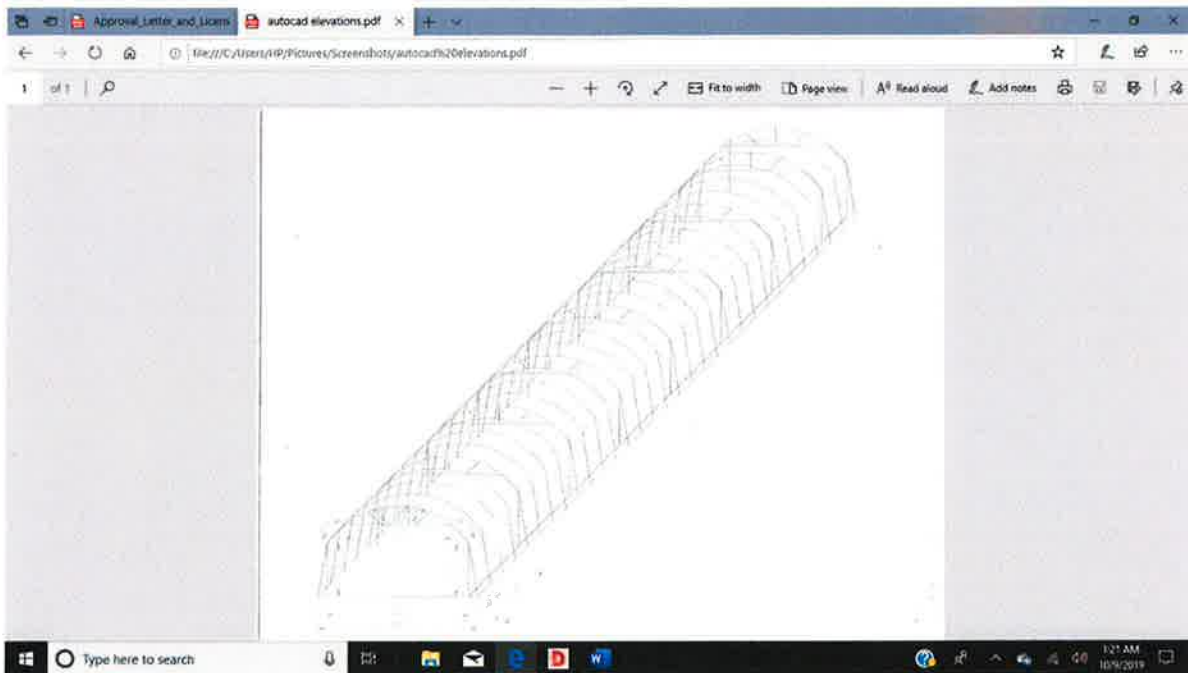
Shandong Yading International Trade Co.,Ltd



Shandong Yading International Trade Co.,Ltd



Shandong Yading International Trade Co.,Ltd



TSPARROW@INYOCOUNTY.US

Error! Filename not specified.

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Thursday, October 3, 2019 4:30 PM
To: Tyson Sparrow
Subject: building permit

Hello Tyson,

I wanted to check and see if this is an acceptable form of plans to submit for building permits . this is our third greenhouse to be constructed. Its slightly different than the first two as it has no power in this greenhouse. All water will be supplied by the closest greenhouse with fertigation system. The plans for the first two are being done now by an engineer in Pahrump and should be ready shortly. I look forward to hearing your thoughts. thanks

Sent from [Mail](#) for Windows 10

From: **Mail Delivery Subsystem** <mailer-daemon@googlemail.com>
Date: Wed, Oct 9, 2019, 3:18 PM
Subject: Delivery Status Notification (Failure)
To: <shadegrownfarms@gmail.com>



Message too large

Your message couldn't be delivered to tsparrow@inyocounty.us because it exceeds the size limit. Try reducing the message size and resending.

The response from the remote server was:

```
552 5.3.4 Message size exceeds fixed maximum message size
```

----- Forwarded message -----

From: lowell shade <shadegrownfarms@gmail.com>

To: Tyson Sparrow <tsparrow@inyocounty.us>

Cc:

Bcc:

Date: Wed, 9 Oct 2019 15:08:56 -0700

Subject: Light deprivation greenhouse[3205]with elevations.zip

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>

Date: Wed, Oct 9, 2019, 5:01 PM

Subject: have any successfully came through
To: Tyson Sparrow <tsparrow@inyocounty.us>

Ive sent several and for some reason im getting undeliverable messages.but a couple are showing in my sent folder. Have you received any attachments

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Thu, Oct 10, 2019, 9:53 AM
Subject: Order 5167-Shade-140 Agate St-Layout1final shadegrown site plan with APN#and well coordinates.pdf — Page 1
To: Tyson Sparrow <tsparrow@inyocounty.us>

Good morning,

That is great news! thanks for your patience with me I really appreciate it. Here is the site plan showing proper set backs and distances between buildings. While working with the states environmental scientist this week I have elected to remove the compost pile from the site plan as it was outside the premises boundaries. Should I make three packets of the Zimmerman file and three packets of the light deprivation greenhouse file to bring up to you? Do any documents need to be enlarged to scroll size for you? What is my next step to get things rolling as soon as possible? We have been approved by California dept. of food and agriculture for our cultivation license so as soon as I am constructed we are ready to finally get growing..... thanks again for all of you time and help Tyson! My family thanks you

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Thu, Oct 17, 2019, 11:28 AM
Subject: Address
To: <tsparrow@inyocounty.us>

Good morning Tyson,

I have three packets containing the wet copies of both greenhouses info together and ready to send to you. What address should I send them to? thank you again for all of your time and help

From: lowell shade <shadegrownfarms@gmail.com>

Date: Wed, Oct 23, 2019, 8:06 AM

Subject: RE:packet

To: Tyson Sparrow <tsparrow@inyocounty.us>

Hello Tyson,

I had sent you the packet containing three sets of the plans including an enlarged site plan. Im trying to confirm you've received them. If there is anything else I need to provide you to complete the permitting process please let me know as soon as possible. Thank you

Sincerely ; Lowell Shade

Sent from [Mail](#) for Windows 10

From: [Tyson Sparrow](#)

Sent: Thursday, October 17, 2019 3:14 PM

To: [lowell shade](#)

Subject: RE: Address

377 W Line St Bishop Ca 93514

From: lowell shade <shadegrownfarms@gmail.com>

Date: Thu, Oct 31, 2019, 11:30 AM

Subject: building permits

To: Tyson Sparrow <tsparrow@inyocounty.us>

Hello Tyson,

I am just trying to verify you've received my three packets. Please let me know if there is anything else you need. I desperately need to finish the construction and am just waiting on the word from you that I can. Thank you

Sent from [Mail](#) for Windows 10

From: **Cindy Truelsen** <ctruelsen@inyocounty.us>
Date: Wed, Feb 19, 2020, 4:08 PM
Subject: FW: 140 Agate St. Stewart Valley, CA Permit# 2019-086
To: shadegrownfarms@gmail.com <shadegrownfarms@gmail.com>
Cc: Tyson Sparrow <tsparrow@inyocounty.us>, James Feeney <jfeeney@inyocounty.us>

Hi Lowell,

Please see the attached building permit application. The total amount due is \$786.54 as outlined on the first page.

Please mail the check made payable to Building & Safety along with the signed pages (Highlighted areas) to:

Inyo County Building & Safety

377 West Line Street

Bishop, CA 93514

Feel free to call our office with any questions.

Thank you,

Cindy M. Truelsen

Inyo County Dept. of Public Works

Building & Safety

ctruelsen@inyocounty.us

Bishop 760-873-7857

From: Tyson Sparrow

Sent: Wednesday, February 19, 2020 3:24 PM

To: Cindy Truelsen

Subject: FW: building permit fees

From: lowell shade [mailto:shadegrownfarms@gmail.com]

Sent: Wednesday, February 19, 2020 3:21 PM

To: Tyson Sparrow

Subject: building permit fees

Hello Tyson,

Hope your well. Could you send me the invoice to pay the building permit fees. I still havnt seen how much it is. Ill pay that first thing in the morning so I can get moving forward. Thank you again for all of your help

Sincerely: Lowell Shade

Sent from [Mail](#) for Windows 10

From: **Cindy Truelsen** <ctruelsen@inyocounty.us>
Date: Wed, Feb 19, 2020, 4:08 PM
Subject: FW: 140 Agate St. Stewart Valley, CA Permit# 2019-086
To: shadegrownfarms@gmail.com <shadegrownfarms@gmail.com>
Cc: Tyson Sparrow <tsparrow@inyocounty.us>, James Feeney <jfeeney@inyocounty.us>

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Inyo County Building & Safety

377 West Line Street

Bishop, CA 93514

Feel free to call our office with any questions.

Thank you,

Cindy M. Truelsen

Inyo County Dept. of Public Works

Building & Safety

ctruelsen@inyocounty.us

Bishop 760-873-7857

From: Tyson Sparrow
Sent: Wednesday, February 19, 2020 3:24 PM
To: Cindy Truelsen
Subject: FW: building permit fees

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Wednesday, February 19, 2020 3:21 PM
To: Tyson Sparrow
Subject: building permit fees

Hello Tyson,

Hope your well. Could you send me the invoice to pay the building permit fees. I still havnt seen how much it is. Ill pay that first thing in the morning so I can get moving forward. Thank you again for all of your help

Sincerely: Lowell Shade

Sent from [Mail](#) for Windows 10

From: lowell shade <shadegrownfarms@gmail.com>
Date: Mon, Aug 9, 2021, 7:50 PM
Subject: Temp power
To: Tyson Sparrow <tsparrow@invocounty.us>
Cc: MATTHEW Kingsley <mattk5th@gmail.com>



Building Permit Application

Inyo County

377 West Line Street, Bishop, California 93514
760-873-7857 ctruelen@inyocounty.us
www.inyocounty.us



Project Address: 140 Agate St. Stewart Valley, CA

APN: 048-540-08

Contractor: Owner Builder

Prop Owner: Lowell Shade

Address: _____

Address: 50 Emery St. #421

City, State, Zip: _____

City, State, Zip: Pahrump, NV 89048

Phone #: _____

Phone #: 775-764-8055

License #: _____

Bus. Name: _____

Bus. Owner: _____

Architect : _____

Engineer : _____

Address : _____

Address : _____

City, State, Zip: _____

City, State, Zip : _____

Phone # : _____

Phone # : _____

Fax # : _____

Fax # : _____

License # : _____

License # : _____

Project Coordinator / Contact Person (if different from above)

Name: Cannabis Cultivation

Phone # : _____

Project Description (be specific):

Construction of 3 greenhouses for cannabis cultivation. The greenhouses will be of the high tunnel type constructed of galvanized steel framing covered with a poly cover.

Short Desc: 3 Greenhouses

Value of work: _____ \$10,000.00

Applicant understands that this permit expires and becomes null and void should work not be commenced within 180 days from date of issue, or should construction be suspended or abandoned for a period of 180 days. Applicant certifies that the information provided herein is correct to the best of their knowledge and agrees to comply with all County/City and state laws relating to building construction and hereby authorizes representatives of the County/City to enter upon the project property for inspection purposes.

Applicant name: Lowell Shade

Signature: _____

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Permit Cost Summary		Permit # :	2019-086
Building Permit	\$ 243.77	Date:	12/11/2019
Plan Check	\$ 121.89	Approved By:	TS
Plumbing Permit	\$ 133.90	Planning:	Y Received
Mechanical Permit	\$ 211.59	Con Type:	V
Electrical Permit	\$ 69.59	Occ Grp:	B
Other	\$ -	Total SQ FT:	
Relocation	\$ -	Zoning:	RR 5.0 MH
Demolition	\$ -	WM Form:	N
Jacuzzi	\$ -	Plan Check:	Y
Storage Container	\$ -	Health Dept:	N
Continuing Education	\$ 2.00	School Fees:	N
Mobile Home	\$ -	Cal Fire:	N
Grading	\$ -	Sewer Dist:	N
Solar	\$ -		
SMIP	\$ 2.80	Total	\$ 786.54
Building Standards Revolving Fund	\$ 1.00	Receipt #:	

THIS PAGE TO BE COMPLETED BY THE OWNER AND/OR CONTRACTOR

SECTION 7031.5, BUSINESS AND PROFESSIONS CODE: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law Chapter 9 (commencing with Sect. 7000) of Division 3 of the Business and Professions Code or that he is exempt there from and the basis for the alleged exemption. Any violation of Sect. 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

LICENSED CONTRACTOR'S DECLARATION

(1) I hereby affirm I am licensed under provisions of Chapter 9 (commencing with Sect. 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor's signature: _____ Date: _____ License #: _____

Classification: _____

OWNER/BUILDER DECLARATION

I hereby affirm under penalty of perjury tha I am exempt from the Contractor's License Law for the following reason:

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale. (Sect. 7044 Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner/builder will have the burden of proving that he did not build or improve for the purpose of sale.)

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sect. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.)

I am exempt under Section _____ Business and Professions Code for this reason:

Owner's signature: _____ Date: _____

WORKERS' COMPENSATION DECLARATION (This section need not be completed if the project value is \$100 or less) I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain Workers' Compensation Insurance as required by Section 3700 of the Labor Code for the performance of work for which this permit is being issued. My Workers' Compensation insurance Carrier and policy number are:

Carrier: _____ Policy #: _____ Expiration date: _____

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California and agree that if I should become subject to the workers' compensation provisions of Sect. 3700 of the Labor Code, I shall forthwith comply with those provisions.

I have and will maintain a certificate of consent to self-insure for workers' compensation pursuant to Sect. 3700 of the Labor Code for the performance of the work for which this permit is issued.

Applicant's signature: _____ Date: _____ Owner Contractor Agent

WARNING: Failure to secure workers' compensation coverage is unlawful and shall subject an employer to criminal penalties and civil fines up to \$100,000, in addition to the cost of compensation, damages as provided for in Sect. 3706 of the Labor Code, interest, and attorney fees.

WATER-CONSERVING PLUMBING FIXTURES: I understand the state requirements for water-conserving plumbing fixtures, California Civil Code 1101.1 through 1101.8.

Applicant's signature: _____

Tyson, ive included my last correspondence with sce . you can clearly see the dates they provided me and that the covid pandemic didn't allow for the completion of on my timeline of service that was provided by Southern California Edison. I fell into the cracks and my physical location has caused diifculty for them to provide a timely work order scheduling. The managers have been replaced with new employees and I have not been able to contact the correct person as of yet. Im requesting temporary power and as you have stated you yourself as the only person that can request that from Edison directly, I am asking that you please request my temporary power service immediately so that I avoid being in violation of my permits requirements any longer than it has already been. I am eager to bring my situation into compliance and anxiously await your assistance in resolving my power issues and all other areas you have verbally notified me that may be of issue. I apogee if my last email Friday sounded snarky! That was not my intent. I know you have rules that keep our community safe and your advise and counsel are priceless to me! I only want to make you happy my friend and apologize if I have failed to do so. I hope to be given the opportunity to correct my issues and complete my project and be off your desk and out of your hair...Thank you sincerely Lowell Shade

8/6/21 2:47 pm

Sent from [Mail](#) for Windows 10

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Aug 11, 2021, 9:25 AM
Subject: Re: Temp power
To: Tyson Sparrow <tsparrow@inyocounty.us>
Cc: MATTHEW Kingsley <mattk5th@gmail.com>

Hello tyson,

I am still awaiting direction from you on how you would like me to proceed on my power needs and have reached out to Jerry Oser for assistance on the bathroom requirements needed satisfied for environmental health. I apologize again for my ignorance to the codes and have been reading all I can and can't seem to find where a foundationed non movable restroom is required. If you are able to could you please send me the codes on the commercial code standards your stating I need to meet. I can't even find the codes stating no direct burial and or what conduit is required for the underground burial of my electrical lines for my underground electrical to my pedestals. I thank you o ce again for your time and assistance in this matter.

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Tue, Aug 17, 2021, 2:49 PM
Subject: Re: [Contact Information] CUP
To: Tyson Sparrow <tsparrow@inyocounty.us>

That will be fine. I apologize my emails came through in a different order than Days they were sent. I just got this email. I appreciate your quick responding and look forward to seeing James tomorrow. I'm

sure all the Confusion is on my interpretations and lack of clarity on the codes and zoning how it changes and what it applies to where I'm concerned. I thank you again for your assistance. I do wish it was easier to find the actual county codes on if I am a type u building or an agricultural type or a special construction building ? Is that up to you or does the commercial special use make it a certain type? Either way its just to be able to do right by you. So if James tells me what I'm deficient in and what it takes to correct it we will get it done.

On Mon, Aug 16, 2021, 7:36 AM Tyson Sparrow <tsparrow@inyocounty.us> wrote:

Good morning Lowell,

The CUP changes the use of the property from residential to commercial. This is a commercial grow, not a residential house. All construction shall comply with commercial building standards.

If you are to read the section 3112 of the code on greenhouses Shall comply with California Fire Code, Structural requirements and all other provisions of the code that is applicable to the project. Membrane structure shall be made of fire resistive construction according the California Fire Code. All of Inyo country is WUIBS except for down town Bishop because that is a LRA. Stewart Valley is moderate fire hazard according to calfire and is subjected to WUIBS.

Section 3113 Relocatable buildings “ Shall comply with applicable provisions of this code” Your building does not meet code.

There are no code amendments for the construction of buildings, we simply go by California Building Code. We can assist you by giving you a list of corrections and then doing an inspection or more to verify that you have come into compliance.

