

MINUTES



County of Inyo Board of Supervisors

February 13, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on February 13, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, and Mark Tillemans. Absent: Matt Kingsley.

Public Comment

Chairperson Totheroh asked for public comment during the first public comment period.

Sally Manning of Bishop distributed photos to the Board of erosion in the Five Bridges Road area from LADWP's water spreading efforts over the summer. She expressed concern about damage to vegetation and lack of recharge, and suggested the Board members go take a look for themselves.

Closed Session

Chairperson Totheroh recessed open session at 8:39 a.m. to convene in closed session with all Board members present except Supervisor Kingsley and Supervisor Tillemans to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-61899; No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); and No. 4 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (one case). Facts and circumstances: anticipated LADWP litigation challenging County's CEQA compliance in adopting resolutions of necessity to condemn certain LADWP properties.

Open Session

Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:05 a.m. with all Board members present except Supervisor Kingsley (Supervisor Tillemans arrived at 9:53 a.m.).

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.

Public Comment

Chairperson Totheroh asked for public comment during the second public comment period and there was no-one wishing to address the Board.

County Department Reports

At the request of organizers, Assistant County Counsel Rick Benson distributed a photo of the recent Owens River clean-up event for which the Board agreed to waive gate and waste disposal fees. Benson passed along organizers' gratitude and news of the event's success.

Ag Commissioner Nate Reade reported on a Mosquito Vector Control Conference he and staff attended recently in Monterey. He also shared with the Board a poster produced by Rob Miller and Oliver Hardwick detailing the "Mosquitogeddon" experienced in the Owens Valley last summer.

Planning Director Cathreen Richards provided an update to last week's update on the scoping period regarding the Desert Renewable Energy Conservation Plan and provided a list of scoping meetings to the Board. CAO Carunchio tacked on the news that California Energy Commission member Karen Douglas is interested in meeting with individual Board members and he is trying to have the Energy Commission meet with the Board publicly as a whole.

Chief Probation Officer Jeff Thomson reported on main agenda points from a meeting of the State Board of Community Corrections where it made recommendations regarding juvenile halls.

Presentation – Sierra Business Council

Steve Frisch, president of the Sierra Business Council, made a presentation to the Board in which he described the group's efforts to ramp up its advocacy efforts in Sacramento in order to increase funding for rural, Sierra counties. He discussed specific efforts related to Prop 68 and a second water bond, both of which, if passed by voters, will dedicate millions in funding for Sierra Nevada programs to address drought, flood, fire protection, recreation, tourism, and business, with a significant chunk dedicated to reducing greenhouse gas emissions. He said the Sierra Business Council would like the Board to consider joining the Sierra CAMP and Sierra Consortium, as well as endorsing Prop 68 officially, to help create a broader coalition and therefor increase the share of the pie for the Sierra. Supervisor Griffiths said Inyo County faces a tremendous opportunity with Prop 68 and for a modest investment, can have a bigger voice in Sacramento to let lawmakers and urban areas know that investing in the Sierra means protecting the water that comes out of their taps, while also helping to prevent huge greenhouse gas emissions by preventing forest fires. CAO Carunchio thanked Frisch for the presentation and asked that he provide any governance documents needed to join the CAMP or Coalition so that staff can bring the matter back before the Board for possible approval.

Motor Pool – Declare Vehicle 9815 Surplus

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to declare Vehicle No. 9815 as surplus and authorize Motor Pool to take the necessary actions to dispose of the vehicle. Motion carried unanimously 4-0 with Supervisor Kingsley absent.

HHS – Updated EMS Fund Policy

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve an updated Emergency Medical Services Fund policy in compliance with Health and Safety Code. Motion carried unanimously 4-0 with Supervisor Kingsley absent.

Road Dept. – BLM Right-Of-Way Grant Renewal

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to renew the Right-of-Way grant from the Bureau of Land Management for a Road Department mixing table in the Tecopa/Shoshone area. Motion carried unanimously 4-0 with Supervisor Kingsley absent.

