

# MINUTES



# County of Inyo Board of Supervisors

**June 6, 2017**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:36 a.m., on June 6, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, Jeff Griffiths, Rick Pucci, and Matt Kingsley.

**PUBLIC COMMENT** Chairperson Tillemans asked for public comment during the first public comment period and there was none.

**CLOSED SESSION** Chairperson Tillemans recessed open session at 8:36 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) Government Code §54956.9 (one case); No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (two cases - County Counsel Marshall Rudolph said it turned out there was only one case that would be discussed); No. 4 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee Organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHHS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 5 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Titles: Environmental Health Director; Health and Human Services Director; and Planning Director.

**OPEN SESSION** Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present.

**PLEDGE** Supervisor Kingsley led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION** County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported. The Board had not finished its closed session business, however, and would recess to closed session later in the meeting to continue discussions.

**PUBLIC COMMENT** Chairperson Tillemans asked for public comment during the second public comment period and there was none.

**COUNTY DEPARTMENT REPORTS** Health and Human Services Director Jean Turner updated the Board on the ongoing In-Home Support Services Maintenance of Effort issue at the State level, and said she would provide an update after her upcoming visit to Sacramento.

Assistant County Administrator Rick Benson reported that the vault toilet in danger of falling into the Owens River at Pleasant Valley Campground because of eroding riverbank has been successfully moved, with the contractor able to do the work earlier than planned. He said the Road Department solved a last-minute hiccup. He also reported that every site at County campgrounds was reserved over the Memorial Day holiday – a first for the County according to staff. He attributed the occupancy to the County's online reservation system through Reserve America.

Chief Probation Officer Jeff Thomson thanked members of the Board who attended the most recent Drug Court graduation, noting that last week another two inmates graduated from the Moral Reconciliation Program at the jail and there will be a similar graduation for out-of-custody residents who are enrolled in the same program.

Public Works Director Clint Quilter announced that the County has been awarded an approximately \$457,000 State OHV Parks Grant applied for back in February, finishing fourth this time instead of ninth. He gave credit to Courtney Smith and Ashley Helms in his department for doing homework and legwork to improve the County's chances of being awarded this round.

**INTRODUCTIONS**

Gail Zwier, Health and Human Services Behavioral Health Director, introduced the following new HHS employees to the Board: Jamie Miller, Office Clerk III, and Carla Orieta, Social Worker IV.

**PROCLAMATION –  
EMS PROVIDER OF  
THE YEAR**

Supervisor Kingsley said he was proud to have the Emergency Services Provider of Year come out of the Fifth District once again, and noted that this year's recipient was certainly deserving of the honor. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a proclamation titled "Proclamation of the Board of Supervisors, County of Inyo, State of California, Honoring Lucinda (Cindy) Nichols as the Inyo County 2017 EMS Provider of the Year." Supervisor Kingsley then asked Ms. Nichols to come up to the dais so he could present her with her proclamation. He said that he is helping to work on legislation that would help address the current ambulance staffing shortage, and it is clear that local ambulances are able to roll on emergencies right now because of people like Ms. Nichols. He then read the proclamation aloud and Ms. Nichols was treated to a round of applause.

**CAO-FILM  
COMMISSIONER –  
ANNUAL WRITTEN  
REPORT**

Inyo Film Commissioner Chris Langley presented his annual written report to the Board. He said there has been steady filming activity this year, which is unusual for Inyo County. He mentioned a few recent projects, including a Nissan commercial in the Alabama Hills, a Ford commercial in the Rock Creek area, and a reality show in Darwin in which people were put in a mine to endure complete darkness. He said when they were allowed to exit the mine, they were upset about a lack of cell phone service. Langley also distributed to the Board a summary of his and Judyth Greenburgh's work on the Film Commission website. Supervisor Kingsley referenced the part in Langley's report where a crew had planned to film at a certain location but found it occupied on the day of the shoot. He said he imagined this sort of thing becoming more of an issue with recreational activity on the rise and asked whether the BLM would allow film crews to reserve areas ahead of time. Langley said he wasn't sure but noted that with this particular incident, everyone was very civil and the crew simply found a different location that worked just as well. Langley also discussed the website and his hopes to have other organizations share in the cost. Supervisor Pucci complimented Langley on his work, noting the difficulty inherent in the job, and said relationships are improving. Langley then shared with the Board several different pieces of Tom Mix memorabilia from the Film History Museum. Chairperson Tillemans said he appreciated the work Langley is doing.