I can have James come by on Wednesday this week to perform the correction list to get you back on track if you wish.

Tyson Sparrow
Senior Building Inspector
(760)878-8263 Cell
(760)873-3180 Office
tsparrow@inyocounty.us
Error! Filename not specified.

From: shadegrownfarms@gmail.com [mailto:shadegrownfarms@gmail.com]

Sent: Monday, August 16, 2021 3:51 AM

To: Tyson Sparrow

Subject: RE: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

I apologize for missing this email. My main confusion was that I thought I was an owner builder. I still cannot find any code for an owner builder of a commercial use building needing to meet any other standards than the residential codes the property is zoned for unless my property was zoned as commercial. I have reached out to CSLB for direction as to not bother you more than needed. They directed me to section 312 group u buildings and structures . and section 3101-3102 special construction title 24 part 2 volumes 1 and 2. They refer to membrane structures. Unfortunately Inyo county has not taken the time to create building codes that address greenhouses specifically. The only code that speaks to greenhouses. Section 3101.1 clearly speaks to the allowance of relocatable buildings that you have stated have never been allowed and Section 3102 clearly speaks to the construction of membrane covered frame structures. This is all new to me Tyson . im not trying to be an asshole but at the same time I cannot afford to allow unneeded extra requests and personal preferences to derail my project. I do see where I was an idiot in the way I was requesting information and guidelines from you. this is an every day thing to you so when you said to me to call when I was done for inspection I ignorantly took that as to call when I was done. I see now on the inspection record sheet that I should have been requesting information and demanding inspections all along the way. I want to do what is needed and quietly finish my project. I think if you give me 7 days from tomorrow to meet with an electrician and a general contractor to advise me on what is needed to meet your expectations or if you send me the code requirements in writing so I can ensure that we are doing what your asking of us, that we can make great progress before your visit to give the correction list you mentioned. If needed ill completely remove the office structure from the property and start over at foundation footers and the proper inspections along the way for the restroom and I wont even do an office. I don't believe we are held to WUI standards as we are classified as a type U non flammable structure located in a white zone as indicated on the state of California fire hazard severity zone map. Cal fire has no approval system for any fire suppression plans so your 5 year old checklist has an invalid demand listed, and in state and county building codes nowhere have I been able to find the code that takes me from my rr5 to a commercial standard. The CLSB was very interested in building and safety's views of the codes with the wording of my building permit and my application packet including my in color site plan and my cdfw/water control board/state compliance report of no violations at their inspection and have asked for me to send all my paperwork to them to sort out this grievance. I do not wish to go that route at all! I was granted a building permit to add bolt together bracing to complete 3 existing membrane covered frame structures. I am simply trying to understand the codes you are claiming I have to follow and despite your denial of the new expectations being different from what you approved at the time of my building permit application and verbally told me on site while being recorded on my state required camera system I do need and want for us to work together. you said you are a public servant and want to help me get to the finish line. If that is a true statement at all then I am sure with your knowledge of building and safety codes that if you actually give me the necessary information I need to succeed with the codes you are holding me to i can do the correct thing to make you happy and we will reach the

finish line. Any possibility of working together to create building code amendments for greenhouse construction to make your job easier in the future dealing with us ignorant farmers trying to create a successful agricultural addition to the county so I can pay my taxes and you can keep getting those salary increases? La county has a nice set of building guidelines for greenhouses. worth a read maybe? I truly look forward to your responses and your visit. I am requesting that we meet on property on August 23, 2021. I will try to have my ducks in a row for you and will have made significant changes to my current deficiencies by then. hope you stay safe and healthy. This pandemic is ridiculous. 4 people in Stewart valley are currently recovering from the delta variant. Praying I don't get it again. Thank you again Tyson

Sent from [Mail](#) for Windows

From: [Tyson Sparrow](#)

Sent: Tuesday, August 10, 2021 10:28 AM

To: [Cathreen Richards](#); [lowell shade](#)

Subject: RE: [Contact Information] CUP

Lowell,/ bj

I have told you before, any time you touch plumbing , electrical, mechanical, structural you need a permit. The bathroom constructed did not meet ADA standards nor California Building code. You installation of plumbing and electrical is not to code. The structure is not built to California building standards that the state sets, not myself. The construction done at Shade Grown Farms does not meet California code. We can meet onsite and I will write an entire correction notice so you have it in writing.

The other issue is you have not called for the proper inspections as required by state law. We have not done any underground, roughs, structural, plumbing, electrical inspections along the way. Last time you called for an inspection I ask what it was for and you told me you didn't know. I sent James out to take a look and what he saw was completely out of compliance. This is not one tiny aspect of the CUP but a huge critical part that is crucial to maintaining a legal operation. All of these things are set by the state, compliance is not voluntary but mandatory.

We want nothing more than for you to be successful, our goal as public servants is to get you to the finish line. If there is any way to get this train back on track I'm all for it.

Tyson Sparrow

Senior Building Inspector

(760)878-8263 Cell

(760)873-3180 Office

tsparrow@inyocounty.us

Error! Filename not specified.

From: Cathreen Richards
Sent: Tuesday, August 10, 2021 8:03 AM
To: lowell shade
Subject: RE: [Contact Information] CUP

Hi Lowell,

It's not me you need to convince. I'll recommend – again, that you work with the Building and Safety Department.

Cathreen

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Monday, August 9, 2021 7:50 PM
To: Cathreen Richards
Subject: Re: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello Cathreen, glad to hear from you. Yes I understood the requirements and have had all areas but the public restroom satisfied . We had originally discussed the use of an off the ground set portable/movable building to create the bathroom structure to include the office. I had discussed that with tyson and was under the impression that that was an approved route to fill the bathroom needs. After a visit from James feeney I was informed that that type of structure was not allowable. The bathroom measurements met all ADA requirements but building and safety stated it needed to be on a foundation not on piers above ground. So I'm willing to immediately do whatever the simplest way of meeting that last requirement is. I have asked if I need a building permit to pour a 10ftx10ft square 4" thick foundation and construct a non powered water only bathroom structure . No response. It's tyson so I'll probably have to drive to bishop to actually get a response. I pray we don't need to suspend or revoke anything as I have met all but one requirement. I have had multiple state inspections and had to supply them with the cup requirements and several of their own requirements including my state of california pesticide attestations,waste management plans, and regular updating of my site plan as parts of the project are built. If there is an item you need from me please feel free to contact me and ask for any needed documentation you feel would help me be in full compliance. I will forward you my enviromental health response se from Jerry oser. I don't want to be at risk for any negative actions. I am desperately trying to compete this project to full capacity as soon as possible.the main set backs have been the pandemic and resulting loxkdowns and supply chain disruptions. That have all led to an extremely tightened budget for me and any prospective customers in the California market. Time is the only cure for the last year and a half of the craziest most societal damaging unknowns that the government had kept us in. I pray you can help me to gain the needed time for society to start its

recovery.and then we get hit with the Delta variant. Now we're thrown back into a deeper unknown of what the coming year will hold. I am here to do what you asked and I agreed to do in the beginning and I truly apologize that it has taken this long to get to a point where we can see the finish line of construction and the starting line for a successful operation. I thank you for your time and help with this matter which is truly the most important part of my life. Again ease contact me if you have any questions or need any documentation. Thank you and have a great day

On Mon, Aug 9, 2021, 11:40 AM Cathreen Richards <crichards@inyocounty.us> wrote:
Lowell,

I am sorry you are having so many issues getting your cannabis cultivation business up a running. You are, however, in eminent danger of having your CUP revoked, or at the very least suspended. As part of your agreement in getting the CUP, you were conditioned with, and you and I discussed in length:

The applicant shall provide adequate water and septic systems, public restrooms, and a plan for pesticide and fertilizer use, storage and removal to the satisfaction of the Inyo County Environmental Health Department prior to any Building Permits being granted. Failure to provide shall also cause revocation of CUP 2019-01/Shade Grown Farms.

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

To my knowledge, you have not satisfied any of these conditions. Just to be clear, the Building and Safety and Health and Safety codes are part of the Inyo County and State codes you shall conform with (see above). What you have attached to this email also does not cover it. I would suggest that you get in line with the County Building and Safety Department as well as the County Environmental Health Department to meet your obligations under the CUP. I would also suggest you cease all cannabis cultivation activities until you do so.

I am currently waiting on more information from these departments as well as the Agriculture Commission to see how we will be proceeding. If you really do not want to have your CUP revoked you absolutely must meet the conditions of approval of the CUP and as of right now you are not.

Thank you,
Cathreen Richards

From: web.noreply
Sent: Friday, August 6, 2021 11:40 AM
To: InyoPlanning
Subject: [Contact Information] CUP

lowell shade sr (not verified) (shadegrownfarms@gmail.com) sent a message using the contact form at <https://www.inyocounty.us/contact-information>.

The sender's name

lowell shade sr

The sender's email

shadegrownfarms@gmail.com

Subject

CUP

Comment or Question

hello, i hope this find everyone well.

i met yesterday with building and safety. i was told that i am at risk of losing my conditional use permit. i pray there is a path back to compliance as i was notified yesterday for the first time that i was not in compliance. i have worked so very hard to get to the point we are today and want to do whatever is necessary to get my project compliant and completed. this last year has been an incredibly difficult year with family members and friends passing due to covid and the supply chains for all things being almost halted. i beg for your compassion and understanding of the situation and look to you for guidance on how to correctly proceed and satisfy all areas of my application to bring my project to a satisfactory state to be completed as rapidly as possible. i would pray that any mistakes or misunderstandings in the very difficult to navigate building and safety requirements that have been made would not be punished by revoking my cup thus causing a chain reaction of licensing revocations. i beg you to allow me a chance to remedy the building deficiencies that i have been made aware of yesterday before revoking anything. i believe you and i want the same things and that is for a safe construction of a project that will allow solid tax revenues to be paid to the county for many years to come. as with the counties planning phase of the cannabis businesses this has all been a very taxing and learn as we go situation. i know that with the proper open lines of communication and the cooperation of the oversight depts. we can and will successfully reach our goals. i have had several state inspections from several different departments and each inspection has led me closer to complete compliance of the operations, but the lack of county contact from building and safety through the covid pandemic has evidently left me confused and on the wrong path to compliance. neither of which im happy or intentionally doing. i want to have you happy about my project and a gold star by my name not this current state of being at risk of having to start over from scratch as Tyson has stated may be coming. please once again i am asking for your guidance and only want to make you happy with my actions and definitely do not want to lose my licensing. i am not asking for any special treatment or rules to be broken, only your understanding and the time to fix what needs to be fixed and complete what needs completed correctly. i beg you to please allow me an extension of 90 days in time to complete all necessary cup requirements. i look forward to your quick response and thank you for you time and help with this very important matter. any questions please email me or call 775-764-7560 text messages work best

Contact ID

contact-101

Files

[signed pesticide attestation.pdf](#) (872.82 KB)

[cdfa inspection june 2021.pdf](#) (23.33 MB)

[submittable final site plan 2021.pdf](#) (989.14 KB)

[water control notice of applicability.pdf](#) (843.27 KB)

From: **lowell shade** <shadegrownfarms@gmail.com>

Date: Tue, Sep 14, 2021, 8:07 AM

Subject: Edison hand hole box

To: James Feeney <jfeeney@inyocounty.us>

Cc: Cathreen Richards <crichards@inyocounty.us>

I met with the Edison engineer for my area last week. I drove to old castle precast in corona ca yesterday and picked up the required hand hole box. I will be installing this today to have my project ready to receive power. Once installed I need to send the engineer pics and she will schedule the hot mandrel pull appointment. I am working on the restroom plans and will submit for that permit as soon as possible. Have you had a chance to contact Cathreen Richards regarding my satisfactory progress with building and safety to have my sept 22 board meeting to revoke my conditional use permit cancelled. I believe if given an extension for the time we were ordered by the county to stay at home that we will be able to complete the cup requirements and get this thing finished up. Thank you again for your time and patience.

Sent from my iPad

From: **Tyson Sparrow** <tsparrow@inyocounty.us>

Date: Thu, Sep 16, 2021, 11:30 AM

Subject: RE: Board meeting

To: lowell shade <shadegrownfarms@gmail.com>

Yes Lowell you will be taken off the hearing, with the understanding that you will complete the rest of the work within a reasonable amount of time and call for inspections. I have already told Cathreen that you have done a tremendous job of coming into compliance and should be given another opportunity to create a successful business. Have a great day

TYSON SPARROW

SENIOR BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US

From: lowell shade [mailto:shadegrownfarms@gmail.com]

Sent: Thursday, September 16, 2021 9:05 AM

To: Tyson Sparrow

Subject: Board meeting

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Good morning,

I have not received any thing from cathreen or building and safety in regards to canceling my appearance at the board meeting on the 22nd. Do you have an update for me?thanks

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Sep 29, 2021, 11:55 AM
Subject: Re: Status
To: James Feeney <jfeeney@inyocounty.us>

Hello,

I can take pics of the trench and send them to you in the morning. was focusing on the electrical and researching plans for the bathroom. I wanted to show you an example and get your opinion on it and what changes to it would need to be made to make it acceptable. There has been a shortage of trucks to be able to move the non compliant office as of yet. As soon as I can secure the truck to move the office I can do the forms and foundation portion after I have the plans submitted of course. I have the handpole box at the trench but am still waiting on Edison to co firm the end location ,either at the transformer as laid out and cut already or if it's 10 ft to the north of the transformer at the current secondary power handpole Box. So I haven't been able to set the box. Not sure what time you'll be in this area but if needed we can check the boxes on the actual permit and inspect my sand layer and I can get filling that trench in.

On Tue, Sep 28, 2021, 3:38 PM James Feeney <jfeeney@inyocounty.us> wrote:

Good day,

Do you have the requested photos of the current status of the underground electrical , pull box and any work done on the ADA bathroom?

What is the status of your T-24?

Do you have construction plans for the bathroom?

The postponement of your CUP hearing remains based on the compliance to requirements set forth.

Thanks Lowell,

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Sep 29, 2021, 12:09 AM
Subject: Fwd: Drawing.pdf
To: James Feeney <jfeeney@inyocounty.us>

Here's one title 24 set and I'll send the other directly. The 8x12 shed plans are an example of what I'd like to build with matching materials to my title 24 pages and to commercial 2x6 standards. Wanted your opinion on its acceptability and simplicity.

----- Forwarded message -----

From: <postmaster@inyocounty.us>
Date: Thu, Sep 30, 2021, 4:43 PM
Subject: Undeliverable: Re: Trench pictures of 1 ft of sand covering the conduit to entrance panels.
To: <shadegrownfarms@gmail.com>

Delivery has failed to these recipients or groups:

[James Feeney \(jfeeney@inyocounty.us\)](mailto:jfeeney@inyocounty.us)

Your message is larger than the size limit for messages. Please make it smaller and try sending it again.

From: **lowell shade** <shadegrownfarms@gmail.com>
Date: Wed, Sep 29, 2021, 12:18 AM
Subject: 21-09114 report.pdf
To: James Feeney <jfeeney@inyocounty.us>

Here is the title 24 report

Indoor Lighting

NRCC-LTI-E (Created 04/21)

**CERTIFICATE OF COMPLIANCE**

NRCC-LTI-E

This document is used to demonstrate compliance with requirements in [§110.9](#), [§110.12\(c\)](#), [§130.0](#), [§130.1](#), [§140.6](#), and [§141.0\(b\)2](#) for indoor lighting scopes using the prescriptive path.

Project Name: 3 Greenhouses and a Restroom

Report Page:

Page 1 of 7

Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA

Date Prepared:

9-6-2021

A. GENERAL INFORMATION

01	Project Location (city)	Stewart Valley, CA	04	Total Conditioned Floor Area (ft ²)	0
02	Climate Zone	14	05	Total Unconditioned Floor Area (ft ²)	9,100
03	Occupancy Types Within Project (select all that apply):		06	# of Stories (Habitable Above Grade)	1
<input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Warehouse <input type="checkbox"/> Hotel/Motel <input type="checkbox"/> School <input checked="" type="checkbox"/> Support Areas					
<input type="checkbox"/> Parking Garage <input type="checkbox"/> High-Rise Residential <input type="checkbox"/> Relocatable <input type="checkbox"/> Healthcare <input checked="" type="checkbox"/> Other (write in):		Greenhouse and Restroom			

B. PROJECT SCOPE

Table Instructions: Include any lighting systems that are within the scope of the permit application and are demonstrating compliance using the prescriptive path outlined in [§140.6](#) or [§141.0\(b\)2](#) for alterations. WARNING: Changing the Calculation Method in this table will result in the deletion of data previously input. If you need to change the calculation method, please open a new form or use "Save As".

Scope of Work	Conditioned Spaces		Unconditioned Spaces	
	01	02	03	05
My Project Consists of (check all that apply):	Calculation Method	Area (ft ²)	Calculation Method	Area (ft ²)
<input checked="" type="checkbox"/> New Lighting System	Area Category	0	Area Category	9,100
<input type="checkbox"/> Altered Lighting System				
Total Area of Work (ft²)	0		9,100	

C. COMPLIANCE RESULTS

Table Instructions: If any cell on this table says "DOES NOT COMPLY" or "COMPLIES with Exceptional Conditions" refer to Table D. for guidance.