Sheriff – Domestic Cannabis Letter Of Agreement

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve the 2018 Domestic Cannabis Eradication/Suppression Program Letter of Agreement in the amount of \$7,000, contingent upon adoption of the Fiscal Year 2018-2019 budget; B) authorize Sheriff Lutze to sign the agreement and all necessary paperwork; and C) authorize Treasurer-Tax Collector Alisha McMurtrie to sign as the authorized agency representative to enable electronic fund transfer when available. Motion carried unanimously 4-0 with Supervisor Kingsley absent.

PW – Blizzard Fire Protection Contract

Public Works Director Clint Quilter brought forward for approval and ratification a routine, annual contract for fire extinguisher maintenance. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) award a bid to Blizzard Fire Protection of Mammoth Lakes, CA in the amount of \$18,681.75 for inspection and maintenance of County fire extinguishers; B) ratify and approve a contract with Blizzard Fire Protection to inspect and perform required maintenance on County fire extinguishers at a cost of \$6,118 for the first year, \$6,227.25 for the second year, and \$6,336.50 for the third year, for a total amount not to exceed \$18,681.75 for the period of February 10, 2018 through February 9, 2021, subject to funding availability and the Board's adoption of future budgets; and C) authorize the Chairperson to sign, contingent on all appropriate signatures being obtained. Motion carried unanimously 4-0 with Supervisor Kingsley absent.

Parks & Rec – 3 Seasonal Park & Campground Maintenance Helpers/1 Park & Campground Attendant

Assistant County Administrator Rick Benson said Parks and Recreation is preparing for its summer season and he would like authorization to begin recruiting for seasonal workers, the funding for whom is already budgeted. Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for three (3) Seasonal Park and Campground Maintenance Helpers and one (1) Park and Campground Attendant exists in the General Fund, as certified by the Assistant County Administrator and concurred with by the Auditor-Controller; B) where 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, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of three (3) Seasonal Park and Campground Maintenance Helpers at Range PT50 (\$15.05 - \$18.27) and

one (1) Park and Campground Attendant at Range PT50 (\$15.05 - \$18.27). Motion carried unanimously 4-0 with Supervisor Kingsley absent.

*Library – BPAR
Librarian/Museum
Coordinator
& Librarian II*

CAO Carunchio read necessary corrections to the department request into the record and Assistant County Administrator Rick Benson explained he was essentially seeking authorization to switch a part-time position to a full-time position and vice versa. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to change the authorized strength in the Library, as corrected, by: A) deleting one BPAR Librarian I-II Range 54-60 (\$3,074 - \$4,301) and one full-time Librarian/Museum Coordinator Range 54 (\$3,074- \$3,739); adding one full-time Librarian Range 54-60 (\$3,074 - \$4,301) and one BPAR Librarian/Museum Coordinator Range 54 (\$3,074 - \$3,739). Motion carried unanimously.

*Clerk of the Board –
Committee
Appointment Policy
Update*

CAO Carunchio presented a proposed update to the Board's policy for making appointments to boards, commissions, and committees for which it has appointing authority. He reminded the Board of prior, recent discussions among its members that led to the suggested update, which would apply to situations only when the number of applicants exceeds the amount of positions available and entails inviting the applicants to submit a more robust Letter of Interest and attending the meeting at which the Board would be making appointments, in case the Board chooses to ask additional questions. He also noted that while it is rare for the number of applicants to exceed vacancies, three individuals had just applied to fill two seats on the Big Pine Cemetery District Board of Trustees. Supervisor Tillemans said he believed at issue was the need to develop a fair process for making appointments in these situations without deterring people from applying. Supervisor Pucci expressed concern about scaring volunteers away with the requirement they undergo a public interview. Supervisor Griffiths noted the proposed policy language says only that applicants will be invited to attend the Board meeting. He further stated that all of the committees in question are public entities and the Board should take its appointment process more seriously. He said inviting applicants to a meeting and asking them to be prepared to answer any questions the Board may have is a minimum level of due diligence – especially when it is becoming a problem that Letters of Interest in response to vacancy notices are oftentimes one sentence asking to be appointed and tell the Board nothing about the candidates themselves. Earl Wilson of Lone Pine said if someone is too afraid to answer questions from the Board in public, they should not be serving on a public committee or commission. CAO Carunchio suggested possible edits to the proposed policy update. Additional discussion ensued. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the policy update as presented, without modification. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