**CLERK-RECORDER-  
REGISTRAR OF  
VOTERS –  
SOUTHTECH  
TRANSFER OF  
SERVICE  
AGREEMENT**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) approve a Transfer of Service Agreement for Software, License, Maintenance, and Support to SouthTech Systems, contingent upon the Board's adoption of future budgets; B) authorize payment to SouthTech Systems in the amount of \$10,722 for the 2017-2018 Software License, Maintenance, and Support Fee, contingent upon the Board's adoption of future budgets; and C) authorize the Chairperson to sign the Transfer of Service Agreement. Motion carried unanimously.

**CLERK-RECORDER-  
REGISTRAR OF  
VOTERS – DFM  
ASSOC. PAYMENT**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve payment to DFM Associates in the amount of \$14,700 for the annual DFM Associates Software License, Maintenance, and Support Fee, contingent upon the Board's adoption of the Fiscal Year 2017-2018 budget. Motion carried unanimously.

**COUNTY COUNSEL –  
GREAT BASIN LEGAL  
SERVICES  
AGREEMENT**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the agreement between Great Basin Unified Air Pollution Control District and the County for the County Counsel's Office to provide certain legal services to the District for an amount not to exceed \$12,500 for the period of July 1, 2017 through June 30, 2018, contingent upon the Board's adoption of the Fiscal Year 2017-2018 Budget, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS-BEHAVIORAL HEALTH – CRESTWOOD BEHAVIORAL HEALTH CONTRACT* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the contract between the County of Inyo and Crestwood Behavioral Health, Inc. for residential placement of adults in a locked facility or an enhanced board and care, in an amount not to exceed \$20,000 for the period of July 1, 2017 through June 30, 2018, contingent upon the Board's adoption of the Fiscal Year 2017-2018 budget, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS-BEHAVIORAL HEALTH – 16/17 MHSA PLAN UPDATE* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the Fiscal Year 2016-2017 Mental Health Services Act (MHSA) Plan Update in order to access funds under the approved MHSA Agreement, and authorize the HHS Deputy Director of Behavioral Health, as the Mental Health Director, to sign. Motion carried unanimously.

*HHS-BEHAVIORAL HEALTH – I.D.E.A. CONSULTING CONTRACT* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) declare I.D.E.A. Consulting the sole-source provider of certain behavioral health consultation services for the period of July 1, 2017 through June 30, 2018; B) approve the contract and HIPAAA Business Associate Agreement between the County of Inyo and I.D.E.A. Consulting in an amount not to exceed \$20,000 for the period of July 1, 2017 through June 30, 2018, contingent upon the Board's adoption of the Fiscal Year 2017-2018 budget; and C) authorize the Chairperson to sign. Motion carried unanimously.

*HHS – SCHOOL OUTFITTERS LOW BIDDER & TABLE PURCHASE* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) declare School Outfitters of Cincinnati, Ohio the low bidder for 28 rectangle mahogany laminate top finish tables and 18 round mahogany laminate top finish tables with a bid of \$13,913.65; and B) approve a blanket purchase order to School Outfitters of Cincinnati, Ohio in the amount of \$13,913.65 to replace old and broken conference room tables in four (4) HHS conference rooms at Grove Street and two (2) HHS conference rooms at Employment and Eligibility. Motion carried unanimously.

*HHS-SOCIAL SERVICES – AMENDED JPA & MOU W/ CA AUTOMATED CONSORTIUM* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the Amended and Restated Joint Exercise of Powers Agreement and the Memorandum of Understanding with the California Automated Consortium Eligibility System for the purpose of defining the powers for the design, development, implementation, migration, and ongoing operation and maintenance of the automated welfare system to be used in forty (40) counties; and authorize the Chairperson to sign. Motion carried unanimously.

