

MINUTES



County of Inyo Board of Supervisors

March 12, 2019

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 March 12, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

Public Comment Chairperson Pucci asked for public comment during the first public comment period and there was no-one wishing to address the Board.

Closed Session Chairperson Pucci recessed open session at 8:33 a.m. to convene in closed session with all Board members present to discuss the following item: No. 2 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Regarding 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. County designated representatives – Administrative Officer Clint Quilter, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.

Open Session Chairperson Pucci recessed closed session and reconvened the meeting in open session at 10:04 a.m. with all Board members present.

Pledge County Counsel 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 Pucci asked for public comment during the second public comment period.

Supervisor Griffiths took the opportunity to announce the kick-off dinner to the 2019 Community Reads project, the selection for which is "The Book Thief." He said the event is free but tickets will still be needed at the door, and he would leave a stack on the dais for anyone interested.

Supervisor Totheroh took the opportunity to remind everyone of the blood drive happening today and tomorrow at the Elks Lodge in Bishop.

County Department Reports Sheriff Hollowell briefed the Board on the Inyo County Search and Rescue Team's involvement in the extensive and exhaustive search for the Marine Corps lieutenant reported missing after embarking on a planned backcountry ski tour from Kearsarge Pass to Bridgeport.

Chief Probation Officer Jeff Thomson invited the Board to attend the Every 15 Minutes mock DUI/crash simulation and assembly April 3-4 at Bishop Union High School, as well as a Moral Reconation Training graduation Friday morning at Inyo County Jail.

Info Services – Office Tech I-III Moved by Supervisor Griffiths and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I-III exists in the Information Services budget, as certified by the Information Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is

more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Office Technician [Level I, Range 55 (\$3,213 - \$2,907) – Level III, Range 63 (\$3,867 - \$4,705)]. Motion carried unanimously.

*Public Works –
Building Inspector,
Building Inspector
Sr., Building
Associate Official*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Building Inspector, Building Inspector Senior, or Building Associate Official exists in the Building and Safety budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications of the position, the vacancy could be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Building Inspector, Range 68 (\$4,357 - \$5,294), Building Inspector Senior, Range 72 (\$4,787 - \$5,815) or Building Associate Official, Range 80 (\$5,784 - \$7,035), depending upon qualifications; and D) if an internal candidate is hired into one of these positions, authorize Public Works to backfill the resulting vacancy. Motion carried unanimously.

*Water Department –
Associate Scientist,
Scientist, Sr.
Scientist, Research
Assistant II*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to:

- A) Approve the amended job descriptions for the Associate Scientist, Scientist, Senior Scientist and Research Assistant II;
- B) Change the authorized staffing of the Water Department by deleting 1.0 FTE Science Coordinator, Range 83 (\$6,225 - \$7,564) and adding 1.0 FTE Research Assistant II, Range 62 (\$3,783 - \$4,600); and
- C) Find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for these positions exists in the Water Projects Fund, as certified by the Water Director and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates meet the qualifications for the position, the vacancies could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Research Assistant II, Range 62 (\$3,783 - \$4,600) and one (1) Associate Scientist, Range 76 (\$5,264 - \$6,400), Scientist, Range 80 (\$5,784 - \$7,035), or Senior Scientist, Range 82 (\$6,076 - \$7,378), depending upon qualifications.

Motion carried unanimously.

*Clerk of the Board –
Child Care Planning
Council Appointment*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to appoint Serena Johnson to the Child Care Planning Council, to an unexpired three-year term for a Community Representative ending November 4, 2021. (*Notice of Vacancy resulted in request for appointment from Ms. Johnson.*) Motion carried unanimously.

*Personnel – Reso#
2019-08*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Resolution No. 2019-08, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Amending Resolution 2006-06, 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.

*Personnel – Grant
Unpaid Leave of
Absence*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to grant an employee leave of absence without pay request from March 12, 2019 through June 10, 2019, in accordance with Article X, Leaves, 10.4(a) of the Inyo County Personnel Rules and Regulations. Motion carried unanimously.

*Recycling & Waste
Management –
Roll-off Bins Bid
Award*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to award a bid in the amount of \$13,954 to Stockton Tri Industries of Stockton, CA for the purchase of two (2) 30-foot roll-off bins. Motion carried unanimously.

*HHS-EMCC -
Reappointments*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint Carl R. Dennett to the Emergency Medical Care Committee, to an unexpired two-year term ending December 31, 2020 and representing the Southern Inyo Fire Protection District. (*Notice of Vacancy resulted in request for appointment from Mr. Dennett.*) Motion carried unanimously.