Lighting in conditioned and unconditioned spaces must not be combined for compliance per §140.6(b)1 .	Allowed Lighting Power per §140.6(b) (Watts)				= Total Allowed (Watts)	Adjusted Lighting Power per §140.6(a) (Watts)		Compliance Results	
	01	02	03	04		06	07		08
	Complete Building §140.6(c)1 (See Table I)	Area Category §140.6(c)2 (See Table I)	Area Category Additional §140.6(c)2G (+) (See Table J)	Tailored §140.6(c)3 (+) (See Table K)		Total Designed (Watts) (See Table F)	Adjustments PAF Control Credits §140.6(a)2 (-) (See Table P)		
Conditioned:		0			≥ 0		=		
Unconditioned:		3,665			≥ 3,665	≥ 32	=	32	
								05 Must be ≥ 08 §140.6	
								COMPLIES	

Table Continued

Indoor Lighting

NRCC-LTI-E (Created 04/21)



CERTIFICATE OF COMPLIANCE

NRCC-LTI-E

Project Name: 3 Greenhouses and a Restroom

Report Page:

Page 2 of 7

Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA

Date Prepared:

9-6-2021

Controls Compliance (See Table H for Details)	COMPLIES
Rated Power Reduction Compliance (See Table Q for Details)	Not Applicable

D. EXCEPTIONAL CONDITIONS

This table is auto-filled with uneditable comments because of selections made or data entered in tables throughout the form.

No exceptional conditions apply to this project.

E. ADDITIONAL REMARKS

This table includes remarks made by the permit applicant to the Authority Having Jurisdiction.

140.6(a)3G -3 Greenhouse -3000sf each-15 fixtures 100w on each Greenhouse-control by multilevel Astronomical Time switch

Restroom-100sf has one 32WLED Recessed Can with Occupancy Sensor

F. INDOOR LIGHTING FIXTURE SCHEDULE

Table Instructions: Include all permanent designed lighting and all portable lighting in offices.

Designed Wattage: Conditioned Spaces

01	02	03	04	05	06	07	08	09	10	
Name or Item Tag	Complete Luminaire Description	Modular (Track) Fixture	Small Aperture & Color Change ¹	Watts per luminaire ²	How Wattage is determined	Total number luminaires	Exempt per §140.6(a)3	Design Watts	Field Inspector	
		<input type="checkbox"/>	<input type="checkbox"/>		Mfr. Spec ²		<input type="checkbox"/>	0	<input type="checkbox"/>	<input type="checkbox"/>
Total Designed Watts CONDITIONED SPACES:								0		

Designed Wattage: Unconditioned Spaces

01	02	03	04	05	06	07	08	09	10	
Name or Item Tag	Complete Luminaire Description	Modular (Track) Fixture	Small Aperture & Color Change ¹	Watts per luminaire ²	How Wattage is determined	Total number luminaires	Exempt per §140.6(a)3	Design Watts	Field Inspector	
a	100wLED Cobb Light-15 Fix per each	<input type="checkbox"/>	<input type="checkbox"/>	100	Mfr. Spec ²	45	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b	One 32w LED Recessed Can	<input type="checkbox"/>	<input type="checkbox"/>	32	Mfr. Spec ²	1	<input type="checkbox"/>	32	<input type="checkbox"/>	<input type="checkbox"/>
Total Designed Watts UNCONDITIONED SPACES:								32		

Indoor Lighting

NRCC-LTI-E (Created 04/21)

**CERTIFICATE OF COMPLIANCE**

NRCC-LTI-E

Project Name: 3 Greenhouses and a Restroom	Report Page:	Page 3 of 7
Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA	Date Prepared:	9-6-2021

¹ FOOTNOTE: Design Watts for small aperture and color changing luminaires which qualify per [§140.6\(a\)4B](#) is adjusted to be 75% of their rated wattage. Table F automatically makes this adjustment, the permit applicant should enter full rated wattage in column 05.

² Authority Having Jurisdiction may ask for Luminaire cut sheets to confirm wattage used for compliance per [§130.0\(c\)](#) Wattage used must be the maximum rated for the luminaire, not the lamp.

G. MODULAR LIGHTING SYSTEMS

This Section Does Not Apply

H. INDOOR LIGHTING CONTROLS (Not Including PAFs)

Table Instructions: Please include lighting controls for conditioned and unconditioned spaces in this table. When an option having a * is selected, the notes section of this table must be completed. The lighting controls section of the Compliance Summary Table on the first page will show "DOES NOT COMPLY" if the notes are left blank.

Building Level Controls		01		02		03			
Mandatory Demand Response §110.12(c)		Shut-Off Controls §130.1(c)		Field Inspector		Pass		Fail	
Not Required ≤ 10,000 SF		Whole Building Timeswitch		<input type="checkbox"/>		<input type="checkbox"/>			
Area Level Controls									
04	05	06	07	08	09	10	11	12	
Area Description	Complete Building or Area Category Primary Function Area	Area Controls §130.1(a)	Multi-Level Controls §130.1(b)	Shut-Off Controls §130.1(c)	Primary/Skylit Daylighting §130.1(d)	Secondary Daylighting §140.6(d)	Interlocked Systems §140.6(a)1	Field Inspector	
								Pass	Fail
Greenhouse#1	All Other Space Types	Manual ON/ OFF	Bi-level Switch	Auto Timeswitch	NA	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse#2	All Other Space Types	Manual ON/ OFF	Bi-level Switch	Auto Timeswitch	NA	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse#3	All Other Space Types	Manual ON/ OFF	Bi-level Switch	Auto Timeswitch	NA	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restroom	Restroom	Manual ON/ OFF	Dimmer	Occ. Sensor	NA	NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*NOTES: Controls with a * require a note in the space below explaining how compliance is achieved.
 EX: Conference 1: Primary/Skylight Daylighting: Exempt because less than 120 watts of general lighting;
 EXCEPTION 1 to [§130.1\(d\)2](#)

13
Plan Sheet Showing Daylit Zones:

Indoor Lighting

NRCC-LTI-E (Created 04/21)

CALIFORNIA ENERGY COMMISSION



CERTIFICATE OF COMPLIANCE		NRCC-LTI-E	
Project Name: 3 Greenhouses and a Restroom	Report Page:	Page 4 of 7	
Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA	Date Prepared:	9-6-2021	

I. LIGHTING POWER ALLOWANCE: COMPLETE BUILDING OR AREA CATEGORY METHODS

Table Instructions: Complete the table for each area complying using the Complete Building or Area Category Methods per [§140.6\(b\)](#). Indicate if additional lighting power allowances per [§140.6\(c\)](#) or adjustments per [§140.6\(a\)](#) are being used.

Conditioned Spaces

01	02	03	04	05	06	
Area Description	Complete Building or Area Category Primary Function Area	Allowed Density (W/ft ²)	Area (ft ²)	Allowed Wattage (Watts)	Additional Allowances / Adjustment	
					Area Category	PAF
				0	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL:				0	See Tables J or P for detail	

Unconditioned Spaces

01	02	03	04	05	06	
Area Description	Complete Building or Area Category Primary Function Area	Allowed Density (W/ft ²)	Area (ft ²)	Allowed Wattage (Watts)	Additional Allowances / Adjustment	
					Area Category	PAF
Greenhouse#1	All Other Space Types	0.4	3,000	1,200	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse#2	All Other Space Types	0.4	3,000	1,200	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse#3	All Other Space Types	0.4	3,000	1,200	<input type="checkbox"/>	<input type="checkbox"/>
restroom	Restroom	0.65	100	65	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL:				9,100	3,665	See Tables J or P for detail

J. ADDITIONAL LIGHTING ALLOWANCE: AREA CATEGORY METHOD QUALIFYING LIGHTING SYSTEM

This Section Does Not Apply

K. TAILORED METHOD GENERAL LIGHTING POWER ALLOWANCE

This Section Does Not Apply

L. ADDITIONAL LIGHTING ALLOWANCE: TAILORED WALL DISPLAY

This Section Does Not Apply

Indoor Lighting

NRCC-LTI-E (Created 04/21)

**CERTIFICATE OF COMPLIANCE**

NRCC-LTI-E

Project Name: 3 Greenhouses and a Restroom

Report Page:

Page 5 of 7

Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA

Date Prepared:

9-6-2021

M. ADDITIONAL LIGHTING ALLOWANCE: TAILORED FLOOR AND TASK LIGHTING*This Section Does Not Apply***N. ADDITIONAL LIGHTING ALLOWANCE: TAILORED ORNAMENTAL/SPECIAL EFFECTS***This Section Does Not Apply***O. ADDITIONAL LIGHTING ALLOWANCE: TAILORED VERY VALUABLE MERCHANDISE***This Section Does Not Apply***P. POWER ADJUSTMENT: LIGHTING CONTROL CREDIT (POWER ADJUSTMENT FACTOR (PAF))***This Section Does Not Apply***Q. RATED POWER REDUCTION COMPLIANCE FOR ALTERATIONS***This Section Does Not Apply***R. 80% LIGHTING POWER FOR ALTERATIONS - CONTROLS EXCEPTIONS***This Section Does Not Apply***S. DAYLIGHT DESIGN POWER ADJUSTMENT FACTOR (PAF)***This Section Does Not Apply***T. DECLARATION OF REQUIRED CERTIFICATES OF INSTALLATION**

Table Instructions: Selections have been made based on information provided in previous tables of this document. If any selection needs to be changed, please explain why in Table E. Additional Remarks. These documents must be provided to the building inspector during construction and can be found online at https://www.energy.ca.gov/title24/2019standards/2019_compliance_documents/Nonresidential_Documents/NRCI/

YES	NO	Form/Title	Field Inspector	
			Pass	Fail
<input checked="" type="radio"/>	<input type="radio"/>	NRCI-LTI-01-E - Must be submitted for all buildings	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCI-LTI-02-E - Must be submitted for a lighting control system, or for an Energy Management Control System (EMCS), to be recognized for compliance.	<input type="checkbox"/>	<input type="checkbox"/>

Indoor Lighting

NRCC-LTI-E (Created 04/21)

CALIFORNIA ENERGY COMMISSION

**CERTIFICATE OF COMPLIANCE**

NRCC-LTI-E

Project Name: 3 Greenhouses and a Restroom	Report Page:	Page 6 of 7
Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA	Date Prepared:	9-6-2021

<input type="radio"/>	<input checked="" type="radio"/>	NRCI-LTI-04-E - Must be submitted for two interlocked systems serving an auditorium, a convention center, a conference room, a multipurpose room, or a theater to be recognized for compliance.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCI-LTI-05-E - Must be submitted for a Power Adjustment Factor (PAF) to be recognized for compliance.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCI-LTI-06-E - Must be submitted for additional wattage installed in a video conferencing studio to be recognized for compliance.	<input type="checkbox"/>	<input type="checkbox"/>

U. DECLARATION OF REQUIRED CERTIFICATES OF ACCEPTANCE

Table Instructions: Selections have been made based on information provided in previous tables of this document. If any selection needs to be changed, please explain why in Table E. Additional Remarks. These documents must be provided to the building inspector during construction and any with "A" in the form name must be completed through an Acceptance Test Technician Certification Provider (ATTCP). For more information visit: <http://www.energy.ca.gov/title24/attcp/providers.html>

YES	NO	Form/Title	Field Inspector	
			Pass	Fail
<input checked="" type="radio"/>	<input type="radio"/>	NRCA-LTI-02-A - Must be submitted for occupancy sensors and automatic time switch controls.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCA-LTI-03-A - Must be submitted for automatic daylight controls.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCA-LTI-04-A - Must be submitted for demand responsive lighting controls.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCA-LTI-05-A - Must be submitted for institutional tuning power adjustment factor (PAF).	<input type="checkbox"/>	<input type="checkbox"/>
<input type="radio"/>	<input checked="" type="radio"/>	NRCA-ENV-03-F - Must be submitted for daylighting design power adjustment factors (PAF).	<input type="checkbox"/>	<input type="checkbox"/>

Indoor Lighting


NRCC-LTI-E (Created 04/21)



CERTIFICATE OF COMPLIANCE		NRCC-LTI-E	
Project Name: 3 Greenhouses and a Restroom	Report Page:	Page 7 of 7	
Project Address: 140 Agate Street, Stewart Valley -Inyo County-CA	Date Prepared:	9-6-2021	

DOCUMENTATION AUTHOR'S DECLARATION STATEMENT

I certify that this Certificate of Compliance documentation is accurate and complete

Documentation Author Name: Jam Hezar	Documentation Author Signature: 
Company: Alliance 24 Title	Signature Date: 9-10-2021
Address: 325 Berry Street	CEA/ HERS Certification Identification (if applicable):
City/State/Zip: San Francisco CA 94158	Phone: 415-422-9925

RESPONSIBLE PERSON'S DECLARATION STATEMENT

I certify the following under penalty of perjury, under the laws of the State of California:

- The information provided on this Certificate of Compliance is true and correct.
- I am eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on this Certificate of Compliance (responsible designer)
- The energy features and performance specifications, materials, components, and manufactured devices for the building design or system design identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations.
- The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application.
- I will ensure that a completed signed copy of this Certificate of Compliance shall be made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable inspections. I understand that a completed signed copy of this Certificate of Compliance is required to be included with the documentation the builder provides to the building owner at occupancy.

Responsible Designer Name: Lowell Shade	Responsible Designer Signature:
Company :	Date Signed:
Address: 140 Agate Street	License:
City/State/Zip: Stewart Valley , CA	Phone: 775-764-7560

Exhibit 2 – Communications with Planning

From: Jerry Oser <joser@inyocounty.us>

Date: Fri, Aug 6, 2021, 1:20 PM

Subject: CUP

To: shadegrownfarms@gmail.com <shadegrownfarms@gmail.com>

Lowell,

If you keep your employee count below 25, we won't consider you a public water system subject to permit.

We sorted out the septic issue servicing the public restrooms. In short, there was ample capacity to handle the extra flows.

That leaves pesticides. As long as you are on the up-and-up with the AG Commissioner, we are okay with what you are doing.

In summary, at least for the Environmental Health portion of your CUP, you comply.