*ROAD DEPT. – CALTRANS FEDERAL AND STATE MATCH FUND AGREEMENT* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the 2016-2017 Federal Apportionment Exchange Program and State Match Program Agreement [Agreement No. X17-5948(091)] with the California Department of Transportation in the amount of \$673,353 plus a State match of \$100,000 for a total amount not to exceed \$773,353; and authorize the Chairperson to sign. Motion carried unanimously.

*WATER DEPT. – AMENDMENT TO 1997 MOU* Moved by Supervisor Pucci and seconded by Supervisor Totheroh to authorize the Chairperson to sign Amendment No. 1 to the "Memorandum of Understanding between the City of Los Angeles Department of Water and Power, the County of Inyo, the California Department of Fish and Game, the California State Lands Commission, the Sierra Club, the Owens Valley Committee, and Carla Scheidlinger" (the 1997 MOU). Motion carried unanimously.

*BP CEMETERY DISTRICT TRUSTEES – 2 APPOINTMENTS* Chairperson Tillemans said the Big Pine Cemetery District Board of Trustees has been doing a great job and the two applicants for two vacancies on the Board will help continue that good work. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to appoint Carolyn Redden to an unexpired four-year term on the Big Pine Cemetery District Board of Trustees ending May 31, 2019, and appoint Debbie Nikolaus to an unexpired four-year term on the Big Pine Cemetery District Board of Trustees ending June 15, 2017. Motion carried unanimously.

*PLANNING – LETTER SUPPORTING SEKI PROPOSED CHANGES TO WILDERNESS STEWARDSHIP PLAN* Interim Planning Director Cathreen Richards presented a draft letter to the Sequoia and Kings Canyon National Parks (SEKI) regarding Commercial Use Authorization Program Changes and Commercial Service Day Allocation Alternatives. She offered some background on the issue, including SEKI's adoption of a Wilderness Stewardship Plan in 2015 that put limits on commercial service days for stock and non-stock commercial users, including caps on a wilderness-wide basis and specific caps for the Mt. Whitney Management Area. Since then,

SEKI staff has been working on an implementation plan that includes commercial service day allocations and the process is now being reviewed, with a comment period ending June 23. She said the letter presented highlights issues local affected business operators have shared, and encouraged specific changes to managing Commercial Use Authorization that SEKI is proposing, including the requirement for qualifications that guides know the area and are prepared for challenges, no longer counting educational trips towards a guide's service hours, and allowing commercial operators to apply for two-year permits. Discussion ensued about whether the proposals will impact packers (not negatively), and how the issue came before the Board as the result of local guides expressing their support for SEKI's plans to give preference to more established, experienced guides when it comes to allocating commercial use days, for safety reasons. Supervisor Griffiths added he was happy the County was proposing sending a positive letter regarding land use policy. Supervisor Kingsley agreed and said local guides had indicated to him these were the big adjustments they were looking for in the process. He noted the impetus was people who said they were guides having to be rescued from the wilderness. Supervisor Kingsley noted that it's important the County stays engaged and the packers keep the Board informed of their concerns moving forward in case the High Sierra Hikers Association decides to litigate. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to draft letter to the Sequoia and Kings Canyon National Parks (SEKI) regarding Commercial Use Authorization Program Changes and Commercial Service Day Allocation Alternatives, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS-PUBLIC HEALTH  
- PREVENTION  
SPECIALIST*

HHS Deputy Director- Public Health and Prevention Anna Scott explained the specially created Prevention Specialist position has recently become vacant. Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for a full-time Prevention Specialist position exists in the non-General Fund Health Budget, as certified by the HHS 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, however an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) full-time Prevention Specialist at Range 60 (\$3,471 - \$4,216). Motion carried unanimously.

*SHERIFF - APAR  
SHELTER ASSISTANT*

Sheriff Bill Lutze said the recent resignation of a part-time shelter employee has left a vacancy. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for an APAR Shelter Assistant position exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the open recruitment and hiring of one (1) APAR Shelter Assistant at Range 42PT (\$12.26/hr. - \$14.91/hr.). Motion carried unanimously.

