

# MINUTES



# County of Inyo Board of Supervisors

**June 13, 2017**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on June 13, 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 8:35 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**. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (one case); No. 3 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee Organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); 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 Dishon, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 4 **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 a.m. with all Board members present.

**PLEDGE** County Counsel Marshall Rudolph led the Pledge of Allegiance.

**REPORT ON CLOSED SESSION** County Counsel Rudolph reported that no action was taken during closed session that is required to be reported. 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.

Earl Wilson of Lone Pine thanked the Sheriff’s Department for the PSAs it has been distributing about water safety and suggested larger ones should be printed for kiosks near waterways.

**COUNTY DEPARTMENT REPORTS** Interim Planning Director Cathreen Richards announced that the dates, times, and locations for upcoming, countywide short-term vacation rental workshops have been scheduled and advertised as of today. She provided copies of the schedule to the Board.

Museum Services Director Jon Klusmire said the restored Slim Princess No. 18 engine was moved to the new Larry Pecham Engine House on Friday. He said the building only needs a new roof, and exhibits, signage, numerous improvements, and Carson & Colorado Railroad gift shop items are in the offing. Klusmire said numerous train magazines, newsletters, and non-profits groups have been contacted about the new attraction, which the museum is excited to have. He also noted that CCR President Dave Mull has been working on the steam engine’s restoration for 20 years so this is quite an achievement for him and he deserves a lot of credit.

Assistant County Administrator Rick Benson delivered gifts to the Board on behalf of David Woodruff, the author of “Tales Along El Camino Sierra.” The gifts consisted of hats and stickers

promoting his book, sales of which have been good and all of which ties in with CAO Carunchio's overall vision for the El Camino Sierra project he spearheaded.

Chief Probation Officer Jeff Thomson informed the Board that the County's grant application for Prop 47 funds was denied. He said 28 different entities applied this round and his Department will reapply when it can. He also noted upcoming dates for Drug Court graduations.

Senior Deputy County Administrator Brandon Shults provided an update on contractor Thomson Reuters' progress on developing the County's enterprise property tax management system (PTMS). He said the assessor portion of the system is not working well for fellow client Riverside, which means Thomson Reuters might not be able to implement the system on time this summer, and subsequently not meet Inyo County's deadline. Shults said it's probably wise to start looking at other options.

*ITEM PULLED FROM AGENDA*

The following item from the Sheriff, No. 12, was pulled from the agenda to be re-introduced for the Board's consideration at a later date: Request Board: **A)** amend the existing schedule of fees with Kill A Watt, LLC, Energy Solutions of Pahrump, Nev. to accurately reflect the current monthly payment amount and reduce original not-to-exceed amount from \$27,077 to \$26,910; **B)** approve the amendment to the contract between the County of Inyo and Kill A Watt, LLC, Energy Solutions of Pahrump, Nev. for the provision of maintenance on the generator/transfer switch at the Ibex Pass repeater site, extending the term for five years beginning July 1, 2017 through June 30, 2022 at the rate of \$464.41 per month for the first year, and adjusted no more than 3% in any subsequent fiscal year with a total not-to-exceed amount of \$56,499; and **C)** authorize the Chairperson to sign the amendment, contingent upon approval of the 2017-2018 and future budgets, and all appropriate signatures being obtained.

*MOTOR POOL – BISHOP FORD BID FOR 6 POLICE INTERCEPTORS*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to award a bid to Bishop Ford for the purchase of six (6) 2017 Ford Police Interceptor Utilities including law enforcement equipping in the amount of \$272,246.46. Motion carried unanimously.

*MOTOR POOL/PARKS & REC – INCREASE DAVE'S AUTO BLANKET PURCHASE ORDER*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to increase the blanket purchase order for Dave's Auto from \$19,000 to \$24,000 for the purchase of Motor Pool parts and Landfill equipment and parts. Motion carried unanimously.

*CLERK-RECORDER-REGISTRAR OF VOTERS – DOMINION VOTING SYSTEMS PAYMENT*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to authorize payment to Dominion Voting Systems of Denver, Colo. for the provision of election related services in an amount not to exceed \$30,000 for the period of July 1, 2017 through June 30, 2018, contingent upon the Board's adoption of the Fiscal Year 2017-2018 Budget. Motion carried unanimously.

*HHS-SOCIAL SERVICES – UC DAVIS TRAINING CONTRACT*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to approve the contract between the County of Inyo and the Regents of the University of California, on behalf of its Davis Campus University Extension, for the provision of training services in an amount not to exceed \$127,500 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.

*BOS – NACO CONFERENCE DELEGATE AND ALTERNATE*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to appoint Supervisor Pucci as Inyo County's voting delegate for the upcoming 82<sup>nd</sup> Annual NACo Conference, being held July 21-24, 2017 in Franklin County, Ohio, and authorize Chairperson to sign the NACo credentials form on behalf of Inyo County. Motion carried unanimously. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to appoint Supervisor Griffiths as Inyo County's alternate voting delegate for the upcoming 82<sup>nd</sup> Annual NACo Conference, being held July 21-24, 2017 in Franklin County, Ohio, and authorize Chairperson to sign the NACo credentials form on behalf of Inyo County. Motion carried unanimously.

*BOS – LETTER OPPOSING SB 649- WIRELESS*

Supervisor Matt Kingsley presented an item asking the Board to consider taking a position in opposition of SB 649 – Wireless Telecommunications Facilities, in response to an email alert from the Rural County Representatives of California. After some questions from some of the

*TELECOMM  
FACILITIES*

other Board members, it was explained that there is statewide opposition to the legislation because, among other reasons, it takes away local jurisdictions' ability to decide for themselves where the structures can be located in their own municipalities. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve sending the letter in opposition of SB 649 – Wireless Telecommunications Facilities, as presented, and authorize the Chairperson to sign. Motion carried unanimously.

*SHERIFF – TWO  
CORPORAL  
POSITIONS*

Sheriff Lutze said there were two vacant supervisor positions in the jail needing to be filled, one as the result of a promotion. Moved by Supervisor Griffiths and seconded by Supervisor Tothoroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: **A**) the availability of funding for two (2) Corporal positions exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and the Auditor Controller; **B**) these vacancies will be filled through internal recruitments; and **C**) approve the filling of two (2) Corporal positions at Range 70SA-70SD (\$4,648-\$6,388), and authorize up to the D step for qualified applicants. Motion carried unanimously.

*CAO-INFO SERVICES  
– TEMPORARY  
MODIFICATION OF  
AUTHORIZED  
STRENGTH (adding  
Office Tech II, deleting  
Office Tech III)*

Information Services Director Scott Armstrong explained he was requesting the temporary modification to his department's authorized strength to allow a new hire to be trained by the incumbent for two weeks before she retires. Supervisor Kingsley said the plan makes sense and the background material provided with the agenda request form convinced him of the necessity to provide the critical overlap in the department. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to authorize the temporary modification of the Information Services Authorized Strength by increasing the authorized strength by one (1) Office Technician II, Range 59 (\$3,389 - \$4,118), and deleting one (1) office Technician III, Range 63 (\$3,716 - \$4,522), effective July 1, 2017; and then find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for this requested position exists in the Information Services budget, as certified by the Information Services Director and concurred with by the County Administrator and the Auditor Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an existing list or internal recruitment, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Office Technician II, Range 59 (\$3,389 - \$4,118). Motion carried unanimously.

