

MINUTES



County of Inyo Board of Supervisors

November 13, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:33 a.m., on November 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, Mark Tillemans, and Matt Kingsley.

- Public Comment* Chairperson Totheroh asked for public comment during the first public comment period and there was no-one wishing to address the Board.
- Closed Session* Chairperson Totheroh recessed open session at 8:33 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – 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, Kern Superior Court Case No. BVC-18-101260; Case No. BVC-18-101261; and Case No. BVC-18-101262; No. 3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Los Angeles Department of Water and Power v. County of Inyo, Kern County Superior Court Case No. BCV-18-101513-KCT (CEQA); 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); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Clint Quilter, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 5 PUBLIC EMPLOYMENT [Pursuant to Government Code §54957] – Title: Deputy/Assistant County Administrator; and No. 6 PUBLIC EMPLOYMENT [Pursuant to Government Code §54957] – Title: Public Works Director.**
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present.
- Pledge* Supervisor Tillemans 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* Chairperson Totheroh opened the floor to County Department Reports and there was no-one wishing to address the Board.
- BOS – Presentation from USMC to Bishop Airport Employees* Supervisor Griffiths explained that the military routinely uses Bishop Airport for refueling and training exercises, and one of the major reasons is because of the excellent service County staff provides. This was exemplified during the Marine Corps Mountain Warfare Training Exercise “Mountain Exercise 2018,” when airport staff went above and beyond their normal duties by providing after-hours fuel supply and support equipment that ensured Marine Medium Tiltrotor Squadron 161 maintained high readiness during the exercise and that the mission was a success. Supervisor Griffiths said the Department of the Navy and Marine Corps were so impressed they issued commendations for airport employees Kenneth R. Babione, Steve W. Loven, and Chris J. Preter. Supervisor Griffiths then read aloud the text from the

commendations and presented them to Loven and Preter (Babione was unable to attend).

*Personnel – Clint
Quilter CAO
Contract/Reso #
2018-49*

County Counsel Rudolph noted for the record that the Agenda Request Form and Agenda description for this item incorrectly cite Resolution 2006-09 as the one being amended, but it is actually 2006-06. Supervisor Kingsley said he was excited for the Board to approve the contract but more excited to welcome Mr. Clint Quilter as the CAO. He said the County is lucky to have been able to conduct a nationwide recruitment and identify a local individual who was the right fit for the job. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and Clint Quilter for the provision of personal services as the County Administrative Officer at a monthly salary of \$15,000 effective November 6, 2018 and authorize the Chairperson to sign; and B) approve Resolution 2018-49, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-09, Changing Salary and/or Terms and Conditions of Employment for Appointed Officials Employed in the Several Offices or Institutions of the County of Inyo" and authorize the Chairperson to sign. Motion carried unanimously. CAO Quilter thanked the Board for the opportunity, noting he was excited and felt he had prepared himself for the position. He added he will continue to serve as County Surveyor as part of the job.

*County Counsel –
Deputy County
Counsel*

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to: A) find consistent with the Authorized Position Review Policy: 1) the availability of funding for one (1) Deputy County Counsel exists in a General Fund Budget, as certified by County Counsel and concurred with by the County Administrator and Auditor-Controller; and 2) where internal candidates may meet the qualifications for the position, the vacancy could possibly filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and B) authorize the County Administrator to sign the at-will contract with Grace Chuchla at a monthly salary of \$7,564, with employment starting at a mutually agreeable date no later than January 24, 2019. Motion carried unanimously.

*HHS – CBHDA
FY 18-19 Dues*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to authorize payment of County Behavioral Health Directors Association dues for Fiscal Year 2018-2019 in an amount not to exceed \$11,077. Motion carried unanimously.

*Public Works – Indy
Water Reservoir
Easement
Acceptance*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to accept the easement for Independence Water Reservoir from the City of Los Angeles, and authorize the County Administrator to sign the Certificate of Acceptance. Motion carried unanimously.

*Public Works – QT
Petroleum On
Demand
Sole-Source P.O.*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) declare QT Petroleum on Demand as a sole-source vendor for the outside fastpay fuel credit card terminal upgrades at Bishop and Lone Pine airports; and B) authorize a purchase order in the amount of \$30,000 for the M4000 upgrades at both airport locations. Motion carried unanimously.

*Public Works –
Environmental
Science Associates
Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) approve Inyo County Standard Contract No. 161 between the County of Inyo and Environmental Science Associates for airport environmental services in an amount not to exceed \$7,942 for the period from November 15, 2018 through November 15, 2023; and B) authorize the Chairperson to execute the contract, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Public Works – R20
Flex Wing Rotary
Cutter Purchase*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the purchase of one (1) John Deere R20 Flex Wing Rotary Cutter from Kern Machinery, Inc. of Lancaster in the amount of \$33,913.15. Motion carried unanimously.

*CAO-Economic
Development – ROI
Target Industry
Contract*

Supervisor Griffiths asked that the following agenda be moved from the Contest Agenda to Department for discussion. CAO Quilter explained that, in furtherance of economic development studies and projects initiated by his predecessor, he recommended approval of contracts with both ROI Research on Investment and the Linner Group to develop leads with companies interested in locating to Inyo County. He said the work would be similar but ROI would be targeting businesses previously identified as potential "target industry" entities and Linner would be working with more tech-oriented entrepreneurs and start-ups. He said hopefully some businesses will relocate to Inyo County as a result of the lead development but

at the very least the County would be gaining valuable information in the process. Supervisor Kingsley concurred and expressed support of the effort, while Supervisor Griffiths said he liked the approach of using industry expertise for relatively modest contract amounts. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve contract between the County and ROI Research on Investment for the provision of Target Industry Lead Generation Services in an amount not to exceed \$30,000 for the period of November 13, 2018 through November 13, 2019, and authorize the County Administrator to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*CAO-Economic
Development –
Linner Group LLC
Early Lead Contract*

Supervisor Griffiths asked that the following agenda be moved from the Contest Agenda to Departmental for discussion. CAO Quilter explained that, in furtherance of economic development studies and projects initiated by his predecessor, he recommended approval of contracts with both ROI Research on Investment and the Linner Group to develop leads with companies interested in locating to Inyo County. He said the work would be similar but ROI would be targeting businesses previously identified as potential "target industry" entities and Linner would be working with more tech-oriented entrepreneurs and start-ups. He said hopefully some businesses will relocate to Inyo County as a result of the lead development but at the very least the County would be gaining valuable information in the process. Supervisor Kingsley concurred and expressed support of the effort, while Supervisor Griffiths said he liked the approach of using industry expertise for relatively modest contract amounts. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a contract between the County and Linner Group LLC for the provision of Potential Employer "Early Lead" Development Services in an amount not to exceed \$48,000 for the period of November 13, 2018 through May 31, 2019, and authorize the County Administrator to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*BOS – Letter
Endorsing Alan
Bacock for
USEPA Post*

Supervisor Tillemans brought forward for Board approval a letter endorsing the nomination of Mr. Alan Bacock of Big Pine for appointment to the position of director of the U.S. EPA American Indian Environmental Office in Washington, D.C. He described various attributes that make him well-suited for the position. Supervisor Griffiths suggested adding the County's Congressional representatives to the list of officials CC'd at the bottom of the letter. Supervisor Kingsley said Mr. Bacock's appointment would be an incredible opportunity for not just Mr. Bacock, but for the Owens Valley and its tribes, and rural communities and rural tribes in general. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve a letter endorsing Mr. Alan Bacock of Big Pine for presidential appointment to director of the U.S. Environmental Protection Agency American Indian Environmental Office, and authorize the Chairperson to sign. Motion carried unanimously.

*Special Districts –
SIHD Special
Election Invoice
Waiver*

Supervisor Kingsley introduced the agenda item, explaining the circumstances behind Southern Inyo Hospital District's need to hold a special election in April. SIHD Board Member Jaque Hickman further reported on the district's unique situation with ongoing bankruptcy litigation. Supervisor Pucci agreed that the situation was unique. Supervisor Tillemans thanked Ms. Hickman and her colleagues for their work in keeping the district operating. Supervisor Griffiths said he supported the waiver but thought the County ought to have a policy in place for granting them, which would also help set expectations for special districts. Chairperson Totheroh agreed and Supervisor Kingsley said he would support such a policy. CAO Quilter said staff would bring something back for Board consideration at a later date. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to waive the invoice for the Southern Inyo Hospital District Measure J special election, held on April 10, 2018, in the amount of \$12,621. Motion carried unanimously.

*Public Works –
Continue Emergency
Jail Sprinkler
Replacement*

Acting Public Works Director Mike Errante provided an update on the project to replace fire suppression sprinklers at the jail. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to determine, pursuant to Public Contract Code Division 2, Part 3, Chapter 2.5, Section 22050 (C) (1), that there is a need to continue with the emergency action of replacing the fire suppression sprinklers at the Inyo County Jail Facility (*4/5ths vote required*). Motion carried unanimously.

*CAO-Emergency
Services – Motion for
Party Status to
CPUC SB 901*

Emergency Services Manager Kelley Williams informed the Board that registering as a stakeholder to the California Public Utility Commission (CPUC) rulemaking proceedings to implement the provisions of SB 901 would allow the County to review, and reserves its right to comment on, any plans that are developed. Discussion ensued about SB 901 and investor-

Proceedings

owned utilities' liability with regard to the current wildfires in California. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve the submittal of a "Motion for Party Status of the County of Inyo" to register as a stakeholder to the California Public Utility Commission (CPUC) rulemaking proceedings to implement the provisions of SB 901, related to investor owned utility (IOU) wildfire mitigation plans; and B) authorize the County Administrator to sign. Motion carried unanimously.

Planning – Approval of Appeal No. 2018-02 (Marty Williams)

Assistant Planner Steven Karamitros brought back for the Board's consideration the continuation of Appeal No. 2018-02 (Marty Williams) of Conditional Use Permit 2018-01/Silver Canyon Storage. He said, per Board direction, staff and Mr. Williams met with Wilkerson residents to discuss possible conditions that might make his proposed storage facility project amenable to the community and although they remained opposed to the project, did present a list of proposed changes. Karamitros reviewed those conditions for the Board, citing the ones to which Mr. Williams agreed, the ones that did not apply to the project or would be difficult if not impossible to accommodate, and the ones on which they reached compromises. He said the applicant has made a good faith effort to revise his site plan and project based on community concerns and his project meets all County requirements, thus staff recommended approval of the appeal. Mr. Williams reiterated his comments from the October 2 meeting that he is within his rights to operate a commercial business on his commercial property, and that storage units would be an improvement to the existing structure on the lot and, of the options available to him, the least impactful for the neighborhood.

The Chairperson solicited public comment. The following Wilkerson residents spoke in opposition to the project: Linda Baptie, Clancy Batchelder (who also read a letter from Dave McCoy opposing the project), Charles Phinzy, Thom Batchelder, Tracy Bahr, and Everett Storey. The speakers reiterated concerns such as potential fire danger, noise, blight, being stuck with a failed business in a residential zone, and impacts to property values. They also noted that the community remains firm in its opposition to the project, there is no benefit to the community of Wilkerson itself, and no way to regulate business hours and comings and goings. Kent Schlick responded to what he called slanderous comments made at the October 2 meeting by Mr. Williams: that Mr. Schlick falsely claimed the letter he was reading in opposition to the project at the June Planning Commission meeting was written by someone else, and that he had tried to buy the property prior to Mr. Williams. He said Mr. Williams' statements were untrue and he was never personally for or against the project, nor did he have any business interest in the property prior to Mr. Williams' purchase.

The Board engaged in lengthy discussion with staff, seeking clarification on several of the conditions proposed by the community and those Mr. Williams was willing to accept and why. Mr. Williams said he was not willing to put in a gate. Supervisor Tillemans said he shared the same concerns as the Wilkerson residents, citing in particular the need for a bathroom – not a Port-a-Potty – and locked gates to control hours of usage. Supervisor Kingsley said many of the concerns apply to the property in its current condition with an abandoned convenience store on-site, but said he did agree a gate could help secure the property during off-hours. Chairperson Totheroh sought clarification on why the community did not have such concerns or complaints with the existing storage facility located near the highway in Wilkerson and was told it has strict business hours and an on-site manager. Supervisor Pucci reiterated his belief that the fundamental issue – incorrect zoning for a residential area – cannot be solved and the community should focus on the opportunity afforded by the CUP process to work with the applicant on a project that appears to be the least impactful of the commercial business opportunities he is entitled to explore on the property. He added that the fence seems reasonable. Supervisor Griffiths reiterated his belief that the purpose of a CUP is to gather neighborhood input and the neighborhood has been consistently opposed. He also said he believed the only way to enforce hours of operation is to install a gate that is opened by someone else or electronically. Supervisor Kingsley pointed out that the community presented Mr. Williams with a list of conditions and he is willing to meet a lot of them, which is also part of the CUP process. More discussion continued, with the Board concluding that two major concerns seemed to rise above all others: keeping unwanted people out of the facility, and limiting hours of operation. The Board asked staff, Mr. Williams and the Wilkerson residents to meet during the lunch hour to discuss possible options for solving those issues, to present for Board consideration at 1 p.m.