<i>HHS-ESAAA - Reappointments</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint Rachel Lober and Phyllis Mikalowsky to the ESAAA Advisory Council, each to unexpired two-year terms ending December 11, 2020. (<i>Notice of Vacancy resulted in requests for appointment from Ms. Lober and Ms. Mikalowsky.</i>) Motion carried unanimously.
<i>HHS-Social Services – CalSAWS Second Amended JPA/MOU</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) approve the Second Amended and Restated Joint Exercise of Powers Agreement and Memorandum of Understanding with the CalSAWS Consortium 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 by each of the 58 counties; and B) authorize the Chairperson to sign three (3) copies of the JPA and three (3) copies of the MOU. Motion carried unanimously.
<i>Recycling & Waste Management – LTF Appointments</i>	Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to appoint Jerry Oser, Fred Aubrey, and the Assistant/Deputy County Administrator to the Inyo County Integrated Waste Management Local Task Force. Motion carried unanimously.
<i>CAO-Advertising County Resources – CPSP Competitive Grants</i>	Museum Services Director Jon Klusmire presented for Board approval a total of nine Community Project Sponsorship Program Grant awards selected by an independent volunteer committee out of a total of 13 applications. He discussed the projects/events recommended for funding, and noted that he would be contacting the applicants who are not funded to pass along helpful feedback from the review panel and recommendations for improving their chances next year. Supervisor Pucci thanked the review panel members for what is surely a difficult job and Supervisor Kingsley expressed excitement over some of the newer proposals. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to: A) approve nine (9) Community Project Sponsorship Program Grant awards for 2019 recommended by the CPSP Grant Review Panel, and in the amounts recommended by the Panel, for a total of \$20,984; and B) authorize the County Administrator to sign the contracts with the Fiscal Year 2018-2019 CPSP grant recipients, in the amounts approved by the Board with the contract term running to December 31, 2019, contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>Recycling & Waste Management/ Emergency Services – Waiver of Green Waste Fees/Reso# 2019-09</i>	Assistant County Administrator Rick Benson noted that Inyo County Emergency Services has been coordinating with various agencies on fire safety, and to help encourage residents to clear defensible space around their homes, a request has materialized for the waiver of fees to dispose of green waste at landfills. Supervisor Griffiths said he appreciated Emergency Services Manager Kelley Williams' efforts. Supervisor Kingsley said he thought the idea was fantastic and the County would have to find ways to encourage residents to take advantage of the fee waiver. Moved by Supervisor Griffiths and Supervisor Kingsley to approve Resolution No. 2019-09, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees for Green Waste During Earth Day Weekend." Motion carried unanimously.
<i>HHS – Ratify Agreement with Plumas County</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to ratify and approve the agreement between the County of Inyo and Plumas County for the period of July 1, 2018 through June 30, 2019 for hosting the Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) Local Government Agency (LGA) Consortium and authorize the Chairperson and HHS Director to sign. Motion carried unanimously.
<i>Clerk of the Board – Approval of Minutes</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the minutes of the regular Board of Supervisor meeting of February 19, 2019. Motion carried unanimously. The Assistant Clerk of the Board made note of the need for a correction to the minutes of February 26, 2019, with respect to the fourth item on pg. 4, to reflect that it was Supervisor Totheroh who seconded the motion. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the minutes of the regular Board of Supervisors meeting of February 26, 2019, as corrected. Motion carried unanimously 4-0-1, with Supervisor Kingsley abstaining.
<i>Board Member and Staff Reports</i>	Supervisor Kingsley reported that the President is scheduled to sign S.47 into law today, creating among other things the Alabama Hills National Scenic Area. He also reported attending the Cattlemen's Dinner, a Great Basin Air Pollution Control District meeting in Mammoth and traveling to Washington, D.C. with RCRC.

Supervisor Tillemans reported attending a tribal consultation meeting in Big Pine with Supervisor Totheroh and the NACo Legislative Conference in Washington, D.C. as well as additional meetings with the FAA regarding funding for the Bishop Airport.

Supervisor Totheroh reported attending both the tribal consultation meeting in Big Pine and another one in Bishop with Chairperson Pucci, as well as meetings of the Great Basin Air Pollution Control District and Behavioral Health Advisory Board. He also noted an upcoming meeting of the Owens Valley Groundwater Authority.

Supervisor Griffiths reported attending an Outdoor Innovation Summit in Mammoth, the NACo Legislative Conference in D.C., an Eastern Sierra Transit Authority Board of Directors meeting, the Cattlemen's Association dinner, a meeting between Laws Museum and County staff, and the Bishop City Council meeting.

CAO Quilter reported on meetings with FAA officials during his visit with the Supervisors to D.C. and reported that current Mono County CAO Leslie Chapman has accepted Inyo County's offer to fill the position of Assistant CAO.

Chairperson Pucci reported attending the Cattlemen's Association dinner, and a Tribal consultation meeting.

*Planning – GPA
2018-05/Pine Creek
Ranches &
Ordinance 1240*

Assistant Planner Steven Karamitros introduced a proposed General Plan Amendment to change the General Plan designation of a parcel in Rovana from Rural Protection (RP) to Residential Ranch (RR) to best match the requested zoning and current and future planned uses on the property, and an ordinance to change the associated zoning. The Chairperson opened the public hearing at 11:18 a.m. and, with no-one present to speak on the item, closed the public hearing at 11:18 a.m. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) certify that the provisions of the California Environmental Quality Act have been met and make certain findings with respect to and approving General Plan Amendment 2018-05/Pine Creek Ranches and Zone Reclassification No. 2018-11/Pine Creek Ranches; and C) waive further reading of and enact a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2018-11/Pine Creek Ranches and Amending the Zoning Map of the County of Inyo by Rezoning a 12.7-Acre Parcel Located North of the Community of Rovana, Along Pine Creek Road (APN 009-120-25) from Open Space with a 40-Acre Minimum (OS-40) to Rural Residential with a 10-acre Minimum (RR-10)." Motion carried unanimously.

*Planning – Appeal
2019-01 (Lijek)
Denied*

Assistant Planner Steven Karamitros introduced an appeal filed by McLaren Lane resident Joann Lijek of the January 23, 2019 Planning Commission decision to grant Kim Moberly a Non-Hosted Short-Term Rental Permit for an accessory dwelling at 324 McLaren Lane, Bishop, with two conditions. He reviewed the public comment given in opposition to the project at the Planning Commission meeting, the Commission's justification for granting the permit, the grounds for appeal cited in Ms. Lijek's appeal, and staff's recommendation to uphold the Planning Commission's decision.

The Chairperson opened the public hearing at 11:29 a.m.

The appellant, Ms. Lijek, presented her reasons why the Planning Commission decision should be reversed, including lack of proper notification of neighbors, that Ms. Moberly does not live in the main house and therefor doesn't qualify for a non-hosted permit, and that non-hosted permits create unsafe conditions in neighborhoods.

Attorney Victoria Campbell, on behalf of Ms. Moberly, said the applicant has followed the County's permit process to the letter and met every requirement. She said Ms. Moberly has every intention of being on the property when it's being rented, and noted a pattern of harassment against her client by Ms. Lijek and her son.

Lengthy discussion ensued between Planning staff, the Board, and Assistant County Counsel regarding the permitting process, particularly the notification process, and whether it was sufficiently followed in this case.

Susan Munis of Big Pine asked, by definition, who is considered the “host” of a short-term rental. Assistant County Counsel John Vallejo said “hosted” means the home is occupied by the “owner,” who is any recorded owner with more than a 20% interest in the property and who submitted the permit.

The Chairperson closed the public hearing at 12:17 p.m.

Supervisor Totheroh said he heard concerns related to issues prior to the permit being issued, and said the County established rules that can address any issues that might arise after the permit is issued. Supervisor Kingsley said he understands the need for neighborhood notification and is concerned not many neighbors were notified in this case, but also believed the project was in compliance with County Code. Supervisor Tillemans said he doesn’t support non-hosted short-term vacation rentals in general but understands they are an approved policy of the Board and finds no reason not to issue the permit in question. Supervisor Griffiths said he would like to see the County’s ordinance revisited but does not find adequate cause to uphold Ms. Lijek’s appeal. Chairperson Pucci said he believed neighbor notifications need to be sent out in advance of permit issuance. Additional discussion ensued about the enforcement process, with it being noted that the permits are subject to modification and/or revocation.

Treasurer-Tax Collector Alisha McMurtrie said short-term rentals are one more reason Inyo County should have a business license, as the operations would be subject to an annual review. A member of the public said those annual reviews might help to eliminate a lot of headaches. Supervisor Griffiths noted it is in the homeowners’ best interest to operate their rentals in ways that keep their neighbors happy.

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to deny Appeal No. 2019-01 (Lijek) of Non-Hosted Short-Term Rental Permit No. 2018-02/Moberly.

Public Comment

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

Earl Wilson of Lone Pine reported that the President is supposed to be signing the bill today that designates the Alabama Hills National Scenic Area, noted there is another dark skies workshop planned, and said there is a study out regarding the use of the aqueduct as a transmission corridor.

Adjournment

Chairperson Pucci adjourned the meeting at 12:39 p.m. to 8:30 a.m. Tuesday, March 19, 2019 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