*TREASURER-TAX  
COLLECTOR - OFFICE  
TECH I, II OR III*

Treasurer-Tax Collector Alisha McMurtrie said her department has an open Office Technician position due to a retirement. Moved by Supervisor Totheroh and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for an Office Technician I, II, or III position exists in the 2016-2017 budget, as certified by the Treasurer-Tax Collector and concurred with 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, however an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Technician I, II, or III at Ranges 55-63 (\$3,088 - \$3,754 to \$3,716 - \$4,522), depending on qualifications. Motion carried unanimously.

*PUBLIC WORKS - FAA  
BUDGET AMENDMENT*

Public Works Director Clint Quilter explained to the Board that from now on, FAA items will be put into separate budget units so the funding is easier to keep track of. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to amend the Fiscal Year 2016-2017 County Budget as follows: decrease appropriations in Lone Pine Airport Improvement (Budget 150502), Professional Services (Object Code 5265) by \$29,185, Construction in Progress (Object Code 5700) by \$301,087, External Charges (Object Code 5124) by \$3,062, State Grants (Object Code 4498) by \$15,000, and Federal Grants (Object Code 4555) by \$300,000; and increase appropriations in Lone Pine Improvement TR-16-043 (Budget 150503), Professional Services (Object Code 5265) by \$29,185, Construction in Progress (Object Code 5700) by \$301,087, External Charges (Object Code 5124) by \$3,062, State Grants (Object Code 4498) by \$15,000,

and Federal Grants (Object Code 4555) by \$300,000 (4/5ths vote required). Motion carried unanimously.

**PRESENTATION –  
PUBLIC WORKS –  
PHASE II PASSENGER  
TRAFFIC STUDY**

Public Works Director Clint Quilter introduced the Phase II Passenger Traffic Study – Bishop Airport, prepared by Leigh|Fisher, which he said he was excited about. He reviewed the report via a PowerPoint presentation, which included a list of improvements that have been done since the Phase I Study. Key assumptions of the study included that plans to provide commercial air service at Bishop will be realized, Mammoth Mountain will continue to be a premier ski resort and that commercial air service for the region will be provided at both Mammoth and Bishop airports. Quilter said it is important to not assume the service will be transferred to Bishop airport, noting that the consultant was asked to do a traffic study and therefore the numbers are fairly conservative. He pointed out the numbers could be more robust if the airlines selected Bishop as a hub. Quilter also discussed graphs and charts suggesting a large untapped market for skiers who travel to major ski resorts around the nation. He also pointed out a letter from Allegiant Air expressing interest in bringing commercial flight to Bishop Airport. He said the FAA won't look at flight forecasts without such a letter. Quilter discussed the next steps for proceeding with commercial service, including fulfilling numerous FAA, TSA and airline requirements. He said Public Works would be seeking a third-party analysis first. Supervisor Pucci complimented Public Works' approach and the fact that much needed improvements are getting done at the airport. Supervisor Kingsley said it seems like Bishop Airport has a lot of potential to attract and support commercial air service, and noted that the study opened his eyes to the fact the Eastern Sierra could be attracting skiers from all over the world, not just those driving on U.S. Highway 395. CAO Carunchio said he is excited about the study and progress made, and said it's important the study does not look at air service as a competition between Bishop and Mammoth. But he said even if the cooperative effort falls flat, the County appears to have enough potential to move ahead on its own. Chairperson Tillemans said he appreciated all the hard work and said commercial air service seemed like a viable main objective to begin pursuing.

**LAND OF EVEN  
LESS WATER  
EMERGENCY**

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously.