Best,

JERRY OSER, REHS

Inyo County

Director of Environmental Health

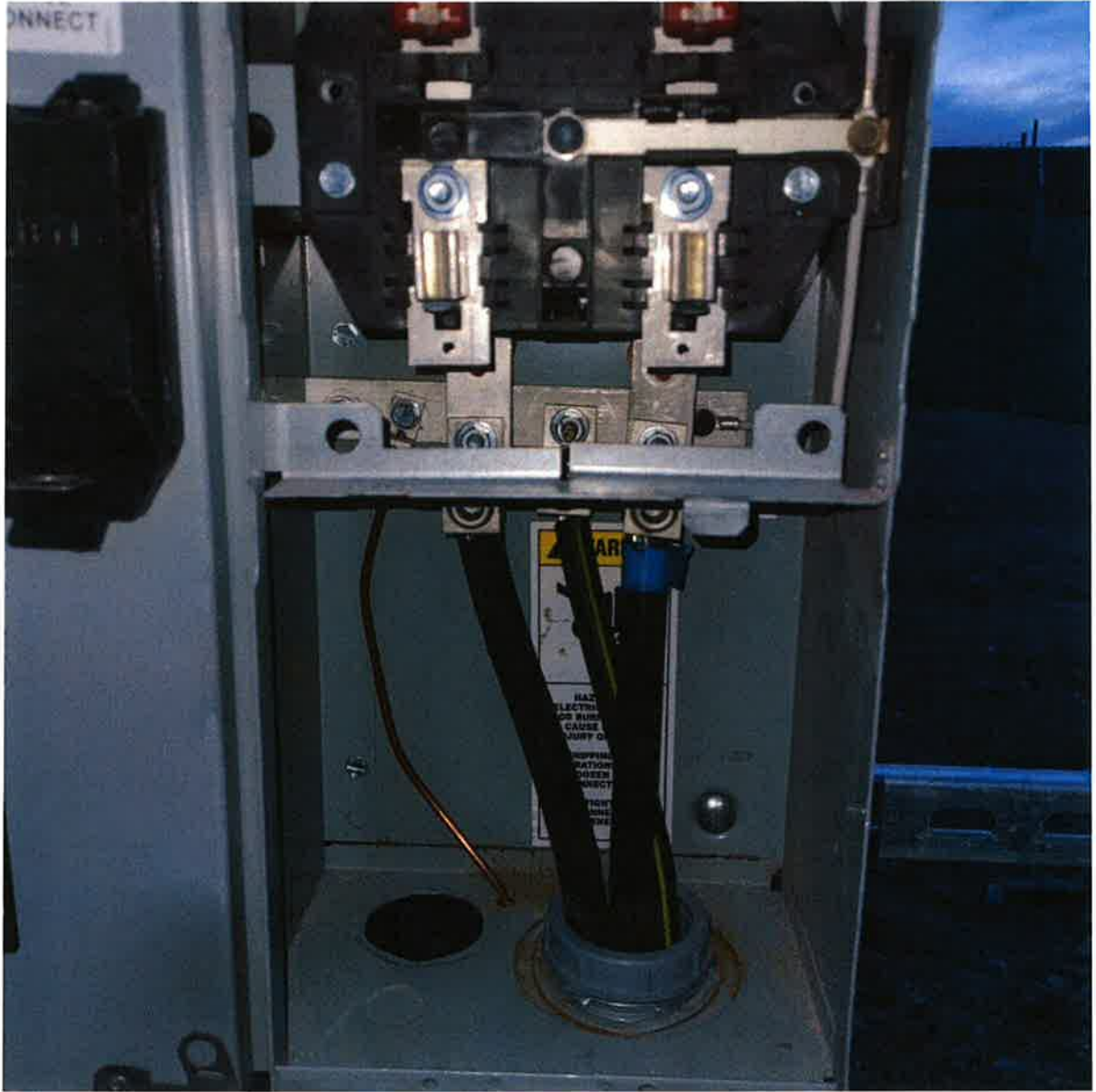
Office: (760)873-7866

Cell: (760)878-8485

<http://www.inyocounty.us/EnvironmentalHealth/>

Exhibit 3 – Progress on Compliance; Uninspected/Unreviewed by Building & Safety





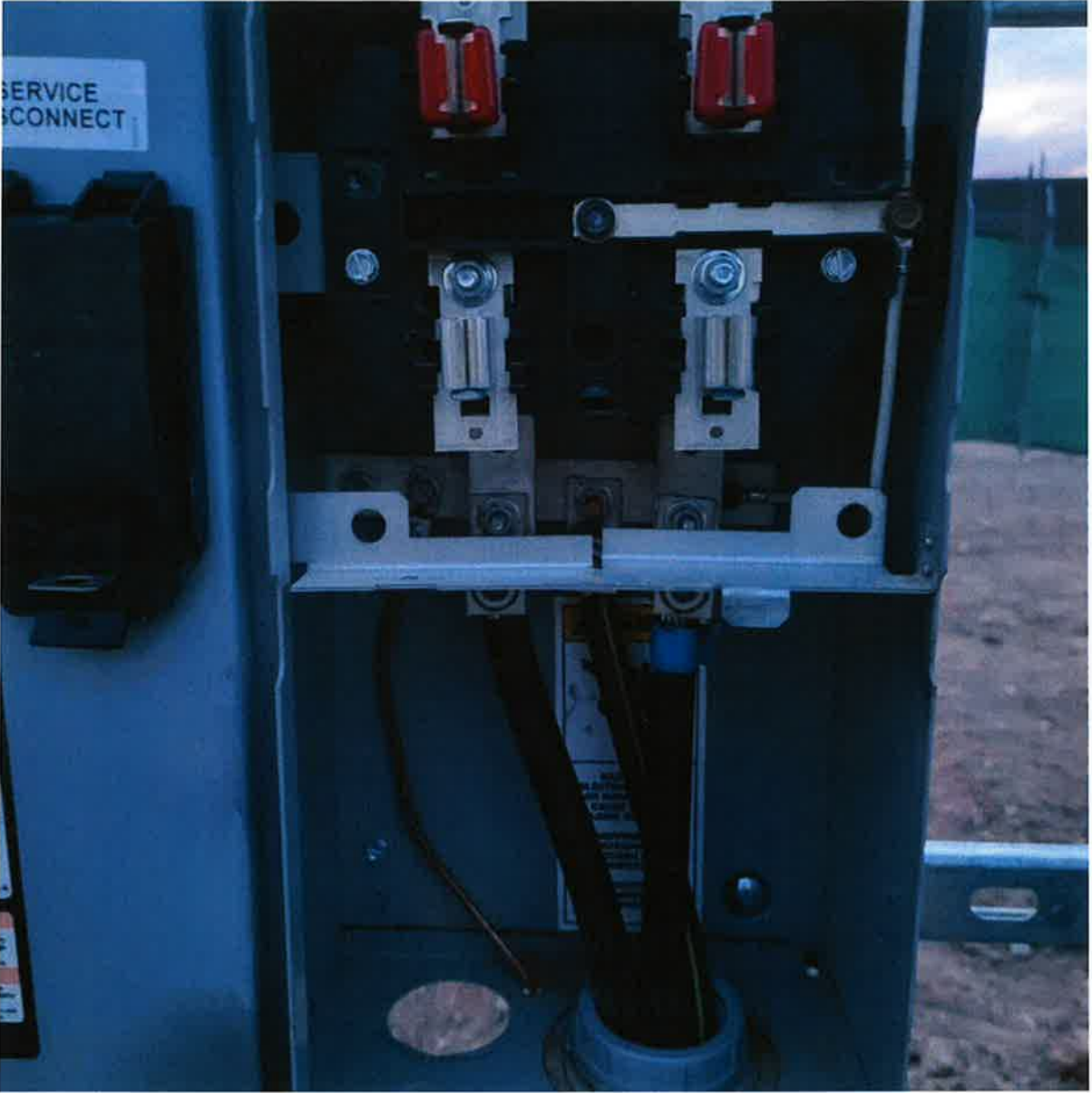
CONNECT

DANGER

HAZ
ELECTR
OR BURN
CAUSE
SURF O

WIPING
WATER
GREEN
CONNECT

SERVICE
CONNECT











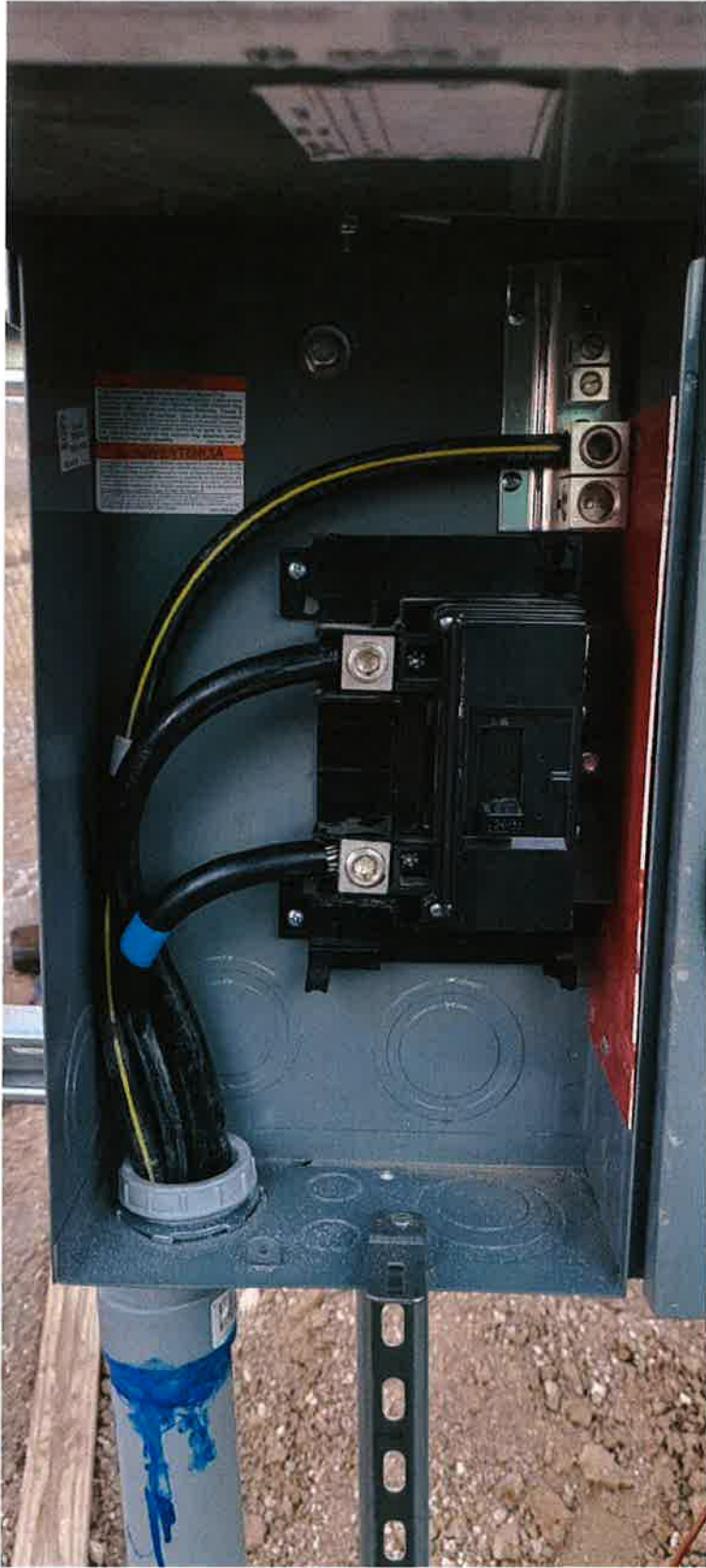






EXHIBIT 4 – COUNTY COMMERCIAL CANNABIS PERMITTING OFFICE COMPLIANCE



COUNTY OF INYO

COUNTY COMMERCIAL CANNABIS PERMITTING OFFICE

207 WEST SOUTH STREET
BISHOP, CA 93514
760.873.7860

COMMERCIAL CANNABIS BUSINESS INSPECTION FORM

Business Name SHADE GROWN FARMS	Contact Name LOWELL SHADE	Phone Number (775) 764-7560			
Address or Coordinates of Location Inspected 140 AGATE DR	City STEWART VALLEY	Zip Code 92384			
County Business License Number 54-001	Date of Inspection 9/29/21	Time of Inspection 3:00 PM			
Business license type (check one, unless microbusiness is checked)					
<input checked="" type="checkbox"/> Cultivation (5,000 ft ² or less)	<input type="checkbox"/> Testing Laboratory				
<input type="checkbox"/> Cultivation (greater than 5,000 ft ²)	<input type="checkbox"/> Retailer (does the business make deliveries? <input type="checkbox"/> Yes / <input type="checkbox"/> No)				
<input type="checkbox"/> Manufacturing Level 1 (non-volatile extraction/infusion, etc.)	<input type="checkbox"/> Distributor				
<input type="checkbox"/> Manufacturing Level 2 (volatile extraction)	<input type="checkbox"/> Microbusiness (check all activities that apply)				
License category/categories					
<input checked="" type="checkbox"/> Medical	<input checked="" type="checkbox"/> Adult-use				
Compliance Checklist					
Yes No N/A	Yes No N/A				
<input checked="" type="checkbox"/>		1. License type and category consistent with operations	<input checked="" type="checkbox"/>		11. Does the business comply with weighmaster regulations? ²
<input checked="" type="checkbox"/>		2. County license prominently displayed	<input checked="" type="checkbox"/>		12. Does the water source match application info?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Location and operations consistent with application map		<input checked="" type="checkbox"/>	13. Are wages consistent with application claims?
<input checked="" type="checkbox"/>		4. Cultivation canopy size consistent with application		<input checked="" type="checkbox"/>	14. Is the community benefit plan consistent with application claims?
<input checked="" type="checkbox"/>		5. Cannabis waste practices consistent with application	<input checked="" type="checkbox"/>		15. Are security features consistent with application info?
<input checked="" type="checkbox"/>		6. Delivery routes consistent with application information			
<input checked="" type="checkbox"/>		7. Track and trace system consistent with application			
<input checked="" type="checkbox"/>		8. List of hazardous materials on application is consistent			
<input checked="" type="checkbox"/>		9. Weighing and measuring devices registered			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10. Were any pesticide noncompliances noted? ¹			

Detail of any noncompliance(s) noted above:

3. HAS TO ADJUST TO MEET COP,
NO MASOK CHANGES, HAS MOVED
THINGS UNTIL FIXED ~~THINGS~~ THEN
WILL FIX OR UPDATE PLAN

13./14. HAVE NOT COMPLETED ANY SALES

¹If the business uses pesticides, conduct the appropriate pesticide inspection (Form PR-ENF-102, 103, 104, or 109)

²If the business is required to have a licensed weighmaster, conduct a weighmaster audit inspection

Is there any evidence of recent construction or improvements at the location being inspected? Yes No

If yes, describe:

RECENT CONSTRUCTION WORKING ON FIXING CUP ISSUES & FINISHING
OVERALL BUILDOUT

Does the location produce any food products? Yes No

If yes, describe:

If this business engages in manufacturing practices, explain these practices briefly:

No

Other Notes:

Signature of Responsible Party 	Print Name LOWELL SHRADE	Date 9/29/21
Signature of Inspector 	Print Name CARL OLSON	Date 9/29/21

**Response of the Inyo County Planning Department to
Appeal No. 2021/01 (Shade Grown Farms)**

I. Factual Background and Overview

On February 27, 2019, the Planning Commission, upon the recommendation of staff, approved CUP No. 2019-01/Shade Grown Farms (“the CUP”) for Lowell Shade to operate a commercial cannabis cultivation operation at 140 Agate Drive in the community of Stewart Valley (APN: 048-540-08) (“the Property”). The project proposal included growing cannabis plants of a variety of strains as well as processing the mature plants, which entails drying, curing, trimming, and packaging at the project site.

This CUP was approved with several conditions of approval, including:

1. The applicant shall provide adequate water and septic systems, public restrooms, and a plan for pesticide and fertilizer use, storage and removal to the satisfaction of the Inyo County Environmental Health Department prior to any Building Permits being granted. Failure to provide shall also cause revocation of CUP 2019-01/Shade Grown Farms.
2. Hold Harmless. The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2019-01/Shade Grown Farms. The County reserves the right to prepare its own defense.
3. Compliance with County Code. The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations.

Relevant here, condition #3 requires compliance with the California Building Code (“CBC”) because Title 14 of the Inyo County Code incorporates the CBC in full and mandates compliance with the California Building Code for all construction occurring in Inyo County.

Starting before the CUP was issued and continuing thereafter, the Planning Department explained to Mr. Shade that he needed to obtain permits from both the Department of Building and Safety and the Environmental Health Department, per conditions 1 and 3 of the CUP. Indeed, the day after the CUP was issued, Nathan Lund, Mr. Shade’s business partner, emailed Cathreen Richards, Planning Director, with a variety of site plans for construction on the Property. Ms. Richards responded to the email with a reminder that no construction could occur on the property until Mr. Shade obtained a building permit and met all environmental health requirements. Ms. Richards further reminded Mr. Lund that the failure to abide by these rules could result in the revocation of the CUP. *See Exhibit 1.*

On December 11, 2019, Mr. Shade obtained a building permit for the installation of three greenhouses with steel frames and a plastic cover. The permit said nothing about any other work, such as electrical, plumbing, or the construction of any buildings other than greenhouses. *See Exhibit 2.* After obtaining this permit, Mr. Shade never requested any inspections on the greenhouses, and the permit expired due to lack of progress (per Title 14 of the Inyo County Code, any building permit that sees no progress for over 180 days automatically expires and must be renewed for construction to continue).

In May and June 2020, Mr. Shade reached out to the Building Department to inquire about installing a solar system and a septic system on the Property. Senior Building Inspector Tyson Sparrow discussed the permitting requirements for these systems with Mr. Shade. *See Exhibit 3.* However, Mr. Shade never followed through with the permitting for these installations but soon thereafter emailed the Building Department and informed them that he had installed various water and electrical lines on the Property. This came as a surprise to Mr. Sparrow, given that Mr. Shade had neither applied for nor obtained a permit to perform this work. Mr. Sparrow advised Mr. Shade that he must immediately cease construction on the Property until he obtained a building permit. *See Exhibit 4.*

On July 13, 2021, James Feeney, Building Inspector, went to inspect the Property. Mr. Feeney's inspection revealed that Mr. Shade had erected a variety of structures, such as an office and bathrooms, and had installed commercial-level electrical, plumbing, and a solar system without the benefit of a permit or any inspections. In other words, Mr. Shade had essentially built his entire commercial cannabis operation with no building permits whatsoever. Furthermore, Mr. Feeney's inspection of the work revealed that it was unsafe and noncompliant with the CBC. Particularly concerning to Mr. Feeney was the electrical work, which was installed in a manner that posed a fire hazard. Mr. Feeney sent an email to Ms. Richards listing the violations and summed up the situation with four simple words: "it is a mess." *See Exhibit 5.*

Following Mr. Feeney's inspection, Mr. Shade attempted to apply for a building permit to fix some of the CBC violations and to retroactively permit his unpermitted work. However, the application Mr. Shade submitted was deficient in many aspects. It lacked plumbing plans, electrical plans, HVAC plans, fire sprinkler plans, and foundation plans. Mr. Feeney informed Mr. Shade of these deficiencies on July 21 and explained to Mr. Shade that "nothing you provided will start the process [of obtaining a building permit]." *See Exhibit 6.* Mr. Shade did not follow up on this permit application or otherwise correct the deficiencies that Mr. Feeney outlined.

On August 9, 2021, Ms. Richards emailed Mr. Shade to let him know that he needed to bring his operation into compliance with the CBC and modify his construction to the satisfaction of the Building Department or he risked the revocation of his CUP. *See Exhibit 7.* On August 10, 2021, Mr. Sparrow also emailed Mr. Shade, stating "as I have told you before, any time you touch plumbing, electrical, mechanical, structural, you need a permit." Mr. Sparrow further instructed Mr. Shade to schedule a meeting with him onsite so that the Building Department could provide Mr. Shade with a specific, detailed list of violations to remedy. Mr. Sparrow concluded by reminding Mr. Shade that "We want nothing more than for you to be successful, our goal as public servants is to get you to the finish line. If there is any way to get this train back on track I'm all for it." *See Exhibit 8.*

On August 11, 2021, Ms. Richards informed Mr. Shade that a hearing on the revocation of the CUP would occur before the Planning Commission on September 22, 2021. Ms. Richards also reminded Mr. Shade that the Planning Department would cancel the hearing and drop the revocation proceedings if Mr. Shade showed progress in addressing the CBC violations that Mr. Feeney identified. To his credit, after Ms. Richards' and Mr. Sparrow's emails and the receipt of a hearing notice, Mr. Shade quickly began asking questions about bringing his operation into compliance. However, as Mr. Shade began to ask questions, it became apparent that Mr. Shade had done no research into the CBC, lacked even the vaguest idea about how to ensure

compliance with the CBC, and had planned his entire operation without any consideration of whether his plans would meet the standards found in the CBC.

For instance, on August 17, 2021, Mr. Shade emailed Ms. Richards to ask why the Building Department was requiring the structures on the Property to meet commercial building code standards when the Property was zoned as residential. Ms. Richards explained to him that this occurs because the structures will be used for commercial operations (a cannabis cultivation and processing business), even though the zoning is residential. She further reminded Mr. Shade that this disconnect between the zoning and the use of the property is the exact reason why he had to apply for a CUP and that this issue of a commercial use on residential zoning was explained to him back in early 2019 during the CUP application process. *See Exhibit 9.*

Similarly, on August 17, 2021, Mr. Shade sent Mr. Sparrow an email which included the following reasons for his noncompliance with the Building Code: 1) he was unaware that he was required to call for periodic inspections during the construction process; 2) he believed that there were no rules regulating greenhouses in Inyo County because the Inyo County Code does not have a special section on greenhouses; and 3) he was not aware that moveable buildings are still required to meet building code standards. In response to this, Mr. Sparrow explained to Mr. Shade that there is a reminder written directly on the inspection card provided with every building permit to call for periodic inspections; that the CBC, which is operative in Inyo County via Title 14, includes a section on greenhouses; and that a review of the CBC would reveal requirements regarding moveable buildings. *See Exhibit 10.* Mr. Sparrow also reiterated to Mr. Shade that the first step toward bringing himself into compliance with the CBC would be to schedule an inspection with the Building Department so that a building official could provide him with a list of all violations that needed to be remedied.

As the operator of a complex business within a highly regulated industry, these were not issues that Mr. Shade should justifiably be confused about. Perhaps a homeowner attempting a DIY bathroom remodel could be confused about the need for periodic inspections or the fact that one must consult both the CBC and the Inyo County Code to learn about relevant building standards. But the operator of multi-acre commercial cannabis cultivation business who had 2.5 years to familiarize himself with the relevant rules and regulations cannot reasonably claim ignorance about these basic issues. Moreover, given that Mr. Shade repeatedly began the permitting process with the Building Department but then abandoned the process when informed that his plans were not up to code, it would appear that Mr. Shade knew exactly what he needed to do to be compliant with the CBC. Mr. Shade simply chose not to comply because building compliant structures that meet basic life safety standards is more expensive than building unsafe, non-compliant ones.

Also problematic was the fact that, despite Mr. Shade's claims of ignorance when it comes to building standards, Mr. Shade seemed to have no lack of knowledge when it comes to cannabis cultivation and processing. Indeed, throughout this entire enforcement proceeding, Mr. Shade was (and still is) operating and profiting from his commercial cannabis business, even though he has yet to come into compliance with the conditions of approval of the CUP. A CUP grants privileges, but those privileges come with conditions. A permittee should not be permitted to enjoy the privileges of a CUP unless they also comply with the necessary conditions.

Despite all of these concerns, the Planning Department decided to give Mr. Shade one final chance, and on September 21, 2021, Ms. Richards informed Mr. Shade that the Planning Department would agree to delay the hearing one month to give Mr. Shade some additional time to bring the Property into compliance. This decision was based on the fact that Mr. Shade sent some pictures to the Building Department in mid-September 2021 that seemed to show that he was undertaking work on his electrical system and hooking his property up to the So Cal Edison (“SEC”) power grid. This was exciting news because the poorly installed electrical on the Property was the Building Department’s major safety concern. However, the Building Department remained concerned because Mr. Shade had still not obtained any building permits for the work he was doing, nor had he taken Mr. Sparrow up on his offer to come to the Property to create a specific list of violations. Nevertheless, the new hearing date was set for October 27, 2021.

Unfortunately, the hint of progress that the Planning Department and the Building Department saw in mid-September did not last. In early October 2021, Mr. Shade informed the Building Department that he was abandoning his plan to remedy the unsafe electrical system by hooking it up to the SCE power grid because his neighbor would not allow him to trench electrical lines across the neighbor’s half of the road. *See Exhibit 11*. However, this statement made no sense because SCE has a utility easement to run electrical lines to all properties that it serves. In other words, Mr. Shade does not need his neighbor’s permission to run power to the Property. The Building Department attempted to inform Mr. Shade of this fact, but Mr. Shade indicated that he was formulating a new plan to utilize primarily solar power, which would set him back to square one of the planning process.

II. The Planning Commission Hearing

On October 27, 2021, the Planning Commission conducted a hearing on the revocation of Mr. Shade’s CUP. Ms. Richards and Mr. Feeny provided testimony on behalf of the Planning Department. Mr. Shade provided testimony on his own behalf. The evidence presented by at the hearing established the following:

- Mr. Shade never obtained any inspections on his greenhouses.
- Mr. Shade built bathrooms and offices and installed electrical, solar, and plumbing without a permit. None of this work met the requirements of the CBC. The violations of the CBC on the Property pose a threat to health and safety. The electrical is particularly concerning because it was installed incorrectly and poses a fire hazard.
- The Building Department and Planning Department have tried repeatedly to help Mr. Shade. They have provided him with booklets and information about construction and electrical, they have offered numerous site visits (which Mr. Shade has not taken them up on), and they have tried to instruct Mr. Shade on how to complete various tasks.
- As of the hearing, it had been 640 days since Mr. Shade received his CUP and he has not managed to come into compliance with the CBC.
- In contrast to his inability to comply with the CBC and building permit requirements, Mr. Shade has had no problem getting his cannabis business up and running. Mr. Shade has been growing and selling cannabis throughout the entire enforcement process.

Based on the evidence presented, the Planning Commission voted unanimously to revoke the CUP. When voting on this revocation, the commissioners extensively debated the impact of COVID-19 on Mr. Shade's ability to comply with the CBC, which Mr. Shade cited numerous times throughout the hearing as the reason for his noncompliance. However, Commissioners discussed this timeline and found Mr. Shade's argument unpersuasive, given that he obtained his CUP a full year before COVID had any impact on California and therefore should have had ample time to plan and begin construction before COVID hit.

III. Mr. Shade's Arguments on Appeal

On November 2, 2021, Mr. Shade submitted an appeal of the Planning Commission's October 27 decision to revoke the CUP. Mr. Shade raised various arguments in his appeal. Many of these arguments misstate the facts. Below, the Planning Department has provided responses to selected statements within Mr. Shade's appeal to correct his misstatements:

Page 1: Since the grant of the CUP, SF has continuously strived to ensure compliance with County and State regulations. SF has had numerous positive discussions and communications with Inyo County on maintaining compliance.

Planning Department Response: Mr. Shade has not consistently tried to comply with County regulations, as evidenced by his ongoing failure to obtain building permits and comply with the CBC. While the Planning Department agrees that Mr. Shade has had positive communications with County staff, these positive communications have not resulted in actual action on Mr. Shade's part. To this day, he remains noncompliant with the CBC.

Page 1: In early September 2021, SF received its first formal notice of non-compliance with the CUP.

Planning Department Response: This is incorrect. As explained above, Mr. Shade was told in May 2021 to stop work given his lack of a building permit. Additionally, beginning the day after the grant of his CUP, Mr. Shade was informed of the need to obtain building permits for any work done on the Property.

Page 1: Despite demonstrating significant progress in compliance issues highlighted by Building & Safety, on October 27th, the Planning Commission revoked the CUP and refused to review the continued progress that had been previously acknowledged at the Planning Commission meeting on September 22, 2021. At the Planning Commission meeting on September 22, 2021, a County official stated that "Mr. Shade had shown significant progress" and further "If he continues to make progress we can continue again, or actually suspend the violation process." Unfortunately, I was not allowed to present his continued progress to the Planning Commission.

Planning Department Response: Mr. Shade did not "demonstrat[e] significant progress" prior to the October 27 hearing. Rather, Mr. Shade made some very minor progress in relation to the electrical violations present on the Property, which caused staff to believe that Mr. Shade might be on the right track. Unfortunately, this progress was short-lived, as Mr. Shade ceased work on his electrical system, purportedly because of the easement issues outlined above (which staff determined to be invalid). With regards to Mr. Shade's ability to present his progress to the Planning Commission, Mr. Shade

was given ample opportunity to testify and present evidence to the Planning Commission, and Commissioners asked numerous questions of Mr. Shade.

Page 2: The CUP revocation was arbitrary and unreasonable. Further, not being allowed sufficient time at the Planning Commission hearing to present the very significant progress towards compliance violated my due process rights. I am respectfully requesting the Board of Supervisors to reverse the Planning Commission's CUP revocation and allow more time to fully address all compliance issues.

Planning Department Response: The Planning Commission's decision was not arbitrary or unreasonable. The Planning Commission heard evidence that Mr. Shade has had almost three years to bring his operation into compliance with the CBC, but rather than obtaining necessary permits and complying with the CBC, Mr. Shade chose to do all of his construction without the benefit of permits. The hearing on the revocation lasted approximately 2 hours, with Mr. Shade being allotted ample time to speak. Commissioners also asked numerous questions of Mr. Shade.

Page 3: Ultimately, the excellent progress that I had made was never reviewed/inspected by Building & Safety, and at the October 27 Planning Commission hearing, I was never given a chance to present this progress to the Planning Commission.

Planning Department Response: Mr. Shade did not make "excellent progress" prior to the October 27 hearing. While it is true that Mr. Shade started to bring his faulty electrical system into compliance, this work represented only a tiny fraction of the work that Mr. Shade needed to do to remedy the CBC violations. Additionally, Mr. Shade's progress on the electrical system did not last. As outlined above, in early October 2021, any progress that Mr. Shade was making on his electrical system ceased due to Mr. Shade's incorrect belief that he could not hook his property up to the SCE power grid without his neighbor's approval. While the Building Department told Mr. Shade to talk to SCE about the existence of an easement, Mr. Shade instead changed his plans and decided to go with a solar system. In short, there was nothing to inspect prior to the October 27 hearing because Mr. Shade had made such minimal progress.

Page 4: At the hearing on October 27, 2021, I was not given a chance to present my progress to date...Not providing me enough time and shutting me off at this very crucial meeting that determines my livelihood was imply unjust, unfair, and ultimately unreasonable...I have set out pictures that should have been reviewed and considered by County officials in Exhibit 3.

Planning Department Response: Mr. Shade was given ample time to present his case at the Planning Commission hearing. He was never "shut[] off" by the Planning Commission. With respect to the pictures that Mr. Shade attached as Exhibit 3 to his appeal, Mr. Shade never attempted to present these pictures to the Planning Commission before or during the appeal. Additionally, these pictures have been reviewed by Tyson Sparrow, who has stated that these pictures do not change the Building Department's recommendation.

IV. Conclusion and Recommendation

After being granted a CUP in February 2019, Mr. Shade constructed a complex, multi-acre commercial cannabis operation with no permitting, oversight, or approval from the Inyo County Building Department. In fact, none of the work that Mr. Shade has done since February 2019 has been properly permitted or inspected. Unsurprisingly, Mr. Shade's complete disregard for the permitting process has caused his property to be rife with dangerous CBC violations.

Staff has gone above and beyond to assist Mr. Shade with the process and bring him into compliance. However, there is only so much that staff can do. The questions that Mr. Shade has posed to staff throughout the process have revealed that Mr. Shade is frighteningly uneducated about the construction process and apparently unwilling to obtain the assistance of someone who does understand the process, such as a licensed contractor. Similarly, whenever staff explained to Mr. Shade why his building permit applications were insufficient, Mr. Shade's response seemed to be to abandon the permitting process and do the work without a permit, rather than to work with staff to ensure that his proposed construction met all requirements of the CBC and the CUP.

Mr. Shade's decisions have caused him to be in violation of the conditions of approval of his CUP, and the Planning Commission correctly voted to revoke Mr. Shade's CUP. The Planning Department urges the Board of Supervisors to uphold this decision by the Planning Commission. The Planning Department fully understands the implications of this CUP revocation on Mr. Shade's cannabis business. That said, Mr. Shade has been non-compliant with the Conditions of Approval set forth for the CUP for almost 3 years. He was given ample time to correct this noncompliance but failed to do so. Mr. Shade should not be permitted to continue to enjoy the benefits of his CUP if he refuses to also comply with the conditions of approval.

Exhibit 1

From: Cathreen Richards

Sent: Thursday, February 28, 2019 1:43 PM

To: Red Dragon; lowell shade

Cc: Tyson Sparrow; Kathe Barton

Subject: RE: Site Plan LotB licensed tenant Addition requested for CUP clarification on. 140 Agate Stewart Valley,CA

Nathan,

Now that I can read this site plan, I see that it is the same as what Lowell provided with the Conditional Use Permit application and everything will be alright with regard to the Conditional Permit approval.

Moving forward:

You will need to work on your site plans to ensure that you are meeting the setback requirements of the zoning district. This property is in the Rural Residential Zone. The setback requirements are 50' front yard, 30' rear yard and 20' side yards. Your green houses are required to meet these setbacks. Storage and other accessory structures can be 5' from the side a rear lot lines, but still have to be 50' from the front. You are also required to have 10' between each structure on the property. When I discussed this with Lowell we identified the side of the parcel facing Agate as the front.

You need to submit applications for building permits for everything you have built and are proposing to build on the property to the Building and Safety Department to get your building permits. When you submit for the building permits please include a clear/readable site plan that includes the distances from each structure, existing and proposed, to the parcel lot lines and the distances between each structure, existing and proposed. You will also need to work with Lowell and the Environmental Health Department to satisfy their requirements for the water and septic systems, a public restroom, and a plan for the use, storage, handling and disposal of all and any pesticides and fertilizers. If you and/or Lowell do not meet these requirements the

Conditional Use Permit will be revoked and you will not be able to get your building permits and it could affect the status of your cannabis business license.

Thank you for your quick response to my request for your site plan. If you have any additional questions please feel free to contact me, or Tyson Sparrow for building questions, or Kathe Barton for Environmental Health Department questions. They are ccd on this email for your convenience.

Thank you,

Cathreen Richards, Planning Director
Inyo County Planning Department
PO Drawer L, Independence, CA 93526
Phone: 760-878-0447
Email: crichards@inyocounty.us

From: Red Dragon [mailto:reddragoncalifornia@gmail.com]
Sent: Thursday, February 28, 2019 12:54 PM
To: Cathreen Richards
Subject: Site Plan LotB licensed tenant Addition requested for CUP clarification on. 140 Agate Stewart Valley,CA

Kathreen Richards

Hello and TY for your phone call earlier today. I apologize about the delay on getting you some much needed information. I'm glad to be in direct contact with you and your department.

We understand the confusion. Unfortunately as tenants on the property, we only have so much control of these situations in regards to property ownership and information regarding property owner due diligence .That being said.

Moving forward.

Below RDB Cultivation llc has attached the previously re-drawn outlined in RED LotB site plans provided during the county application process. The BLUE site plans attached were originals provided by Lowell Shade/Shadegrownfarms llc) submitted through the agricultural department for county license approval for LotG. The site plans are almost identical but,have the inclusion of 2 future additional 100ft by 36ft wide greenhouses included. Upon the request of the planning department, RDB Cultivation llc is sending copies of the original site plan provided by landlord/and LotB site plan specifics for additional planning department review. We hope what's provided will suffice to move forward with no issues and apologies for the confusion. We as tenants will be much more diligent in our communications with land owner and ALL permits regarding ANY additions added by

LotB(RDB Cultivation llc. License# 5g-002) located at 140 Agate rd. Stewart Valley,CA 92384 will be in compliance with ALL local county and state ordinances. We appreciate your patience with the growth of a brand new industry and look forward to being contributing partners to the community of inyo county,CA.

Respectfully,

RDB Cultivation llc.

Nathan & Haeli Lund

PS.

Below we have attached an original copy of the site plans provides by Lowell Shade in all BLUE.

Also attached is our greenhouse additions and outside security lighting layout for site plan LotB and additions turned into the Agricultural department for county license approval.Lot B is outlined in RED.

RDB Cultivation llc Lot B is separately county licensed on the same parcell of land as Shadegrownfarms llc located at 140 Agate rd ,Stewart Valley,CA 92384.
10 feet away.

Exhibit 2



Building Permit Application

Inyo County

377 West Line Street, Bishop, California 93514
760-873-7857 ctruelsen@inyocounty.us
www.inyocounty.us



Project Address: 140 Agate St. Stewart Valley, CA APN: 048-540-08

Contractor: Owner Builder **Prop Owner:** Lowell Shade

Address : _____ Address: 50 Emery St. #421

City, State, Zip: _____ City, State, Zip: Pahrump, NV 89048

Phone # : _____ Phone #: 775-764-8055

License #: _____ Bus. Name: _____

Bus. Owner: _____

Architect : _____ **Engineer :** _____

Address : _____ Address : _____

City, State, Zip: _____ City, State, Zip : _____

Phone # : _____ Phone # : _____

Fax # : _____ Fax # : _____

License # : _____ License # : _____

Project Coordinator / Contact Person (if different from above)

Name: Cannabis Cultivation Phone # : _____

Project Description (be specific):

Construction of 3 greenhouses for cannabis cultivation. The greenhouses will be of the high tunnel type constructed of galvanized steel framing covered with a poly cover.

Short Desc: 3 Greenhouses

Value of work: _____ \$10,000.00

Applicant understands that this permit expires and becomes null and void should work not be commenced within 180 days from date of issue, or should construction be suspended or abandoned for a period of 180 days. Applicant certifies that the information provided herein is correct to the best of their knowledge and agrees to comply with all County/City and state laws relating to building construction and hereby authorizes representatives of the County/City to enter upon the project property for inspection purposes.

Applicant name: Lowell Shade

Signature: _____

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Permit Cost Summary		Permit # :	2019-086
Building Permit	\$ 243.77	Date:	12/11/2019
Plan Check	\$ 121.89	Approved By:	TS
Plumbing Permit	\$ 133.90	Planning:	Y Received
Mechanical Permit	\$ 211.59	Con Type:	V
Electrical Permit	\$ 69.59	Occ Grp:	B
Other	\$ -	Total SQ FT:	
Relocation	\$ -	Zoning:	RR 5.0 MH
Demolition	\$ -	WM Form:	N
Jacuzzi	\$ -	Plan Check:	Y
Storage Container	\$ -	Health Dept:	N
Continuing Education	\$ 2.00	School Fees:	N
Mobile Home	\$ -	Cal Fire:	N
Grading	\$ -	Sewer Dist:	N
Solar	\$ -		
SMIP	\$ 2.80	Total \$	786.54
Building Standards Revolving Fun	\$ 1.00	Receipt #:	592768

Exhibit 3

From: Tyson Sparrow
Sent: Thursday, June 11, 2020 6:47 AM
To: lowell shade
Subject: RE: solar.

Good morning Lowell,
Solar is reviewed by the planning department for setbacks, I would give Cathreen or Steve a call in planning for the developmental standards. The solar would need to be a separate permit and fees. Berta is having a tough time understanding the process, we are trying to get her on the phone with a translator so we can get her project on track. Unfortunately my Spanish is just so so, I really need to become more proficient at speaking Spanish.

TYSON SPARROW
BUILDING INSPECTOR
(760)878-8263 CELL
(760)873-3180 OFFICE
TSPARROW@INYOCOUNTY.US



From: lowell shade [<mailto:lowellshade702@outlook.com>]
Sent: Wednesday, June 10, 2020 4:02 PM
To: Tyson Sparrow
Subject: solar.

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello Tyson,
Hope this finds you well. I am wanting to install a 5kw 15 panel solar system to assist in powering my greenhouses. They will be ground mounted on stands holding 3 panels each at the northmost point of the property. Is there a setback requirement for ground mounted solar panels? If so, are my setback requirements 50 ft. from the front and 30 from the back. What will I need to change to make this addition to my building permit. I was also wanting to inquire on the neighbor, Berta's septic permit application and see if they were ready for me to dig their leach field according to their

submitted design plan. I look forward to hearing back and talking about what our next step is with having you inspect work being done and when these inspections need to be done. I appreciate your time and help.

Lowell Shade

Sent from [Mail](#) for Windows 10

Exhibit 4

From: Tyson Sparrow
Sent: Wednesday, June 2, 2021 12:12 PM
To: 'lowell shade'
Cc: James Feeney
Subject: RE: Inspection request

Lowell,

We do not have a permit for the Charleston view project. We have not received any plans, structural, plumbing, electrical. Please stop all work until a permit has been issued for this project.

TYSON SPARROW
SENIOR BUILDING INSPECTOR
(760)878-8263 CELL
(760)873-3180 OFFICE
TSPARROW@INYOCOUNTY.US



From: lowell shade [mailto:lowellshade702@outlook.com]
Sent: Wednesday, June 2, 2021 11:51 AM
To: Tyson Sparrow
Subject: RE: Inspection request

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello Tyson. I have sent messages to Kathy Barton to be sure I am doing all she needs done. And wanted to touch base. I had a state cal cannabis inspection last Thursday. It went well. No issues. just need to supply them with an updated site plan. I wanted to send you a few pics to see if your able to give the go ahead to fill the trench in. This is on the Charleston view inyo cannabis village site. The pics are of the power and water line trench. I dug 3 ft deep. Level sandy bottom. Placed the water lines and will backfill 12 inches and lay the direct burial wire for the well pump. These are the supply lines for the construction trailer for water from the well and

from the office panel to the well pump. Look forward to your reply. Same way I did my trenches but I went 4 ft deep at shadegrown farms. Thanks tyson. Hope to talk soon

On May 20, 2021 1:58 PM, lowell shade <lowellshade702@outlook.com> wrote:

Thank you tyson,

Alot of the underground water lines and electrical was existing for the 30 ft light poles. And the farm pasture irrigation lines. I just found the existing lines and put upright spickets in instead of the sprinkler heads that were originally there. The new trench for the new 200 amp meters is what will be newly added. I've had my direct burial feed line in the trench for a year now waiting on Mr Lund to obtain his wiring and meter boxes. I originally trenched 48"-54" deep and a smooth sand/decomposed granite bottom. Laid the direct burial and covered with a foot of sand and been waiting for the additional line for rdb cultivation and was then gonna backfill. Over the year there have been a few wall cave in in the trench making it now uneven and not level for line placement. Should I level the trench up for his line or will I need to completely re dig the trench and place both lines together? Or is it OK to place it in the trench with the foot difference of the sand topper over my wire? Sorry for the confusion. Also I can take pictures of the stages and send those to you for approval before I proceed to backfill? Thanks again

On May 19, 2021 1:03 PM, Tyson Sparrow <tsparrow@inyocounty.us> wrote:

Hi Lowell,

I wasn't heated at all, I just relayed that we have not done any inspections on the property and that there are items that are on the CUP from Environmental Health that have not been accomplished. This has resulted in the review of the CUP and possible revocation because of noncompliance. We just need to get things on track with all departments and do the proper inspections as required by California code prior to proceeding any further. I also recommend you get into contact with Kathy Barton of EH and see what you need to do to satisfy them. As far as electrical inspection we are supposed to look at all trenching, wire and installation, prior, during and after, same with plumbing. So basically we are backwards from the process and need to get this going in the right direction. I want you guys to be successful and do well.

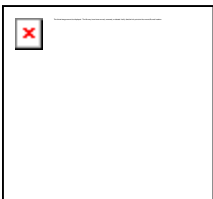
TYSON SPARROW

SENIOR BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US



From: lowell shade [mailto:lowellshade702@outlook.com]
Sent: Wednesday, May 19, 2021 12:47 PM
To: Tyson Sparrow
Subject: Inspection request

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello,

I want to touch base with you. I had heard from nate Lund that you were rather heated with me. I do apologize for any delays. I'm only waiting on rdb ctivation to buy their direct burial wire so it can be added to the trench and filled so we can have a complete inspection. I jave also hit several financial delays in which I've had to take hourly piece work to earn supply monies for my project. Had a bad round of testing that we thought was a soil co tamination issue but now have identified it ad a contaminated water issue. Glad its water as that's an easier fix than soil.lol... ilook forward to speaking to you soon so we can lock in a day to come out and see us. Please feel free to text message me at 775-764-7560. Thank you Tyson

Exhibit 5

From: James Feeney
Sent: Friday, July 16, 2021 8:29 AM
To: Cathreen Richards; Tyson Sparrow
Cc: Jerry Oser
Subject: 140 Agate st Stewart Valley Lowell Shade CUP

Good morning!

My inspection on 7/13/21 at Lowell Shades 140 Agate St Stewart Valley reviled multiple failed inspections and several code violations.

Ranging from electrical / plumbing / framing / solar. As well as non-compliance with Environmental Health requirements .

There were many rows of pot plants being grown outside as well.

It is a mess.

This was the first scheduled inspection since the permit was issued on 1/28/20.

I believe they are out of compliance with the CUP and the building permit.

Please advise.

James Feeney
Building Inspector
Inyo County
760-937-4965
jfeeney@inyocounty.us



Exhibit 6

From: James Feeney
Sent: Thursday, July 22, 2021 4:59 PM
To: lowell shade
Cc: delightshotspringsresort@gmail.com; Tyson Sparrow
Subject: RE: Old Spanish Hwy / McNeal

Things seem to going a bit off the rails here.

You submitted an application for Steve McNeal that stated “ 12,000 square foot building with concrete floor”

Then I was handed a set of plans.
These plans included unstamped, non-engineered specs for a steel building.
No T-24 pages
No plumbing page
An unusable electrical page.
No topo.
No fire suppression plan
And etc

Now you are referencing the Bertha Gonzalez permit.

You are not listed on this permit.

I will strongly advise you to not cut any foundations or start any further projects until you get this straightened out.
You must be a licensed contractor or the “owner builder” to install the mobile home.

Lets focus on the McNeal permit application.
Nothing you have provided will work.
Please provide a complete submittal with all required documents.

James

From: lowell shade [<mailto:shadegrownfarms@gmail.com>]
Sent: Thursday, July 22, 2021 3:14 PM
To: James Feeney
Subject: Re: Old Spanish Hwy / McNeal

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I was reading their permit as I hit send. I see their description says install mobile home and containers. So I'm assuming those are included...lol... I'll have him start digging his footer and at what point of that would you like to come inspect? Before we place blocks in the trench? After we fill all blocks and block cells with concrete? Before we attach the hurricane straps to frame of the mobile or after its completed? Thanks again James.

On Thu, Jul 22, 2021, 2:47 PM lowell shade <shadegrownfarms@gmail.com> wrote:

Good afternoon James,

Hope your day is going well. I have a question on permit #2020-399. The owner is asking if the foundation for the mobile is part of the permit and also if the conex containers were included in the permit. I'll have them start on the solar plan to get their solar system up and running and in the order your needing everything in.i havnt been able to find an expedited solar application to start on for myself and them. He will be doing my solar electrical install at shadegrown farms as he's a union electrician so I'll have him draw all the technical info for everything for both. I'll include his sketch for the foundation. Thank you for all your patience and help James!

On Thu, Jul 22, 2021, 9:25 AM lowell shade <shadegrownfarms@gmail.com> wrote:

Site plan

On Thu, Jul 22, 2021, 9:19 AM lowell shade <shadegrownfarms@gmail.com> wrote:

Here is the site plan . I'm confused by your comments as It contains everything you say it needs. All measurements including setbacks,street names,well location,there are no existing buildings, title block including land use ,address,apn#, and scale.. the site plan also includes a second premises not associated with the premises I am applying for.the Second premises will have a separate application but will be using the same site plan and their own supporting documents. Please advise if the site plan is sufficient or if you are needing me to recreate it? Thank you.

On Wed, Jul 21, 2021, 3:30 PM James Feeney <jfeeney@inyocounty.us> wrote:

Lowell,

I was able to open the plans you gave me today on behalf of Steve McNeal.

Those are spec sheets for the metal building. I cannot do anything with them.

A proper submittal should include :

A site plan showing distances, street, existing structures and property lines.

A Topo drawing

Foundation plan

Elevations

Title block

Title 24 pages

Full electrical plans. Commercial requires plans drawn by a licensed electrician.

Full plumbing plans

Heating and air pages

Fire sprinkler plans

3 sets must be provided

Nothing you provided will start the process, I'm sorry.

Please provide the above items with an application.

Regards,

James Feeney

Building Inspector

Inyo County

760-937-4965

Jfeeney@inyocounty.us

Error! Filename not specified.

Exhibit 7

From: Cathreen Richards
Sent: Monday, August 9, 2021 1:08 PM
To: lowell shade
Subject: RE: [Contact Information] CUP

You need to have the Departments, as stated in your conditions, give you written confirmation that you are meeting the codes, as stated in your conditions.

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Monday, August 9, 2021 12:33 PM
To: Cathreen Richards
Subject: Re: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Sorry I had forgot to directly ask you what form of proof of compliance you are seeking? I have a pest .management plan. A signed pesticide attestation. I have a pesticide applicator license through the county, I have a filed waste management plan including a year of dumpster rental for pahrump valley disposal Co. That hauls all of my trash except any hazardous containers that we personally haul to the landfill and will obtain a receipt for dumping when we actually have any hazardous items to dispose of. I look to you for direction and look forward to your responses. Thank you again

On Mon, Aug 9, 2021, 11:40 AM Cathreen Richards <crichards@inyocounty.us> wrote:

Lowell,

I am sorry you are having so many issues getting your cannabis cultivation business up a running. You are, however, in eminent danger of having your CUP revoked, or at the very least suspended. As part of your agreement in getting the CUP, you were conditioned with, and you and I discussed in length:

The applicant shall provide adequate water and septic systems, public restrooms, and a plan for pesticide and fertilizer use, storage and removal to the satisfaction of the Inyo County Environmental Health Department prior to any Building Permits being granted. Failure to provide shall also cause revocation of CUP 2019-01/Shade Grown Farms.

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

To my knowledge, you have not satisfied any of these conditions. Just to be clear, the Building and Safety and Health and Safety codes are part of the Inyo County and State codes you shall conform with (see above). What you have attached to this email also does not cover it. I would suggest that you get in line with the County Building and Safety Department as well as the County Environmental Health Department to meet your obligations under the CUP. I would also suggest you cease all cannabis cultivation activities until you do so.

I am currently waiting on more information from these departments as well as the Agriculture Commission to see how we will be proceeding. If you really do not want to have your CUP revoked you absolutely must meet the conditions of approval of the CUP and as of right now you are not.

Thank you,

Cathreen Richards

From: web.noreply
Sent: Friday, August 6, 2021 11:40 AM
To: InyoPlanning
Subject: [Contact Information] CUP

lowell shade sr (not verified) (shadegrownfarms@gmail.com) sent a message using the contact form at <https://www.inyocounty.us/contact-information>.

The sender's name

lowell shade sr

The sender's email

shadegrownfarms@gmail.com

Subject

CUP

Comment or Question

hello, i hope this find everyone well.

i met yesterday with building and safety. i was told that i am at risk of losing my conditional use permit.

i pray there is a path back to compliance as i was notified yesterday for the first time that i was not in compliance. i have worked so very hard to get to the point we are today and want to do whatever is necessary to get my project compliant and completed. this last year has been an incredibly difficult year with family members and friends passing due to covid and the supply chains for all things being almost halted. i beg for your compassion and understanding of the situation and look to you for guidance on how to correctly proceed and satisfy all areas of my application to bring my project to a satisfactory state to be completed as rapidly as possible. i would pray that any mistakes or misunderstandings in the very difficult to navigate building and safety requirements that have been made would not be punished by revoking my cup thus causing a chain reaction of licensing revocations. i beg you to allow me a chance to remedy the building deficiencies that i have been made aware of yesterday before revoking anything. i believe you and i want the same things and that is for a safe construction of a project that will allow solid tax revenues to be paid to the county for many years to come. as with the counties planning phase of the cannabis businesses this has all been a very taxing and learn as we go situation. i know that with the proper open lines of communication and the cooperation of the oversight depts. we can and will successfully reach our goals. i have had several state inspections from several different departments and each inspection has led me closer to complete compliance of the operations, but the lack of county contact from building and safety through the covid pandemic has evidently left me confused and on the wrong path to compliance. neither of which im happy or intentionally doing. i want to have you happy about my project and a gold star by my name not this current state of being at risk of having to start over from scratch as Tyson has stated may be coming. please once again i am asking for your guidance and only want to make you happy with my actions and definitely do not want to lose my licensing. i am not asking for any special treatment or rules to be broken, only your understanding and the time to fix what needs to be fixed and complete what needs completed correctly. i beg you to please allow me an extension of 90 days in time to complete all necessary cup requirements. i look forward to your quick response and thank you for you time and help with this very important matter. any questions please email me or call 775-764-7560 text messages work best

Contact ID

contact-101

Files

[signed pesticide attestation.pdf](#) (872.82 KB)

[cdfa inspection june 2021.pdf](#) (23.33 MB)

[submittable final site plan 2021.pdf](#) (989.14 KB)

[water control notice of applicability.pdf](#) (843.27 KB)

Exhibit 8

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Tuesday, August 17, 2021 2:50 PM
To: Tyson Sparrow
Subject: Re: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

That will be fine. I apologize my emails came through in a different order than Days they were sent. I just got this email. I appreciate your quick responding and look forward to seeing James tomorrow. I'm sure all the Confusion is on my interpretations and lack of clarity on the codes and zoning how it changes and what it applies to where I'm concerned. I thank you again for your assistance. I do wish it was easier to find the actual county codes on if I am a type u building or an agricultural type or a special construction building ? Is that up to you or does the commercial special use make it a certain type? Either way its just to be able to do right by you. So if James tells me what I'm deficient in and what it takes to correct it we will get it done.

On Mon, Aug 16, 2021, 7:36 AM Tyson Sparrow <tsparrow@inyocounty.us> wrote:

Good morning Lowell,

The CUP changes the use of the property from residential to commercial. This is a commercial grow, not a residential house. All construction shall comply with commercial building standards.

If you are to read the section 3112 of the code on greenhouses Shall comply with California Fire Code, Structural requirements and all other provisions of the code that is applicable to the project. Membrane structure shall be made of fire resistive construction according the California Fire Code. All of Inyo country is WUIBS except for down town Bishop because that is a LRA. Stewart Valley is moderate fire hazard according to calfire and is subjected to WUIBS.

Section 3113 Relocatable buildings “ Shall comply with applicable provisions of this code” Your building does not meet code.

There are no code amendments for the construction of buildings, we simply go by California Building Code. We can assist you by giving you a list of corrections and then doing an inspection or more to verify that you have come into compliance.

I can have James come by on Wednesday this week to perform the correction list to get you back on track if you wish.