Recess/Reconvene

The Chairperson recessed the meeting at 11:55 a.m. so that the Board could attend the investiture ceremony for Judge Stephen M. Place at the Historic County Courthouse, and reconvened the meeting at 1:06 p.m. in open session with all Board members present.

Planning – Approval of Appeal No. 2018-02 (Marty Williams)

Assistant Planner Steven Karamitros reported that staff, Mr. Williams and Wilkerson residents met during lunch and discussed additional conditions for the project. He said the applicant agreed to install corrugated metal fencing with wood trimming along the northern side of the project, as well an electrified sliding iron gate at the entrance/exit that will be locked from 7 p.m. to 7 a.m., and business hours were set at 7 a.m. to 7 p.m. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve Appeal No. 2018-02 (Marty Williams) with all 16 conditions as presented by Planning (including those newly added on November 13). Motion carried unanimously.

Ag Commissioner – Commercial Cannabis Permitting Workshop

Supervisor Tillemans recused himself from this agenda item and left the room. Ag Commissioner Nate Reade explained that the first group of commercial cannabis business license applications are almost ready for Board consideration and he hoped to get direction today on two outstanding issues – weighting of scoring criteria and the 80% minimum score requirement – to make the next step as efficient as possible. Reade reviewed the scoring criteria for the Board, explaining that it was pre-weighted based on concerns expressed by the public during extensive outreach efforts. He said staff was concerned that if the Board applied additional weighting to any of the criteria, some of the applications could drop below the minimum 80% score requirement. He said staff recommended the Board stick with the existing scoring criteria and approve the applications that meet the 80% requirement and deny the ones that do not. Reade conceded that the 80% minimum score requirement is high and said it might be adjusted before the next application period, but it will require a change to the County Code. The Board supported staff’s recommendation.

The Chairperson asked for public comment. Lowell Shade Sr. of Stewart Valley expressed dismay with a 40% rejection rate in an already deficient applicant pool. He said working with applicants to help them pass would only benefit the tax base and lower the annual fee for all applicants. He added there should be some appeal rights or reprieve that would allow rejected applicants to get into compliance for the sake of their investments. Earl Wilson of Lone Pine said marijuana growers are ready to come to California if the infrastructure is there and expressed concern about impacts on water supply. Jake Wagner of PALS Collective in Bishop acknowledged that while the process has been stressful, it must be incredibly stressful for the Board. He did question why in his district, with so many empty storefronts, four applicants are competing for two licenses. He asked the Board for consideration for all the applicants and to take into consideration all the hard work they have put into this process. He also expressed concern about a four-person Board making decisions because of one member’s recusal and how that could result in tied votes.

Board members responded to some of the questions and concerns, noting now is not the time to alter the approval process and further delay approvals, that this is a brand-new process and adjustments can be made in the future if deemed necessary, and a minimum of three votes are always needed to pass an item – whether there are four Board members in attendance or five.

Public Comment

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

Jake Wagner apologized to the Board if any of his comments offended anyone, and was only wondering about the process the Board would go through in the event of a tied vote and knows the Board has worked hard on this issue.

Board Member and Staff Reports

Supervisor Kingsley said he visited Cerro Gordo Mine yesterday, noting that the previous owner took a lower selling price in order to sell to a group of 10 investors who wanted to keep it open to the public. He also attended the 49ers Encampment at Furnace Creek, where the restaurant has been reopened and the other remodeled portions of the property are almost completely back online.

Supervisor Tillemans said he attended the Big Pine Civic Club meeting where he discussed the recent EMT Summit as well as the speed issue in Big Pine, which is becoming a problem.

Supervisor Griffiths said he attended a Drug Court graduation, visited the landfill for an update on issues there, and had an Opportunity Zones meeting with Supervisor Kingsley and CAO Quilter. He also noted upcoming events such as a concert Thursday at the Arts Council and the kick-off to the Salvation Army bell-ringing campaign.

Chairperson Totheroh noted that tree-trimming along Birchim Lane in Round Valley has begun.

CAO Quilter said there will be refreshments over at Public Works tomorrow for Transportation Planner Courtney Smith's last day.

Adjournment

Chairperson Totheroh adjourned the meeting at 1:56 p.m. to 8:30 a.m. Tuesday, November 20, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER
Clerk of the Board*

by: _____
Darcy Ellis, Assistant