*WATER DEPT. –  
FISCAL YEAR 2017-  
2018 LORP ANNUAL  
WORK PLAN*

Water Director Dr. Bob Harrington presented to the Board the 2017-2018 Fiscal Year LORP Annual Work Plan. He explained that the obligations and responsibilities with regard to the LORP are detailed in the May 2010 Post Implementation Agreement, which commits both Los Angeles and Inyo County to funding the LORP for 15 years, through July 11, 2022. He noted the County's costs are paid out of two sources: a LORP credit account (with funds set aside from LADWP) and the LORP Trust, which is an actual cash trust held in the County Treasury. He called the Board's attention to the staff report, which he called a short discussion of the County's LORP expenditures over the past nine years and projections for how long both funding sources will last. He noted the Credit Account started out at approximately \$2.3 million and is now at \$1.2 million for an approximate 46% drawdown. The Trust Account started at \$3.4 million and is now at \$2.6 for a 23% drawdown. Harrington said one area of particular concern is that Los Angeles' costs have inflated at a higher rate than the Consumer Price Index, which has risen 12.3% over the past nine years, while LADWP's labor rates have increased 20.8% and the charges for use of its equipment have gone up 313%. Supervisor Griffiths inquired as to the reason for the jump in charges. Harrington surmised that the baseline costs LADWP used to negotiate the Post-Implementation Agreement were not accurate, and LADWP is now adjusting accordingly. However, he said the accurate costs should have been reflected in the agreement as they would have changed the amount of credits given to the County. CAO Carunchio said he thinks some kind of audit would be helpful moving forward. Harrington said that it appears the Credit Account will just make it to the 2022 Post Implementation Agreement termination date, and the Trust Account will likely still have a balance. But he said both funds will be exhausted by 2025 or 2026. Supervisor Griffiths suggested the audit happen sooner rather than later. CAO Carunchio said Harrington and his staff deserve a lot of credit for responsible management of the LORP funds. Supervisor Kingsley said it's time to confront the fact that the Lower Owens River is not turning out as planned, and pressure needs to be put on Los Angeles and all MOU parties to get into shape before there is no longer any mechanism in place for guaranteeing the work that needs to be done will be done. Moved by Supervisor Tothoroh and seconded by Supervisor Kingsley to adopt the 2017-2018 Fiscal Year LORP Annual Work Plan as presented. Motion carried unanimously.

CAO-PERSONNEL –  
REAPPOINTMENT OF  
AG COMMISSIONER

CAO Carunchio explained the State requires the Board to appoint or re-appoint an Agricultural Commissioner every four years. He said Mono County will have to make the same re-appointment, which will allow Nate Reade to continue his excellent work on behalf of both counties. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint Nathan Reade to a four-year term as Agricultural Commissioner, effective August 20, 2017. Motion carried unanimously.

PARKS &  
RECREATION –  
CAMPGROUND  
SENIOR DISCOUNT  
CHANGES – RESO#  
2017-24

Assistant Administrator Rick Benson presented proposed changes to the resolution establishing discounts for senior and disabled citizens at County campgrounds. He said the first change is raising the age for “seniors” from 55 to 62, which is where the State has the threshold set. He said the second change is clarifying the definition of a “disabled” citizen so that staff no longer has to make difficult, subjective decisions in the field as to whether a person qualifies for the discount. Benson said the proposed determining factor is having a disabled license plate issued by the DMV, a disabled placard, or a California disabled camping pass, which costs \$3.50. He noted that not many, but some campers have been abusing the system and this latter change will take pressure off of staff. After some questions from the Board and further clarification from staff, it was moved by Supervisor Totheroh and seconded by Supervisor Pucci to: **A)** redefine Senior Citizens as age 62 and over; and **B)** approve a resolution titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Defining Senior Citizen and Disability for the Purposes of Obtaining a Senior Citizen Camping Permit in Owens Valley Campgrounds Operated by Inyo County, and Amending Resolution No. 2015-03 to the Extent it is Inconsistent Therewith.”

CAO – FISCAL YEAR  
2017-2018  
PRELIMINARY  
BUDGET

CAO Carunchio presented the Board with the Preliminary Budget for Fiscal Year 2017-2018, which contains \$89,043,709 in expenditures and \$84,291,397 in revenues. Of those totals, there are about \$55.7 million in General Fund expenditures and \$52.1 million in General Fund revenues, assuming a General Fund Balance for the year ending June 30 of about \$3.6 million. He said the Budget Team is now in the midst of preparing the 2017-2018 CAO Recommended Budget. He said there is a \$6 million to \$7 million budget gap that the team is cautiously optimistic it can close, without too much pain, in order to present a budget that can be certified in August. He said departments have done a very good job of preparing their requests but added that the hit to TOT from the Furnace Creek remodel project and a few other factors could result in a combined \$2 million to \$3 million hit to the County. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to adopt the modified Fiscal Year 2016-2017 Board Approved Budget as the Preliminary Budget for Fiscal Year 2017-2018 and approve the Fixed Assets as recommended by staff (*4/5<sup>th</sup> s vote required*). Motion carried unanimously.

CLERK-RECORDER-  
REGISTRAR OF  
VOTERS –  
WORKSHOP – NEW  
VOTING SYSTEM AND  
SB 450

Clerk-Recorder-Registrar of Voters Kammi Foote updated the Board on the Request for Proposals for a new voting system for Inyo County that went out June 1. She said the deadline for proposals is July 6 but the RFP made it clear a winner might not be selected until October. She said the timeline was established to accommodate the adoption of the Fiscal Year 2017-2018 budget. Foote also updated the Board on the next steps required of the County to become a vote-by-mail only County under SB 450, and included a suggested timeline with her staff report. She said the County should decide by August 1 whether it will be utilizing the Vote Center model for the 2018 elections. Only one county – Sacramento County – has so far adopted SB 450 guidelines. Foote said doing so would require an update of the County’s voting technology and if it selected a vendor who has already successfully used its technology in a Vote Center, the County can probably move forward with implementation more quickly in time for the election. She reminded the Board that the County is under no obligation to adopt SB 450, but doing so is attractive because it is a better use of resources and allows residents to register to vote up and including Election Day at a Vote Center. She said it does come with additional voter education requirements, such as television ads. Supervisor Griffiths asked whether implementation would be pushed back two years if it didn’t happen in 2018 and Foote said most likely because the County’s special districts are in the process of moving their elections to even-numbered years. She added she is comfortable taking time on the change because voters in Inyo County are generally happy with the existing system. Supervisor Kingsley said he is impressed with the amount of outreach required to let the public know the County would be switching to a different system. He noted that Inyo County is starting with a high voter turnout level, so it would be interesting to see how SB 450 would affect that, since all-vote-by-mail voting has increase turnout in other states. He added that many precincts in his district are already vote-by-mail and would not experience much of a change under SB 450. Foote said she would hopefully be back before August with an update on the voter system proposals received.

*RECESS FOR  
LUNCH/CLOSED  
SESSION*

Chairperson Tillemans recessed the meeting at 11:32 p.m. for lunch and to convene in closed session with all Board members present at 12:15 p.m. 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.

*RECYCLING & WASTE  
MANAGEMENT –  
COMMERCIAL  
HAULER FLOOR RATE  
INCREASE*

Assistant County Administrator Rick Benson presented a proposal to increase the floor rate charged by commercial haulers for residential, commercial, and roll-off services, reminding the Board it was prompted by the adoption of new per-ton charges at the Bishop Landfill and the new per-volume charges at other landfills without scales. He explained that the new gate fees were expected to have significant impacts to the haulers, which would have to be passed on to their customers. He said the proposed floor rate increases were thoroughly researched and based on various factors, such as the new gate charges, an increase in the Consumer Price Index and an imminent \$.20 per gallon increase in the diesel tax. The new recommended floor rates are \$30.15 for residential rates and \$139.70 for commercial rates. Benson said the increases are significant but the current rates have been artificially low and until recently, it was actually costing people less to have their trash hauled than to take it to the landfills themselves. Benson said raising the floor rates will allow the County to implement the new gate fees at Bishop Landfill in time for the new fiscal year and see an increase in much-needed revenue. Dale Comontofski of Preferred Septic said he is okay with the increases being proposed by the County but has concerns about cash flow impacts at the start due to immediate cost increases from the new fee structures at the landfills. He asked for a buffer in the form of a 30-day waiver of late fees on only the increased portion of his bill so that he can have time to collect fees from his customers. He also said the \$5 gate fee for residential disposal at Bishop Landfill will lead to a loss in customers and advocated for something higher. He also asked for a 5% increase in the floor rate for outlying areas such as Darwin because of additional transportation costs. Rick Vahl of Bishop Waste said he thinks the floor rates are fair but will nonetheless come as a sting to the public. And he said there will be a loss of customers but perhaps also the opportunity to retain and attract more through other services such as recycling. CAO Carunchio complimented staff and the waste haulers in getting to this point, which he said took a lot of baby steps over the past 12 years. He said he believed they have a good end result, absent undertaking a more rigorous or thorough analysis or abolishing the floor rates altogether. He also said the proposal does include a buffer by building in to the rate increases diesel gas taxes increases that don't go into effect until November, but he said it is within the Board's bailiwick to waive the late charges if it wanted to. Supervisor Kingsley said he'd be in favor of waiving late fees on the extra charges, noting that the County and the Board would be facing some blowback when the floor rates took effect. He said the message should be clear that the County has been operating its landfills at a deficit because its charges at the landfills have been so low. He said he was nevertheless in favor of biting the bullet to help the haulers compensate for the increased landfill charges, although he preferred not to be in the business of setting private enterprises' rates. Supervisor Griffiths said he also did not want to be in the floor rate business and noted the significant increase will be painful because adjusting the charges at the landfills has been way overdue in the face of ever-increasing and costly State mandates. Supervisor Totheroh said he can see the concerns involved, and would be in favor of waiving the late fee for the extra costs faced by the haulers. He said he would want to look at increasing fees for residents at some point to discourage self-hauling at the landfills. Benson said the County will hear from the haulers if they have a significant dip in customer volume, and said the system needed to be given some time to settle. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the floor rate increase, as proposed, for residential, commercial, and roll-off solid waste collection service for Permit Areas A&B of Inyo County, and to waive the July 2017 late fee for the extra costs incurred by the haulers as a the result of the new gate fees and rates being charged to haulers at the landfills. Motion carried unanimously.