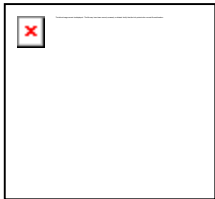
TYSON SPARROW

SENIOR BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US



From: shadegrownfarms@gmail.com [mailto:shadegrownfarms@gmail.com]

Sent: Monday, August 16, 2021 3:51 AM

To: Tyson Sparrow

Subject: RE: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments

I apologize for missing this email. My main confusion was that I thought I was an owner builder. I still cannot find any code for an owner builder of a commercial use building needing to meet any other standards than the residential codes the property is zoned for unless my property was zoned as commercial. I have reached out to CSLB for direction as to not bother you more than needed. They directed me to section 312 group u buildings and structures . and section 3101-3102 special construction title 24 part 2 volumes 1 and 2. They refer to membrane structures. Unfortunately Inyo county has not taken the time to create building codes that address greenhouses specifically. The only code that speaks to greenhouses. Section 3101.1 clearly speaks to the allowance of relocatable buildings that you have stated have never been allowed and Section 3102 clearly speaks to the construction of membrane covered frame structures. This is all new to me Tyson . im not trying to be an asshole but at the same time I cannot afford to allow unneeded extra requests and personal preferences to derail my project. I do see where I was an idiot in the way I was requesting information and guidelines from you. this is an every day thing to you so when you said to me to call when I was done for inspection I ignorantly took that as to call when I was done. I see now on the inspection record sheet that I should have been requesting information and demanding inspections all along the way. I want to do what is needed and quietly finish my project. I think if you give me 7 days from tomorrow to meet with an electrician and a general contractor to advise me on what is needed to meet your expectations or if you send me the code requirements in writing so I can ensure that we are doing what your asking of us, that we can make great progress before your visit to give the correction list you mentioned. If needed ill completely remove the office structure from the property and start over at foundation footers and the proper inspections along the way for the restroom and I wont even do an office. I don't believe we are held to WUI standards as we are classified as a type U non flammable structure located in a white zone as indicated on the state of California fire hazard severity zone map. Cal fire has no approval system for any fire suppression plans so your 5 year old checklist has an invalid demand listed, and in state and county building codes nowhere have I been able to find the code that takes me from my rr5 to a commercial standard. The CLSB was very interested in building and safety's views of the codes with the wording of my building permit and my application packet including my in color site plan and my cdfw/water control board/state compliance report of no violations at their inspection and have asked for me to send all my paperwork to them to sort out this grievance. I do not wish to go that route at all! I was granted a building permit to add bolt together bracing to complete 3 existing membrane covered frame structures. I am simply trying to understand the codes you are claiming I have to follow and despite your denial of the new expectations being different from what you approved at the time of my building permit application and verbally told me on site while being recorded on my state required camera system I do need and want for us to work together. you said you are a public servant and want to help me get to the finish line. If that is a true statement at all then I am sure with your knowledge of building and safety codes that if you actually give me the necessary information I need to succeed with the codes you are holding me to i can do the correct thing to make you happy and we will reach the finish line. Any possibility of working together to create building code amendments for greenhouse construction to make your job easier in the future dealing with us ignorant farmers trying to create a successful agricultural addition to the county so I can pay my taxes and you can keep getting those salary increases? La county has a nice set of building guidelines for greenhouses. worth a read maybe? I truly look forward to your responses and your visit. I am requesting that we meet on property on August 23,2021.i will try to have my ducks in a row for you and will have made significant changes to my current deficiencies by then.. hope you stay safe and healthy. This pandemic is ridiculous. 4 people in Stewart valley are currently recovering from the delta variant. Praying I don't get it again. Thank you again Tyson

Sent from [Mail](#) for Windows

From: [Tyson Sparrow](#)

Sent: Tuesday, August 10, 2021 10:28 AM

To: [Cathreen Richards](#); [lowell shade](#)

Subject: RE: [Contact Information] CUP

Lowell,/ bj

I have told you before, any time you touch plumbing , electrical, mechanical, structural you need a permit. The bathroom constructed did not meet ADA standards nor California Building code. Your installation of plumbing and electrical is not to code. The structure is not built to California building standards that the state sets, not myself. The construction done at Shade Grown Farms does not meet California code. We can meet onsite and I will write an entire correction notice so you have it in writing.

The other issue is you have not called for the proper inspections as required by state law. We have not done any underground, roughs, structural, plumbing, electrical inspections along the way. Last time you called for an inspection I ask what it was for and you told me you didn't know. I sent James out to take a look and what he saw was completely out of compliance. This is not one tiny aspect of the CUP but a huge critical part that is crucial to maintaining a legal operation. All of these things are set by the state, compliance is not voluntary but mandatory.

We want nothing more than for you to be successful, our goal as public servants is to get you to the finish line. If there is any way to get this train back on track I'm all for it.

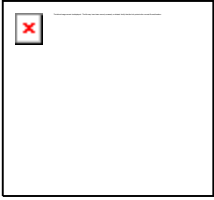
TYSON SPARROW

SENIOR BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US



From: Cathreen Richards
Sent: Tuesday, August 10, 2021 8:03 AM
To: lowell shade
Subject: RE: [Contact Information] CUP

Hi Lowell,

It's not me you need to convince. I'll recommend - again, that you work with the Building and Safety Department.

Cathreen

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Monday, August 9, 2021 7:50 PM
To: Cathreen Richards
Subject: Re: [Contact Information] CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello Cathreen, glad to hear from you. Yes I understood the requirements and have had all areas but the public restroom satisfied . We had originally discussed the use of an off the ground set portable/movable building to create the bathroom structure to include the office. I had discussed that with tyson and was under the impression that that was an approved route to fill the bathroom needs. After a visit from James feeney I was informed that that type of structure was not allowable. The bathroom measurements met all ADA requirements but building and safety stated it needed to be on a foundation not on piers above ground. So I'm willing to immediately do whatever the simplest way of meeting that last requirement is. I have asked if I need a building permit to pour a 10ftx10ft square 4" thick foundation and construct a non powered water only bathroom structure . No response. It's tyson so I'll probably have to drive to bishop to actually get a response. I pray we don't need to suspend or revoke anything as I have met all but one requirement. I have had multiple state inspections and had to supply them with the cup requirements and several of their own requirements including my state of california pesticide attestations,waste management plans, and regular updating of my site plan as parts of the project are built. If there is an item you need from me please feel free to contact me and ask for any needed documentation you feel would help me be in full compliance. I will forward you my enviromental health response se from Jerry oser. I don't want to be at risk for any negative actions. I am desperately trying to compete this project to full capacity as soon as possible.the main set backs have been the pandemic and resulting loxkdowns and supply chain disruptions. That have all led to an extremely tightened budget for me and any prospective customers in the California market. Time is the only cure for the last year and a half of the craziest most societal damaging unknowns that the government had kept us in. I pray you can help me to gain the needed time for society to start its recovery.and then we get hit with the Delta variant. Now we're thrown back into a deeper unknown of what the coming year will hold. I am here to do what you asked and I agreed to do in the beginning and I truly apologize that it has taken this long to get to a point where we can see the finish line of construction and the starting line for a successful operation. I thank you for your time and help with this matter which is truly the most important part of my life. Again ease contact me if you have any questions or need any documentation. Thank you and have a great day

On Mon, Aug 9, 2021, 11:40 AM Cathreen Richards <crichards@inyocounty.us> wrote:

Lowell,

I am sorry you are having so many issues getting your cannabis cultivation business up a running. You are, however, in eminent danger of having your CUP revoked, or at the very least suspended. As part of your agreement in getting the CUP, you were conditioned with, and you and I discussed in length:

The applicant shall provide adequate water and septic systems, public restrooms, and a plan for pesticide and fertilizer use, storage and removal to the satisfaction of the Inyo County Environmental Health Department prior to any Building Permits being granted. Failure to provide shall also cause revocation of CUP 2019-01/Shade Grown Farms.

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

To my knowledge, you have not satisfied any of these conditions. Just to be clear, the Building and Safety and Health and Safety codes are part of the Inyo County and State codes you shall conform with (see above). What you have attached to this email also does not cover it. I would suggest that you get in line with the County Building and Safety Department as well as the County Environmental Health Department to meet your obligations under the CUP. I would also suggest you cease all cannabis cultivation activities until you do so.

I am currently waiting on more information from these departments as well as the Agriculture Commission to see how we will be proceeding. If you really do not want to have your CUP revoked you absolutely must meet the conditions of approval of the CUP and as of right now you are not.

Thank you,

Cathreen Richards

From: web.noreply
Sent: Friday, August 6, 2021 11:40 AM
To: InyoPlanning
Subject: [Contact Information] CUP

lowell shade sr (not verified) (shadegrownfarms@gmail.com) sent a message using the contact form at <https://www.inyocounty.us/contact-information>.

The sender's name

lowell shade sr

The sender's email

shadegrownfarms@gmail.com

Subject

CUP

Comment or Question

hello, i hope this find everyone well.

i met yesterday with building and safety. i was told that i am at risk of losing my conditional use permit.

i pray there is a path back to compliance as i was notified yesterday for the first time that i was not in compliance. i have worked so very hard to get to the point we are today and want to do whatever is necessary to get my project compliant and completed. this last year has been an incredibly difficult year with family members and friends passing due to covid and the supply chains for all things being almost halted. i beg for your compassion and understanding of the situation and look to you for guidance on how to correctly proceed and satisfy all areas of my application to bring my project to a satisfactory state to be completed as rapidly as possible. i would pray that any mistakes or misunderstandings in the very difficult to navigate building and safety requirements that have been made would not be punished by revoking my cup thus causing a chain reaction of licensing revocations. i beg you to allow me a chance to remedy the building deficiencies that i have been made aware of yesterday before revoking anything. i believe you and i want the same things and that is for a safe construction of a project that will allow solid tax revenues to be paid to the county for many years to come. as with the counties planning phase of the cannabis businesses this has all been a very taxing and learn as we go situation. i know that with the proper open lines of communication and the cooperation of the oversight depts. we can and will successfully reach our goals. i have had several state inspections from several different departments and each inspection has led me closer to complete compliance of the operations, but the lack of county contact from building and safety through the covid pandemic has evidently left me confused and on the wrong path to compliance. neither of which im happy or intentionally doing. i want to have you happy about my project and a gold star by my name not this current state of being at risk of having to start over from scratch as Tyson has stated may be coming. please once again i am asking for your guidance and only want to make you happy with my actions and definitely do not want to lose my licensing. i am not asking for any special treatment or rules to be broken, only your understanding and the time to fix what needs to be fixed and complete what needs completed correctly. i beg you to please allow me an extension of 90 days in time to complete all necessary cup requirements. i look forward to your quick response and thank you for you time and help with this very important matter. any questions please email me or call 775-764-7560 text messages work best

Contact ID

contact-101

Files

[signed pesticide attestation.pdf](#) (872.82 KB)

[cdfa inspection june 2021.pdf](#) (23.33 MB)

[submittable final site plan 2021.pdf](#) (989.14 KB)

[water control notice of applicability.pdf](#) (843.27 KB)

Exhibit 9

From: Cathreen Richards
Sent: Tuesday, August 17, 2021 3:07 PM
To: lowell shade
Subject: RE: Zoning

Hi Lowell,

The CUP does not change your zoning to commercial. It allows for an otherwise commercial use to happen on your residentially zoned property. This is because commercial cannabis cultivation is allowed as a conditional use on the zoning that applies to your property, which is Rural Residential. Since the use established by that CUP - is a commercial use, you are now required to meet the other code requirements for that commercial use as allowed by the CUP.

I hope that clears that up for you,
Cathreen

From: lowell shade [<mailto:shadegrownfarms@gmail.com>]
Sent: Tuesday, August 17, 2021 11:23 AM
To: Cathreen Richards
Subject: Zoning

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Hello Cathreen,

I see you were ccd on this email. Maybe you can shed some light for me. How does my cup change my zoning and land use to commercial? If that's the case every time a CUP for commercial cannabis is given it would automatically not allow for certain uses like outdoor 1 acre grows as they are not allowed on commercial zoned property. I would not be able to have my house and reside on a commercially zoned property. My property allowed for my uses as it was and is a rural residential property more than 5 acres. It doesn't seem like the CUP changes the zoning, but changes the use of my residential property to allow for certain commercial uses as listed In The CUP . I can't find d anywhere where the CUP states it changes the zoning. I'm so confused and frustrated and dont know what to do? I'm so sorry for bothering you again with my ignorance but I never get my questions answered by Tyson. As you can see from His email you were included in on. I only want to do what is right and required and none of what he's saying seems logical or get explained In Writing or in codes.hope you have a great day

Exhibit 10

From: lowell shade [mailto:shadegrownfarms@gmail.com]
Sent: Tuesday, August 17, 2021 11:09 AM
To: Tyson Sparrow
Subject: Re: CUP

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Thank you Tyson for your responses. I do understand I failed to correctly call for inspections and thank you so very much for your patience and understanding with my ignorance to this process. I did not want to continue dialog with them as I do not have a grievance with my counties building and safety. I was just trying to have the state explain to me like a retarded Second grader and as simply as possible how to navigate the building codes. They were helpful in that they pointed me to areas of code that allowed for a bond to be put in place if you would like that removes any county responsibilities for inspections and timeliness that would allow me to continue to operate while working together to get the needed work completed to code. Once again I apologize for my ignorance on the 180 day time frame for voiding my permit. There has never been a period of time that work has not been being performed. I was just doing the wrong work...lol... I understand that now! My frustration is I cannot find the more restrictive county codes you speak of to guide me.that is why I have persistently asked you for these codes that would show me what to do correctly. I only want to do what is needed and to satisfy you with my project. I'm afraid my continued asking is only upsetting you and taking more of your valuable time in the process. Like I said if the office won't pass codes I will gladly remove it and have a proper foundationed restroom constructed by a Contractor. I defi Italy would not have spent the last year building things myself if I had been told in the beginning I needed a COnttractor to be doing all the work. That alone has cost me tens of thousands of dollars and wasted the year on my permits. Not good for anyone! Still confused on how you are changing my zoning from rural residential more than 5 acres to a commercial property? The state said that changes nothing. As I could be operating a business out of my home and that doesn't magically give me a commercial zone change. I was never directed to planning to be changed to a commercially zoned parcel. If as you say it changed me to a commercial property I would not be able to conduct my state licensed business on that property at all? The land use of my property was not commercial or I would have been able to be licensed as a microbusiness. Not the case! I was rural residential more than 5 acres and thats what my zoning must be to allow my cultivation license. This has adversely affected the entire scope of my project and isn't OK Tyson. I ask you for clarity and help to proceed correctly as I have from the beginning because you are the professional. The one with the answers to all of my questions. I am simply the owner builder, on my own rural residential zoned land that was given a building permit as an owner builder to complete my greenhouses. Until after James visited I had never been told I was a commercial property and needed to have contractors doing all the work. I pray you can see where my frustration lies in this situation. You can continue to beat me up like a retarded Second grader with his hands tied behind his back over building code if that's what you like doing because that's easy. Or you can help by showing me the codes and rules that have made me a commercially zoned property and no longer an owner builder. I don't want to get anyone in any trouble for anything that has happened up to today. I only want to successfully complete my project so I can

support my family. I lost my wife in November last year and that has had my life upside down by itself. Now this and I'm feeling kicked in the balls by life and being backed into a corner. If ever licensee that gets licensed automatically turns their land uses and zoning to commercial as you are stating then there will never be a successful cultivation in your county because you are changing the allowable activities allowed by changing the zoning. you are in effect creating a catch 22 scenario. Please Tyson, I beg you to show me the code or law that does that. I want success and need you to achieve that. You respond to my request for this information with statements of not being the one making the rules and never show me the codes/rules you say govern your needs as an inspector. I don't want to accuse you of anything my friend. I want your help as a person, as a friend, and as a respected part of our county's Infrastructure. I have a 1 acre outdoor cultivation license on that property Tyson and if as you are stating I am completely commercially zoned because my CUP is for a commercial cannabis license that would automatically not allow the outdoor commercial cultivation of anything. So I'm sure that cannot be the truth or no one will ever be allowed to grow successfully just because you change the zoning to commercial from Rural residential. We're still quarantined for covid for 8 more days. Two more people have tested positive. I would once again like to schedule a visit by yourself to come walk and talk with me on-site next week to get me back on track. I am requesting the answers to my questions from you so I don't have to get them from Kingsley and the county attorney. I do need the answers to the way you say the CUP changes my zoning so I don't continue to waste my time and yours. Thanks again Tyson

On Tue, Aug 17, 2021, 8:25 AM Tyson Sparrow <tsparrow@inyocounty.us> wrote:

I apologize for missing this email. My main confusion was that I thought I was an owner builder. I still cannot find any code for an owner builder of a commercial use building needing to meet any other standards than the residential codes the property is zoned for unless my property was zoned as commercial. **Your CUP is for commercial cannabis your property is now considered commercial.** I have reached out to CSLB for direction as to not bother you more than needed. They directed me to section 312 group u buildings and structures . and section 3101-3102 special construction title 24 part 2 volumes 1 and 2. They refer to membrane structures. Unfortunately Inyo county has not taken the time to create building codes that address greenhouses specifically. **Counties can only make more restrictive requirements not less restrictive. We follow the California building Code as prescribed by California Law.** The only code that speaks to greenhouses. Section 3101.1 clearly speaks to the allowance of relocatable buildings that you have stated have never been allowed and Section 3102 clearly speaks to the construction of membrane covered frame structures. **Please reread this section, movable buildings must still meet code which yours does not even come close.** This is all new to me Tyson . im not trying to be an asshole but at the same time I cannot afford to allow unneeded extra requests and personal preferences to derail my project. **No personal preferences as you accuse, we are following a minimum standard, this is the low bar that shall be constructed to.** I do see where I was an idiot in the way I was requesting information and guidelines from you. this is an every day thing to you so when you said to me to call when I was done for inspection I ignorantly took that as to call when I was done. I see now on the inspection record sheet that I should have been requesting information and demanding inspections all along the way. I want to do what is needed and quietly finish my project. I think if you give me 7 days from tomorrow to meet with an electrician and a general contractor to advise me on what is needed to meet your expectations or if you send me the code requirements in writing so I can ensure that we are doing what your asking of us, that we can make great progress before your visit to give the correction list you mentioned. **You need the corrections prior to hiring someone to fix them.** If needed ill completely remove the office structure from the property and start over at foundation footers and the proper inspections along the way for the restroom and I wont even do an office. I don't believe we are held to WUI standards as we are classified as a type U non flammable structure located in a white zone as indicated on the state of California fire hazard severity zone map. **You are in moderate fire hazard zone and subjected to WUIBS** Cal fire has no approval system for any fire suppression plans so your 5 year old checklist has an invalid demand listed, and in state and county building codes nowhere have I been able to find the code that takes me from my rr5 to a commercial

standard. **Once again your CUP changes the USE of the property, it is 100% commercial.** The CLSB was very interested in building and safety's views of the codes with the wording of my building permit and my application packet including my in color site plan and my cdfw/water control board/state compliance report of no violations at their inspection and have asked for me to send all my paperwork to them to sort out this grievance. **I encourage you to involve the CSLB as once they are aware of the project in its entirety maybe they can help you understand what is required.** I do not wish to go that route at all! I was granted a building permit to add bolt together bracing to complete 3 existing membrane covered frame structures. I am simply trying to understand the codes you are claiming I have to follow and despite your denial of the new expectations being different from what you approved at the time of my building permit application and verbally told me on site while being recorded on my state required camera system I do need and want for us to work together. **An approval requires a sign off on your permit card, is there any sign offs? Your permit is only valid for 180 days from issuance, if no inspections are performed in that time period and no extensions have been granted in writing the permit is no longer valid.** you said you are a public servant and want to help me get to the finish line. If that is a true statement at all then I am sure with your knowledge of building and safety codes that if you actually give me the necessary information I need to succeed with the codes you are holding me to I can do the correct thing to make you happy and we will reach the finish line. Any possibility of working together to create building code amendments for greenhouse construction to make your job easier in the future dealing with us ignorant farmers trying to create a successful agricultural addition to the county so I can pay my taxes and you can keep getting those salary increases? **We do not make amendments our department is way too small.** La county has a nice set of building guidelines for greenhouses. worth a read maybe? I truly look forward to your responses and your visit. I am requesting that we meet on property on August 23, 2021. I will try to have my ducks in a row for you and will have made significant changes to my current deficiencies by then.. hope you stay safe and healthy. This pandemic is ridiculous. 4 people in Stewart valley are currently recovering from the delta variant. Praying I don't get it again. Thank you again Tyson

TYSON SPARROW

SENIOR BUILDING INSPECTOR

(760)878-8263 CELL

(760)873-3180 OFFICE

TSPARROW@INYOCOUNTY.US

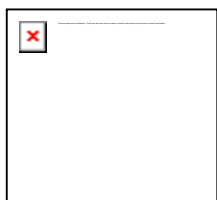


Exhibit 11

----- Forwarded message -----

From: **lowell shade** <shadegrownfarms@gmail.com>

Date: Mon, Oct 25, 2021, 8:44 PM

Subject: Re: Status

To: James Feeney <jfeeney@inyocounty.us>

Hope you had a good weekend.. here is my last open trench with a Flat sand bottom. I'm adding 2gauge wire in 1 1/2 conduit from distribution sub panel to the individual greenhouse sub panel. I'll send pictures after conduit is in the trench and wait for your approval to fill it back in.hope to talk soon.

On Thu, Oct 21, 2021, 5:07 PM lowell shade <shadegrownfarms@gmail.com> wrote:

Ok that's what I thought.i just wanted to make sure. Edison asked me to I quite with the county on the easement as it's how they would have to research it is through the county. I've reached out to cathreen Richard's about the easement locations and allowed uses of the easement. The map shows a 60 ft street easement but doesn't specify utility as an allowed use. I'm diligently working on it and will keep you posted. Is there any goal of work completed to satisfy building and safety to planning for another 30 days on the board meeting? Thank you for your time.

On Thu, Oct 21, 2021, 4:45 PM James Feeney <jfeeney@inyocounty.us> wrote:

Hi Lowell,

To keep it simple. There is no way to make the office/bathroom meet code. That building was never designed to be on a foundation. For example , how would you purpose to create a sill plate with hold downs? Is it WUI rated? All water, sewer, electrical must be entrenched and protected. Lighting controls, ADA ramp etc.

You will need to contact SCE about the easement.

James

From: lowell shade [mailto:shadegrownfarms@gmail.com]

Sent: Thursday, October 21, 2021 3:32 PM

To: James Feeney

Subject: Re: Status

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Hello James, hope your well. I'm having g trouble getting the neighbor loius merlot to sign the easement waiver for Edison. To allow me to trench under the street. Do you know if there is a utility easement on the street that would allow me to dig to the transformer? Merlot wants 20k to allow me to dig the trench under his half of the street or he won't sign the Edison forms. Done by end of tomorrow on-site for all underground and on to the office. I'm having difficulty having someone remove thae old one to begin the new one. I'm trying to weigh the cost of making a foundation for that office and removing the interior drywall and adding the commercial code items needed for occupancy of the existing structure. Was it simply the foundation and electrical conduit that was needed to make that building usable,oh and the bathroom door needed to swing out,not in. Thanks for your help.hope to hear back from you soon.

On Wed, Sep 29, 2021, 11:55 AM lowell shade <shadegrownfarms@gmail.com> wrote:

Hello,

I can take pics of the trench and send them to you in the morning.was focusing on the electrical and researching plans for the bathroom. I wanted to show you an example and get your opinion on it and what changes to it would need to be made to make it acceptable. There has been a shortage of trucks to be able to move the non compliant office as of yet. As soon as I can secure the truck to move the office I can do the forms and foundation portion after I have the plans submitted of course. I have the handpole box at the trench but am still waiting on Edison to co firm the end location ,either at the transformer as laid out and cut already or if it's 10 ft to the north of the transformer at the current secondary power handpole Box. So I haven't been able to set the box. Not sure what time you'll be in this area but if needed we can check the boxes on the actual permit and inspect my sand layer and I can get filling that trench in.

On Tue, Sep 28, 2021, 3:38 PM James Feeney <jfeeney@inyocounty.us> wrote:

Good day,

Do you have the requested photos of the current status of the underground electrical , pull box and any work done on the ADA bathroom?

What is the status of your T-24?

Do you have construction plans for the bathroom?

The postponement of your CUP hearing remains based on the compliance to requirements set forth.

Thanks Lowell,



County of Inyo

Board of Supervisors

COMMENT -

MEETING: February 8, 2022

FROM:

SUBJECT:

RECOMMENDED ACTION:

PUBLIC COMMENT (*Comments may be time-limited*)

SUMMARY/JUSTIFICATION:

BACKGROUND/HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

OTHER AGENCY INVOLVEMENT:

FINANCING:

ATTACHMENTS:

APPROVALS:

Darcy Ellis

Darcy Ellis

Darcy Ellis

Sue Dishion

John Vallejo

Amy Shepherd

Created -

Commissioners
Peter S. Silva, President
Jamul
Samantha Murray, Vice President
Del Mar
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Erika Zavaleta, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

RECEIVED

JAN 28 2022

Inyo County Administrator
Clerk of the Board

MEETING AGENDA February 16-17, 2022

Webinar and Teleconference

Pursuant to Executive Order N-1-22 and California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar and teleconference. Commission members will participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join via Zoom Webinar or by telephone; [click here for instructions on how to join.](#)

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – February 16, 2022, 9:00 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

GENERAL PUBLIC COMMENT

- 2. General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: New petitions for regulation change submitted since the previous meeting are now received under the agenda item "Regulation change petitions and non-regulatory requests."

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. Mechanical kelp harvest plan

Receive updated, proposed, 2022-2026 kelp harvest plan from Sustainable Ocean Harvest, LLC for administrative kelp beds 29, 30, 31, 32, 114 and 117 in southern California.

(Pursuant to Section 165.5, Title 14 CCR)

Potential action will be scheduled for a future meeting after receiving the Department's recommendation.

4. Pending aquaculture lease amendment request

Receive Department recommendation concerning request from Tomales Bay Oyster Company to add new species and methods for State Water Bottom Lease M-430-05.

(Pursuant to Section 15400, Fish and Game Code)

Potential action is expected to be scheduled for the April 20-21, 2022 meeting.

DISCUSSION AND ACTION ITEMS

5. Commission executive director and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) ***Commission executive director's report***

(B) ***Department director's and Law Enforcement Division reports***

6. Justice, equity, diversity and inclusion

Receive and discuss an update on developing the justice, equity, diversity, and inclusion (JEDI) plan. Consider adopting a JEDI policy and definitions.

7. Recreational clam, sand crab, and shrimp gear

(A) Discuss and consider adopting a 90-day extension of emergency regulations to prohibit use of hydraulic pump gear for recreational take of clams, including clarifying amendments to apply the gear restriction to sand crab and shrimp. (Amend sections 29.20 and 29.80, Title 14, CCR)

(B) Discuss implementing certificate of compliance to make permanent the emergency regulations prohibiting use of hydraulic pump gear for recreational take of clams, sand crab and shrimp. (Amend sections 29.05, 29.20 and 29.80, Title 14, CCR)

8. Commercial kelp and other aquatic plants

Discuss and consider adopting regulations for commercial harvest of kelp and other aquatic plants.

(Amend sections 165 and 165.5 and add Section 705.1, Title 14, CCR)

9. **Recreational California grunion**
 Consider adopting proposed amendments to regulations for grunion limit and season changes.
 (Amend subsection 27.60(b) and Section 28.00, Title 14, CCR)
10. **Pink (ocean) shrimp fishery management plan implementing regulations**
 Consider authorizing publication of notice of intent to adopt new and amend existing prawn or shrimp commercial trawling regulations that implement the *Pink (Ocean) Shrimp*, *Pandalus jordani*, *Fishery Management Plan*.
 (Add sections 56.00 and 56.01 and amend sections 120, 120.1 and 705, Title 14, CCR)
11. **Regulation change petitions and non-regulatory requests (marine)**
 - (A) ***New petitions***
 Receive new petitions for regulation change.
 (Pursuant to Section 662, Title 14, CCR)
 - (B) ***Previously received petitions***
 Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)
 - I. *Petition 2021-025*: Request to authorize culling of red and purple sea urchin by kelp restoration specialists in Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay state marine conservation areas.
 - (C) ***Previously received non-regulatory requests***
 Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.
12. **Committee and Department reports**
 Receive updates on items of note since the previous Commission meeting.
 - (A) ***Marine Resources Committee***
 Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on March 24, 2022.
 - (B) ***Department Marine Region***
 - I. Marine protected area statewide long-term monitoring project reports received in support of the decadal management review.
 - II. International Pacific Halibut Commission meeting outcomes and next steps in Pacific Fishery Management Council process for Pacific halibut federal regulations.
13. **Licensing and permitting decisions to rely upon as precedent**
 Receive and discuss a list of past Commission licensing and permitting decisions for future potential designation by the Commission as precedent.
 (Pursuant to Section 11425.60, Government Code)
14. **Election of Commission president and vice president**
 The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
 (Pursuant to Section 102, Fish and Game Code)

15. Committee assignments

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Wildlife Resources Committee and Tribal Committee.

(Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

DAY 2 – February 17, 2022, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

PUBLIC COMMENT

16. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: New petitions for regulation change submitted since the previous meeting are now received under the agenda item “Regulation change petitions and non-regulatory requests.”

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

17. Temblor legless lizard

Consider approving the Department’s request for a 30-day extension to review the petition to list Temblor legless lizard (*Anniella alexanderae*) as a threatened or endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2073.5, Fish and Game Code)

18. Desert pupfish

Receive the Department’s five-year status review report to determine whether the conditions that led to the original listing of desert pupfish (*Cyprinodon macularius*) as endangered under CESA are still present.

(Pursuant to Section 2077, Fish and Game Code)

Presentations, discussion, and potential action are expected to be scheduled for April 20-21, 2022.

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

19. San Bernardino kangaroo rat

Consider the petition, Department’s status review report, and comments received to determine whether listing San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

- 20. Southern California steelhead**
Consider and potentially act on the petition, Department's evaluation report and comments received to determine whether listing southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA may be warranted.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)
If the Commission determines that listing may be warranted the Department will undertake a one-year status review before the Commission can make a final decision on listing, and southern California steelhead will become a candidate species pursuant to Section 2074.2, Fish and Game Code.
- 21. Northern California summer steelhead**
Consider ratifying findings for the decision to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under CESA.
(Pursuant to Section 2075.5, Fish and Game Code)
- 22. Lime Ridge eriastrum**
Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Lime Ridge eriastrum (*Eriastrum erfterae*) as endangered under CESA may be warranted.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)
Findings will be adopted at a future meeting.
- 23. Shasta snow-wreath**
Consider the petition, Department's status review report, and comments received to determine whether listing Shasta snow-wreath (*Nevusia cliftonii*) as endangered under CESA is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)
Findings will be adopted at a future meeting.
- 24. Game fish contests**
Consider authorizing publication of notice of intent to amend game fish contest regulations.
(Amend Section 230, Title 14, CCR)
Staff will recommend that this item be continued to the April 20-21, 2022 meeting.
- 25. Central Valley sport fishing**
Consider authorizing publication of notice of intent to amend central valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)
- 26. Klamath River Basin sport fishing**
Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.
(Amend subsection 7.40(b)(50), Title 14, CCR)
- 27. Waterfowl hunting**
Discuss proposed amendments to waterfowl hunting regulations.
(Amend Section 502, Title 14, CCR)

28. Big game preference points reinstatement and tag refunds

Consider adopting proposed amendments to big game regulations to include preference points reinstatement and tag refunds due to public land closures for 2021-2022 hunting seasons.

(Amend Section 708.14, Title 14, CCR)

29. Regulation change petitions and non-regulatory requests (wildlife and inland fisheries)

(A) New petitions

Receive new petitions for regulation change.

(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the April 20-21, 2022 meeting,

(B) Previously received petitions

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662, Title 14, CCR)

I. *Petition 2021-024:* Request to allow retention of some western Joshua trees after disturbance, in consultation with a certified arborist

II. *Petition 2021-026:* Request to separate Ballona Channel regulations from Ballona Wetlands Ecological Reserve regulations

III. *Petition 2021-027:* Request to eliminate open hunting season for black bear until the Department's bear management plan is updated with three specific components

IV. *Petition 2021-028:* Request to add spearfishing as an allowable method of take for American shad

(C) Previously received non-regulatory requests

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

30. Committee and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) Wildlife Resources Committee

Receive summary and consider approving recommendations from the January 13, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) Department Wildlife and Fisheries Division, and Ecosystem Conservation Division

I. Annual report regarding Camp Roberts, Camp Pendleton, and Fort Hunter Liggett deer and elk hunts.

(Pursuant to Section 640, Title 14, CCR)

II. Report on necropsies on mountain lions taken under 2021 depredation permits.

(Pursuant to Section 4807, Fish and Game Code)

(C) Tribal Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on April 19, 2022.

31. Commission administrative items

- (A) Legislation and other agency regulations
- (B) Rulemaking timetable updates
- (C) Next meeting – April 20-21, 2022
- (D) New business

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
 - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - IV. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under 2084)
 - V. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
 - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items

California Fish and Game Commission 2022 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
March 24		Marine Resources Webinar/teleconference
April 19		Tribal Monterey /Santa Cruz area
April 20-21	Monterey/Santa Cruz area	
May 19	Redding (teleconference)	
May 19		Wildlife Resources Redding
June 15-16	Los Angeles/Orange County	
July 14		Marine Resources San Diego area
August 16		Tribal Fortuna
August 17-18	Fortuna	
September 15		Wildlife Resources Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		Marine Resources Monterey area
December 13		Tribal San Diego area
December 14-15	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 18-21, 2022 – Fort Worth, TX

Pacific Fishery Management Council

- March 8-14, 2022 – San Jose, CA
- April 6-13, 2022 – Seattle, WA
- June 7-14, 2022 – Vancouver, WA
- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

Pacific Flyway Council

- March 15, 2022 – Spokane, WA
- August 26, 2022 – Juneau, AK

Western Association of Fish and Wildlife Agencies

- July 10-15, 2022 – Oklahoma City, OK

Wildlife Conservation Board

- February 24, 2022 – Teleconference/webinar
- May 26, 2022 – Location TBD
- August 25, 2022 – Location TBD
- November 17, 2022 (subject to change) – Location TBD

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 152nd year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on February 3, 2022**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on February 11, 2022**. Comments received by this deadline will be made available to Commissioners at the meeting.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Supplemental Comment Deadline**. Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.