*Planning – Short-
Term Rental
Proposed
Ordinance/Back to
First Reading*

Planning Director Cathreen Richards presented for Board enactment, following last week's introduction and lengthy discussion, an ordinance establishing regulations for short-term vacation rentals in Inyo County. She noted the ordinance includes the additions requested by the Board last week, and also pointed out a section where the language needs to be changed for clarity, which prompted County Counsel Rudolph to explain that any changes made today will require the Board to do another first reading, pushing enactment to next week. The Board renewed discussions from last week involving affordable housing and residency issues, during which it was noted that the amendment requested by the Board – requiring a homeowner to obtain a permit from the Planning Department for a hosted short-term rental operation before a non-hosted permit request will be entertained by the Planning Commission – speaks more to the residency issue than rentals exacerbating the local housing shortage. The Chairperson opened the floor to public comment. David Tanksley of Aspendell spoke in opposition to short-term rentals, noting the unique characteristics of the Bishop Creek Canyon area where the majority of homes are owned by absentee owners. He said absentee owners have no stake in the community and when there are problems – with crime, transients, noise, etc. – there is a lengthy response time for fire and law enforcement. Chairperson Totheroh noted that the ordinance will require notification of all property owners within a 300-foot radius of any short-term vacation rental permit requests and those property owners will have the ability to place conditions on those permits. He asked whether that would satisfy the permanent residents' concerns. Tanksley said the majority of property owners being notified would be the absentee homeowners. Supervisor Griffiths reminded Tanksley that the Board and staff's goal was to strike a balance between residents who were completely opposed to the rentals, those who didn't care, and those who wanted to engage in the practice. He asked whether Tanksley could realistically envision the Planning Commission approving a permit that is opposed by 10 percent of neighborhood's permanent residents. Tanksley said he hoped the Commission would not, but was concerned the ordinance would only perpetuate an existing nuisance.

Supervisor Pucci noted that the ordinance establishes penalties for not obeying the rules, such as having permits pulled, and requires a homeowner and/or property manager be on the premises at all times to take complaints from neighbors, which then must be reported to the Planning Department. He said the ordinance will provide more accountability and provide a better record of where the rentals are actually taking place. Supervisor Tillemans said he feared the illegal rentals would become prolific with homeowners not wanting to go through a rigorous permitting process. He said the Fourth District Planning Commissioner was consistent throughout the process in opposing non-hosted rentals and he agreed with him, and is disappointed that they made it through as an option. Chairperson Totheroh said he appreciated the Planning Department trying to take a fair and balanced approach and acknowledged that policing will still be an issue, and said punishments for failing to comply with the permitting conditions should be swift and harsh. Supervisors Pucci and Griffiths asked Supervisor Tillemans what he suggested in place of the current proposed ordinance. Supervisor Tillemans said he had no suggestion, only wanted to voice his frustration that the current proposal allows non-hosted rentals, seems to be adding to the County's administrative costs, and doesn't place limits on short-term rentals in the face of housing shortages. Supervisor Griffiths said that 95 percent of his constituents live in the City of Bishop, which has already adopted its short-term rental regulations. He said more is at stake with this ordinance for the other supervisors' constituents. He said if he was dictator of the policy, he would not allow non-hosted rentals either; however, the County has hosted numerous public meetings that yielded a variety of feedback resulting in a Planning Department recommendation that attempts to encompass that broad range of input, and the Board is now at an advanced stage in the enactment process. He said the rest of the Board needed to make a decision: continue to move forward or direct substantial changes to the ordinance. Supervisor Pucci said the Board amended the ordinance last week, by consensus, in an attempt to assuage some of Supervisor Griffiths' concerns. He said he did not see the value in going back to square one, suggested the Board move forward, and said enforcement issues can be addressed later on. Chairperson Totheroh concurred and suggested that the ordinance be revised once more only to clarify the confusing language mentioned by the Planning Director. Supervisor Tillemans said he made his points but it is not fair to stop progress now. He added that the County must make it a priority to find affordable housing. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to re-introduce, with new revisions, and waive further reading of the ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 18.73 Short-Term Rental of Residential Property to the Inyo County Code," as amended, and schedule enactment for 11 a.m. Tuesday, February 20, 2018 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously 4-0, with Supervisor Kingsley absent.