**HERE IT COMES  
EMERGENCY**

CAO Carunchio reported that the Here It Comes Emergency has arrived. He provided updates on efforts to clear channels and protect infrastructure, including preventing flooding in the Dixon Lane neighborhood. He also recognized all the fire department chiefs in the county for helping with sandbag giveaways. Sheriff Lutze provided an update on pre-planning meetings with stakeholders over the last couple weeks, as well as creek flows and weather forecasts. He noted Southern California Edison is trying to keep its reservoirs low to prepare for what's still to come from the snowmelt. Public Works Director Clint Quilter reported that a beaver dam on Bishop Creek below Intake II caused a sinkhole in the road, and provided flow stats on the bypasses in active status. He also reported on his crews' efforts to keep channels clear, as well as the Road Department generally going above and beyond. Supervisor Pucci expressed concern about the danger at the Owens River, especially with the California High School Rodeo Finals contestants in town and said education efforts would be important. Sheriff Lutze concurred about the danger, and said the river might look calm in some places but a CHP helicopter clocked a piece of debris going down the river at 40 mph. Emergency Management Specialist Kelley Williams provided an update on her efforts with the State Office of Emergency Services. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to continue the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously.

**ROCKY ROAD  
EMERGENCY**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously.

**GULLY WASHER**

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to continue the local

*EMERGENCY*

emergency known as the “Gully Washer Emergency” that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously.

*DV DOWN BUT NOT OUT EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the “Death Valley Down But Not Out Emergency” that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously.

*CLERK OF THE BOARD – APPROVAL OF MINUTES*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the minutes of the April 11, 2017 and April 25, 2017 regular Board of Supervisors meetings and the minutes of the April 7, 2017 and April 24, 2017 special Board of Supervisors meetings. Motion carried unanimously. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the minutes of the May 2, 2017 regular Board of Supervisors meeting. Motion carried 4-0, with 1 abstention from Supervisor Pucci. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the minutes of the May 9, 2017 regular Board of Supervisors meeting. Motion carried 4-0, with 1 abstention from Supervisor Pucci. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the annual Death Valley meeting of April 18, 2017. Motion carried 4-0, with 1 abstention from Supervisor Griffiths.

*RECESS FOR LUNCH/CLOSED SESSION/ RECONVENE*

Chairperson Tillemans recessed the meeting at 11:42 p.m. for lunch and to convene in closed session at 12:15 p.m. with all Board members present to continue discussions from the earlier session. Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 1:07 p.m. with all Board members present. No action was taken during closed session that is required to be reported.

*BOS – SUPERVISOR KINGSLEY – MOBILE BUSINESS ORDINANCE*

The Board of Supervisors was scheduled to receive information from staff and interested parties regarding the subject of “mobile” businesses selling goods or services out of trailers/vehicles parked on County streets for extended periods of time. Supervisor Kingsley discussed the impetus for the agenda item, which was Cartago residents Charles Brown and Mary Scudder meeting with him before Memorial Day about their plans to park an Airstream trailer on a side street of Lone Pine and sell climbing and hiking gear out of it from the public right-of-way. Supervisor Kingsley said he engaged County staff and other local agencies over the legality of the move, which as it turned out was not illegal, but did expose a hole in County ordinances that previously went undetected. He said allowing a business to operate in the County right-of-way would set a negative precedent. Supervisor Kingsley said he told the proprietors he intended to work on closing the hole in the code, as not doing so could have negative impacts to neighboring businesses and the limited parking available in Lone Pine. He said he supports businesses – both existing and new ones – but in a way that is fair and supports the community. County Counsel Marshall Rudolph and Deputy Counsel Terry Walker discussed how they researched the issue from a legal standpoint and discovered that County Code currently allows parking in the County right-of-way for up to 10 days, but all a motorist has to do is drive around the block to re-start the 10-day clock. They also discovered that the County’s peddler’s license, under which the couple is operating its mobile vending business, is nebulous in nature and seems like it was written to apply to the itinerant, door-to-door salesman. They said Scudder and Brown’s operation was not in any violation of any code or law. They also presented the Board with the option of updating the parking portion of County Code to prohibit parking for the purpose of selling goods. Rudolph said the prohibition could be broad, or could be limited to certain times and locations. Walker pointed out that Caltrans does not allow any vending in its rights-of-way. Supervisor Griffiths noted that the City of Bishop developed a permitting process when food carts and food trucks became an issue there. Supervisor Kingsley said he might support a permitting system that would allow this type of mobile vending business to operate at another location. Chairperson Tillemans opened the floor to staff and other agencies. CHP Captain Tim Noyes confirmed County Counsel’s findings and said his office’s stance is only to enforce the law. Lone Pine Volunteer Fire Department Chief Chuck Carson said the department has issues with large vehicles parked on the streets because they take up portions of existing lanes, making passing and turning dangerous and impeding pedestrians’ views. Public Works Director Clint Quilter said mobile vending could cause queuing problems on some streets, and there are fire code issues with generators being operated in public rights-of-way. He also said mobile vending ordinances generally take a long time to develop but make sense for jurisdictions in the long-term because they can put specific parameters in place for mobile businesses. Supervisor Kingsley asked that Scudder and Brown be given a chance to address

the issue and Chairperson Tillemans opened the floor to public comment. Scudder, co-owner of Mt. Whitney Gear, said she feels the purpose of the proposed ordinance is to protect one business over another type of business, which she said is unconstitutional and not the job of government. She said they made sure they were within the letter of the law, contacting County staff as well, before opening shop. She also said banning all mobile vending is against the law, and that she and Brown at one point felt harassed by Supervisor Kingsley because he threatened to have them shut down. She also said that there are other businesses in Lone Pine that support what they are doing and visitors who are happy to have them there. There was discussion about the couple's business model, which includes two separate trailers – one to follow Pacific Crest Trailing hikers from San Diego to Oregon, parking on a mix of private property and public rights-of-way, and the other to post up in Lone Pine probably through September. Cheryl Howerton of Lone Pine worried about the proposed ordinance's effect on her plans to open a mobile veterinarian service for the purpose of house calls, as well as impacts to food vendors. She said competition in business is a part of the system and promotes quality service, but the system needs to be fair. She said it's not fair to create a nuisance or safety issues. She also urged the Board to seek input from throughout the county before taking any action. Todd Vogel, owner of a retail shop in Bishop, said it doesn't seem appropriate that anyone can come along and set up shop wherever they want. He also said the safety issues mentioned sound legitimate to him and that mobile businesses are begging for some kind of conditional use process or oversight. He concluded that vending in the public right-of-way is a rent-free gift from the County and therefore an unfair advantage over other businesses. Donna Carson of Lone Pine said she applauds entrepreneurship and healthy competition but there does appear to be the need to amend current policy. She said she hoped priority would be given to established businesses that pay rent and property taxes, and that purchase change in the community through their contributions to chambers of commerce and other organizations. Jon Turner, owner of Elevation, said he was not speaking in reference to competition from Scudder and Brown as he was not worried about competition. He took issue with the parking impacts in Lone Pine, especially from RVs, toy haulers and vehicles that park for extended periods of time, which he said he and others have been complaining about for some time. He also asked the Board to consider the long-term impacts of mobile businesses that peel off income from other businesses during peak seasons and then leave, reducing permanent businesses' ability to employ community members year-round. Dan Hardwick, owner of High Sierra Outfitters, said he thought the location of the trailer caused safety issues and noted that all of the other businesses in Lone Pine have to pay property taxes. He also added that competition is not the issue, as there are four businesses on the same side of the street selling the same products and they are all surviving. Rosie Gilmour-Young of Lone Pine discussed fairness and said the Mt. Whitney Gear trailer is unsightly and blocks a mural of historical interest on the side of another business. Jaque Hickman said she noticed there is always a car parked in front of the trailer that is never occupied. She said if she was the owner of the adjacent restaurant she would be concerned because of the lack of available public parking. She also said brick-and-mortar businesses have to pay property taxes as well as parcel taxes to the hospital district and asked, since Scudder and Brown are borrowing County land to operate their business, whether the County would like to put up the money for the hospital district property tax that the couple is not paying. She said perhaps there could be a business district designation that allows parking for businesses for three hours a day, for example. Charles James of Big Pine said he would love to have a mobile business show up in Big Pine to expand the offerings. He said the trailer only takes up four parking spots, which is not a lot, and that the timing of the agenda item smacks of favoritism because only one business is being affected by Scudder and Brown's business. He said Mt. Whitney Gear has only been in business 11 days and urged the Board to take its time on the issue. He also said he thinks the issues of parking and safety are red herrings, and compared the lack of property taxes being paid to the Amazon business model and called the trailer a different modality. Steve Young of Lone Pine said the trailer is taking up the Totem Café's entire business parking, and also creating a visibility and turning issue near the alley as well. Supervisor Totheroh said he saw two issues – the safety impacts discussed and whether the County should be subsidizing one business over another by allowing one of them to operate in the public right-of-way. Supervisor Griffiths said there seemed to be at least eight different issues, starting with the peddler's license not applying to the business model under discussion, or other possible modes of mobile vending, and then the parking issue. He also cited taxes, noting that when anyone builds a house or home, in most jurisdictions they also have to build a sidewalk too. He said the idea that someone can set up a business wherever they want doesn't make sense to him. He said there are also zoning issues to consider. He said he believes there is a value to brick-and-mortar businesses paying taxes and supporting the community long-term but also thinks the County shouldn't entirely eliminate

the idea of mobile businesses because some could be beneficial to the community. He also said retail establishments operating on the right-of-way should have to go through some sort of conditional use process. Supervisor Pucci said the peddler's license is not ideal in its current form, but everyone has valid points on the overall issue. He recommended a permit process, because it allows for input, and suggested possibly a more substantial fee. Supervisor Kingsley said he did speak with Scudder and Brown and told them they should try to relocate to private property. He said he is not against new businesses but believes there needs to be a level playing field and currently, there are numerous taxes and fees that the mobile business does not have to pay that it gives it an unfair advantage. He said he would like to see Public Works follow up on possible changes to the parking in Lone Pine and have the peddler's permit update. He said while other communities would love to have this type of business, that doesn't mean ordinances shouldn't be updated to address modern issues and circumstances as well as equity. He said he is thrilled Scudder and Brown have moved into the county, and that they are paying taxes on their property in Cartago. He also added that the CHP and Public Works have looked at the turning and visibility situation at the intersection and determined it is not a problem, so it really isn't an issue, though some people have provided anecdotal evidence. Discussion continued on how to proceed, with the Board coming to consensus that the overall parking and permit issues would need to be addressed for the longer-term. County Counsel Rudolph said the tangential issues would take time to fully consider and it would be helpful to research how other jurisdictions have handled them. CAO Carunchio suggested amending the proposed ordinance to make exceptions to the prohibition on parking for sales of goods by ordinance or resolution of the Board of Supervisors. Rudolph said the amendment could essentially serve as a placeholder until staff had a chance to develop more thorough regulations. Chairperson Tillemans said he knows the matter in Lone Pine came up just recently and he is glad it came before the Board as soon as it did. He said the Board does not shy away from tough issues. He also commended Supervisor Kingsley for asking Scudder and Brown to speak first. He said he guarantees were it not for the Board's two-week hiatus prior to this meeting constituents would have brought up the issue during public comment. He said the Board is addressing constituent concerns now. He said he does not see favoritism in that, and looked forward to an opinion piece from the reporter in attendance, rather than a news story, given his strong feelings on the subject that were voiced during the meeting. Chairperson Tillemans also said that anywhere the County has discovered holes in its ordinances or where they have needed to be updated because of modern modalities, people have come forward to pay their taxes or reconcile with the system and he is not seeing that in this case. He said he believes everyone wanted this meeting to happen to be able to address the issue and state their case, and reiterated that the Board is not considering this ordinance to save someone's business from another business but because there are overriding issues that need to be dealt with. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to waive the first reading of the proposed ordinance adding subsection (D) to Section 10.36.080 of the Inyo County Code prohibiting parking a vehicle upon a street or road for the principal purpose of selling goods or services out of the vehicle, as amended to include the statement "except to the extent otherwise allowed by County ordinance or resolution," and directed staff to bring the amended ordinance back at the next Board meeting for further consideration. Motion carried unanimously.

#### *PUBLIC COMMENT*

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

Todd Vogel of Bishop let the Board know this is the third year for the Eastern Sierra Youth Outdoors program, which offers five days of free camping, climbing and outdoor education for local youth ages 12-17 who have never explored their own backyard. Vogel applied for a grant for the program in 2015 and volunteers help staff it. Seventy-five youth have gone through the program so far. Vogel said there is a huge opportunity to expand the concept as he doesn't know if he has the capacity to personally offer it for free every year.

#### *CORRESPONDENCE- ACTION – INDIAN CREEK-WESTRIDGE CSD ELECTIONS*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the re-scheduling of Indian Creek-Westridge Community Services District Governing Board Elections from odd-numbered years to even-numbered years in accordance with Elections Code 1303(b) and Senate Bill 415 (2015-2016 Regular Session), and approve the consolidation of the District's Governing Body Elections with the Statewide General Election pursuant to Elections Code 10404. Motion carried unanimously.

#### *BOARD MEMBER AND STAFF REPORTS*

Supervisor Griffiths noted that the California State Association of Counties is considering establishing a Cannabis Banking and Tax Payment Facilitation Service where CSAC would collect all regulatory and permit applications and act as a liaison with financial institutions willing



to bank with the cannabis industry.

Treasurer-Tax Collector Alisha McMurtrie also spoke on the issue of cannabis industry banking. She said the County's bank will accept payments as long as they come directly from the County. She added that she also discovered that any cannabis grown on Tribal lands must have both a State license and County license to be sold off the reservation, and even sales confined to reservations do not meet the conditions of the Cole Memo requiring all local regulations be met.

CAO Carunchio reported that the County's cannabis consultant has drafted an ordinance for the County that is under review by staff.

Supervisor Griffiths had more to report. He said he attended the annual Profile awards dinner, the Drug Court and Re-Entry Court graduations, Alice Piper Day in Big Pine, the Concert in the Rocks in Lone Pine, and an IMACA Board meeting. He added that Senator Harris' deputy state director would like to phone conference with the regional director and any Supervisors or staff interested. He noted that the Bishop Senior Center is looking at painting the exterior and has an "Honoring Passed Veterans" display up on the walls inside that everyone should see. He also he arranged for the Information Services Director to help the center with its computers. He noted the following upcoming events: the Senior Resource Fairs June 21 in Bishop and June 26 in Lone Pine, and the Eastern Sierra Music Festival, which is looking for sponsors. Supervisor Griffiths concluded with the news that former City Councilmember Susan Cullen had passed, and asked if the Board could close the meeting in her honor.

Supervisor Kingsley said he continues to receive a fair amount of engagement from miners regarding the BLM's proposed metallic mineral extraction segregation, and believed the Federal Register notice regarding public hearings would be posted soon. He said he has also heard from growers in the south part of the county on how the County's cannabis regulation process is proceeding. He noted a record-breaking number of people at the Concert in the Rocks and a good job by organizers of protecting the natural resources.

Supervisor Pucci said he was away at the coast on family business for some time and returned in late May to help with Mule Days. He said the event went off relatively well and the organizing committee will start planning for 2018 next week.

Supervisor Totheroh said he attended a Behavioral Health Advisory Board meeting last week where it approved the Mental Health Services Act (MHSA) Plan Update. He said it was a joy to see so many community members in attendance who were interested in the plan and who spoke very positively about the services they are receiving.

CAO Carunchio noted that whichever Board member planned to attend Monday's kickoff dinner to the California High School Rodeo Association State Finals in Bishop would need to present the Fairgrounds with its \$15,000 contribution from the County. He also said that for the event's attendees, water safety cannot be emphasized enough and the kids need to stay out of the river. He also addressed the status of the franchise agreement with local waste haulers and said he would be happy to discuss the matter with the Board members either privately or publicly. Carunchio also discussed the status of the Joint Powers Agreement the Board approved drafting earlier this year for possible formation with other local eligible agencies under the State Groundwater Management Act.

## *ADJOURNMENT*

Chairperson Tillemans adjourned the meeting in memory of former Bishop City Councilmember and active community volunteer Susan Cullen at 3:46 p.m. to 8:30 a.m. June 13, 2017 in the County Administrative Center in Bishop.

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Chairperson, Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO  
Clerk of the Board*

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