*COUNTY COUNSEL –  
MOBILE VENDING  
ORDINANCE*

County Counsel Marshall Rudolph offered a recap of the mobile vending issue that led to the Board at last week's meeting considering a proposed ordinance to add a subsection to County Code prohibiting parking a vehicle upon a road for the principal purpose of selling goods or services out the vehicle, and then amending the ordinance to state that the prohibition is "except to the extent otherwise allowed by State law, County ordinance, or resolution," recognizing that the Board may in the future consider and adopt ordinances or resolutions allowing such parking in particular cases. He explained current Code allows anyone to park for up to 10 days on County roads and then drive around the block and park for another 10 days, ad nauseum, essentially taking up parking on a long-term basis. He also noted that the County cannot

override the State law that allows vending in residential neighborhoods but could put restrictions on it. He said that staff has been researching the issue from various angles as directed by the Board, and said his office was not here to recommend or suggest policy, but said the Board might want to have a workshop on the other issues, such as the peddler's permit, general parking rules and big rigs in residential neighborhoods, and provide direction that can be used to draft another ordinance. After additional discussion between the Board and staff, and clarification from County Counsel, the floor was opened to public comment. Matthew Swartz, a temporary resident working for Mt. Whitney Gear, the mobile business being operated in the County right-of-way that exposed the hole in County code, said he has heard all of the legitimate concerns about the mobile business but fails to see how an ordinance banning mobile vending addresses them, and sends the message that outsiders are not welcome in the community. He urged the Board not to rush the matter and take the time to figure out the issues related to property taxes and parking. Earl Wilson of Lone Pine said he can see how brick-and-mortar businesses would be upset to have a mobile business taking up their limited streetside parking. He added that there are two elements at the intersection where Mt. Whitney Gear is parked that are sacrosanct: wall of fame plaques for the Film History Museum and a drinking fountain dedicated to the memory of the first sheriff to die in the line of duty in Inyo County. He said it's not right to block such a historical place for days on end with a high-profile vehicle. Amanda Winther, also of Mt. Whitney Gear, shared with the Board positive interactions she has had with customers, as well as sympathetic comments from other business owners. She told the Board it is worth slowing down to get more feedback. Mary Scudder, co-owner of Mt. Whitney Gear, said the ordinance happened to come up when she and Charlie Brown launched their business which convinces them it is an act of protectionism to prevent them from taking customers from another gear business. She said the ordinance creates a biased system and violates the 14<sup>th</sup> Amendment. Supervisor Griffiths asked her whether she feels any regulations of mobile businesses are appropriate. She said yes, because she does feel the parking issues are legitimate, but will not advertise what she would do to regulate them. He asked whether she could consider a world where it's possible the County is not trying to squash her entrepreneurial spirit but rather trying to apply community standards to a situation it has never encountered before. She said yes but not when a supervisor says he's going to develop an ordinance to get them out of there and then such an ordinance gets proposed. She also asked what he meant by community standards and Supervisor Griffiths gave the examples of when communities say they don't want strip clubs, or decide what time bars close or how big businesses' signs should be. Supervisor Kingsley said the issue is simply what can or cannot be done in the County right-of-way. He told Scudder that what he told her and Brown was that he was against their being in the right-of-way, and did so in an attempt to be open and transparent. He said he also pointed out to them three other locations that were private property where they could operate. He said that's not something someone would do if he wanted to run them out of town. He also said the community wants to see new businesses but that doesn't mean Mt. Whitney Gear is operating in the right place. He said right now taxpayers are subsidizing their operation while other business owners have to pay property taxes. Supervisor Griffiths said the Board intends to develop regulations to fit mobile vending into its communities and it will take time to do that. He added that, to be clear, while all businesses pay sales tax, it's important to note that when you park next to a sidewalk that is next to another business, that other business paid for the sidewalk your business is now using. Charlie Brown told the Board he thinks the issue of parking is a ruse to protect other businesses and he is tired of being persecuted by a vigilante mob. He said brick-and-mortar businesses have been threatened by mobile businesses for decades but they have just as much right to use the street as anybody else. He said they have a permit, they did their homework and due diligence and now feel like they're being attacked because of their business model. Cheryl Howerton of Lone Pine said she appreciated staff looking into her concerns about unintended consequences for delivery-type businesses and applauds the suggestion of looking at other issues before putting any ordinance in place. She also noted that State law allowing vending in residential neighborhoods brings up a whole other issue for Lone Pine because those districts are only a block away from Main Street. Charles James of Big Pine urged the Board to slow down and take a closer look at the issue, and said supervisor or not, nobody should be threatening anyone. Supervisor Kingsley interjected to dispute the claim once more that he threatened anybody, reiterating that he was telling Scudder and Brown upfront that he was against them operating in the County right-of-way. James continued, telling the Board to let their staff research the issue more thoroughly.

**RECESS/RECONVENE** Chairperson Tillemans 2:53 recessed the meeting at 2:53 p.m. for a break and reconvened the meeting at 3:03 p.m. with all Board members present.

*COUNTY COUNSEL –  
MOBILE VENDING  
ORDINANCE*

County Counsel Rudolph told the Board that holding a workshop on the myriad issues and approving the ordinance today were not mutually exclusively. He added that from staff's legal standpoint, the ordinance does not violate anyone's Constitutional rights nor is the Board recommending economic protectionism. Supervisor Pucci said he thinks people need to stop making the comments and conversation personal. He said he does agree the Board might be moving too fast and said Scudder and Brown did everything according to County ordinance when opening their business. He said whether they were exploiting a loophole is irrelevant. He said the County also doesn't know how many other businesses might be operating this way throughout the county and even though the ordinance allows for exemptions, he would rather identify those exemptions first. He reiterated Supervisor Griffiths' comments that the County has never encountered this situation before but now that it has come up, the Board needs to address it and set regulations, and not everyone will agree on them. Supervisor Totheroh concurred and asked whether the ordinance could be made effective only after the exemptions have been identified but Rudolph said the vague language would be problematic. Supervisor Griffiths suggested making the ordinance effective 90 days after adoption, which would allow Scudder and Brown to operate for the remainder of the season and give staff plenty of time to research other issues. Supervisor Kingsley said he didn't hear the Board saying it felt rushed last week when the audience was filled with opponents of the mobile business operating in the right-of-way, which he reiterated was his main concern. He said it's basically County land and he never would have imagined it would be OK to operate a business on County land without any kind of regulation. He said he doesn't begrudge Scudder and Brown – he thinks they researched County Code and found a hole in the ordinance – but that doesn't mean it's good public policy to allow businesses in the public right-of-way. Discussion continued about the effective date of the ordinance. CAO Carunchio reminded the Board that last week he said he didn't think it was wise to create a bureaucratic super structure for a situation that doesn't arise that often, which is why he suggested adding the language about exemptions to the prohibition. He said the Board was, however, well advised to consider the parking issue, because as it stands, someone who doesn't want to pay to have their RV stored can simply park it on a County road. He suggested staff develop a one-page set of guidelines detailing how anyone wanting an exception to the prohibition can request one. The Board discussed possibly extending the effective date of the ordinance out to 45 days or 90 days. Rudolph said he would prefer to hold the workshop and hold off on the ordinance. He said staff is still researching how other counties and cities have handled the various issues. Discussion ensued on options for adopting the ordinance and/or holding the workshop. Chairperson Tillemans said he thought the message ought to be clear that mobile vending will be regulated in Inyo County. He also said he thought opportunities for relationship-building were being missed, along with what it really means to be a part of the community. Supervisor Kingsley told the Board that adding the idea that you can't operate a business in the County right-of-way to an ordinance that already bans greasing in the County right-of-way does not seem rushed, but rather common sense. After additional discussion, Supervisor Griffiths called for a point of order. Supervisor Griffiths moved and Supervisor Totheroh seconded to take no action on the proposed ordinance and have staff return with a workshop next week on its research into the various issues. Supervisor Kingsley moved to adopt the ordinance as presented, and have staff develop a page of guidelines for seeking exemptions. His motion did not receive a second. Chairperson Tillemans asked for a vote on Supervisor Griffiths' motion and it carried 3-2, with Supervisor Kingsley and Chairperson Tillemans opposing. Chairperson Tillemans said the Board has not rushed anything, spending three hours last week and three hours this week discussing mobile vending and attendant issues. He said he opposed Supervisor Griffiths' motion because there is a definite hole in County code that could have been addressed today.

*PUBLIC COMMENT*

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

Earl Wilson of Lone Pine reported that there was currently an Airstream trailer parked in and selling goods out of the Chevron parking lot down the street from the Board room. He was informed it belonged to the same proprietors as the trailer in Lone Pine and in this case is parked on private property.

*CLOSED SESSION*

Chairperson Tillemans recessed open session at 3:56 p.m. with all Board members present to convene in closed session to continue discussions from earlier.

*OPEN SESSION*

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 4:51 p.m. with all Board members present.

*REPORT ON CLOSED SESSION*

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

*BOARD MEMBER AND STAFF REPORTS*

Supervisor Griffiths said he attended a Sierra Nevada Conservancy meeting in Shaver Lake where it was reported an above average monsoon season and extreme tree mortality are expected on the Westside, which will mean smoke on the Eastside for a long time. He said he asked personnel from the affected forests to visit the Eastern Sierra before and during smoke events. He said the City Council last night approved a draft short-term rental ordinance to send to the Planning Commission for discussion. The ordinance includes a series of regulations and then an application process that involves a notice being sent out to neighboring residences. The Planning Director would then decide whether to issue the annual permit.

Supervisor Kingsley said he had similar discussions with Sequoia and Kings Canyon National Parks Superintendent Woody Smeck about his Public Information Officer visiting here early in the season, including meeting with the Board. He said this past week, County Parks employee Steve Graves' home burned down and a relief fund has been established at AltaOne in Lone Pine to help.

Supervisor Pucci said the California High School Rodeo Association State Finals are underway now through Friday, with awards on Saturday. He said the turnout looks good and added that he and City Councilman Joe Pecsí gave the welcoming dinner attendees a talk on water safety last night.

Supervisor Totheroh said he attended a Behavioral Health Advisory Board meeting last night where there was a lot of good discussion and appreciation to the Board for updating the Mental Health plan. He said next month's meeting will be in Lone Pine.

County Counsel Rudolph said he would be attending a County Counsel conference the rest of the week.

CAO Carunchio reminded the Board there is no meeting next week and said he is hoping to have a barbecue at some point in recognition of County leaders and department heads who have retired recently. He also offered an update on the runoff and yesterday's Unified Command Meeting. He said flows last week actually exceeded peak flows seen in 1969. He said 95 percent of LADWP's water spreading efforts are being done in the Owens Valley and the ground is still absorbing the water. He said the Bishop Bypass was activate two weeks ago, South Lake is expected to spill in 2-3 weeks with Lake Sabrina going shortly thereafter and Tinnemeha Reservoir following in 3-4 weeks, and that LADWP believes it can save some of its infrastructure on the Owens Lake. He said the County continues community outreach efforts. Carunchio also noted that last week the Inyo County Superintendent of Schools sent out a mass invite that included requests to County staff and two board members to attend a meeting about juvenile delinquency issues. He said scheduling conflicts may mean staff will have to attend and report back to the Board.

Chief Probation Officer Jeff Thomson said the email cause a lot of confusion. He reviewed for the Board what his department is doing regarding juvenile delinquency and said the meeting could be an opportunity for the schools and Probation to get on the same page. The Board decided to let staff vet the issue.

*ADJOURNMENT*

Chairperson Tillemans adjourned the meeting at 5:16 p.m. to 8:30 a.m. Tuesday, June 27, 2017 at the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

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