Recess/Reconvene

Chairperson Totheroh recessed the meeting for a break at 12:08 p.m. and reconvened the meeting at 12:15 p.m. with all Board members present except Supervisor Kingsley.

Presentation – Employee Engagement

CAO Carunchio introduced Bob Lavigna, Director of the Institute for Public Sector Employee Engagement, who traveled from Wisconsin to give a presentation on "Building a Culture of Employee Engagement." Carunchio noted that Lavigna gave the same presentation to staff during three separate sessions yesterday attended by 64 of the 67 individuals invited. Lavigna discussed the biggest challenges facing the public sector – attracting, developing, retaining, and engaging talent – and how employee engagement can help solve those challenges and ultimately improve organizational performance. He provided definitions and further explanation of employee engagement, as well as strategies for engaging employees in the public sector. Carunchio thanked Lavigna for the presentation and noted that one of the things he stressed was if an organization decided to embark on an effort to measure engagement levels, it needed to commit to the full process, which included solutions for addressing low engagement levels. He said such big steps would require buy-in from leaders, including the Board, in an organization as de-centralized as Inyo County, and said the effort would be a marathon, not a sprint. Supervisor Griffiths said he was excited at the prospect and acknowledged the challenge facing the County, with so many departments spread over so many miles. He said he felt a focused approach is appropriate. Chairperson Totheroh said he was eager to take the next steps as well, but only if the County was committed to following through. Carunchio said one next step involved surveying those who attended yesterday's presentations to gauge their interest in moving forward, and based on that interest, returning to the Board with a contract to begin the engagement analysis.

CAO-Public Works

CAO Carunchio provided an update to his staff report requesting discussion of the next day's scheduled Eastern Sierra Council of Governments meeting. He noted last week a preliminary

Director – ESCOG Meeting Discussion

draft of the ESCOG agenda included an item requesting the parties enter into an agreement for an airport study, without the benefit of the regional airport sponsors having considered it independently first. He asked that it be removed from the agenda and it since was. Carunchio also offered an update on other developments involving the Bishop and Mammoth airports, the Outline of Intent signed by both the Board of Supervisors and Town of Mammoth Lakes, and the effort in general to cooperatively explore reliable regional air service, including inviting other ESCOG members to sign on as financial stakeholders. Supervisor Griffiths noted that it has been his goal, but also a challenge, to keep the process in the public arena.

Board Member and Staff Reports

Planning Director Cathreen Richards reported that the Bishop Paiute Development Corporation is planning construction of a new gas station at the corner of West Line and See Vee Lane. She said staff reviewed the Environmental Analysis and found some issues. Supervisor Griffiths said he would appreciate having a response letter agendized for an upcoming meeting.

Supervisor Griffiths reported on a busy week, thanking the community for its support of Rotary's Internal Feast. He also gave an update on the CSAC Cannabis Banking Group, the Inyo Council for the Arts' Strategic Plan (which will see a shift in focus to Southern and Southeast Inyo), the Bishop City Council, and Caltrans' ADA sidewalk project, which will involve removing and replacing the majority of sidewalks in Bishop. He also noted that City Administrator Jim Tatum's surgery was a success and he will be undergoing rehabilitation that includes radiation and chemotherapy treatments. He also reported on possible zoning changes in downtown Bishop that will allow the upper floors of commercial buildings to be used for housing.

Chairperson Totheroh noted he has been paying for the residents of Progress House to attend concerts offered by the Community Concert Association. He also reported attending a Behavioral Health Advisory Commission meeting, and a meeting of the Owens Valley Groundwater Authority where all members came prepared to vote on their funding commitments.

Supervisor Mark Tillemans offered staff congratulations for their hard work to bring the Owens Valley Groundwater Authority to this point.

Public Comment

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

Earl Wilson of Lone Pine commented on the Owens Valley Groundwater Authority and attempts to establish members' funding commitments.

Board of Equalization (separate agenda)/ Adjournment

The Chairperson adjourned the Board of Supervisors meeting at 1:43 p.m. to 8:30 a.m. Tuesday, February 20, 2018 in the County Administrative Center in Independence. The Board then convened as the Board of Equalization and at 1:45 p.m., the Chairperson adjourned the Board of Equalization meeting.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant