

# MINUTES



# County of Inyo Board of Supervisors

## AMENDED BY BOARD ORDER 6.11.19

**April 16, 2019**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 1 p.m., on April 16, 2019, at Timbisha Tacos, 900 Indian Village, Furnace Creek, CA, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Mark Tillemans, and Matt Kingsley. Absent: Jeff Griffiths.

***Public Comment***

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

***Workshop –  
Organizations,  
Agencies, &  
Businesses in DV &  
Furnace Creek Area***

The Board hosted a workshop where individuals from the public had the opportunity to update the Board on items of interest in the Death Valley and Furnace Creek areas. The Board heard from the following representatives of area agencies, businesses, and other organizations who gave updates on current and upcoming projects, tourist visitation numbers and trends and transient occupancy rates, economic and resource impacts of the government shutdown, and general operations and programs:

- Timbisha Shoshone Tribal Administrator Charlie Charley and Housing Manager Robert Vance
- Death Valley National Park Superintendent Mike Reynolds
- Henry Golas with Death Valley Conservancy
- Trey Matheu, General Manager of Xanterra Resorts' The Oasis at Death Valley
- Ben Castle, part owner and General Manager of Panamint Springs Resort
- Death Valley Natural History Association Executive Director David Blacker
- Bobbi Fabian, General Manager of the Amargosa Opera House and Hotel

Chairperson Pucci thanked everyone for coming, noting that the stability of the entire County is directly related to what they are able to accomplish out in the Death Valley area.

***Recess/Reconvene***

The Chairperson recessed the meeting at 1:51 p.m. so the Board could travel to Tecopa, and reconvened the meeting at 4:01 p.m. at the Hurlbut-Rook Community Center in Tecopa, CA with all Board members present except Supervisor Griffiths, who was absent.

***Pledge***

Supervisor Kingsley led the Pledge of Allegiance.

***Public Comment***

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

Steve McNeal, owner of Delight's Hot Springs, announced that he and Kelly Bradley were within a day of determining which plot of land in Charleston View to donate to the Southern Inyo Fire Protection District.

Larry Levy of Tecopa noted he had contacted Supervisor Kingsley about a few items that seemed to still be outstanding from last year's meeting, and proceeded to list them as: the status of the Tecopa Sewer Pond; deficiencies in the community's phone service; and the need for a reliable back-up generator at the repeater site for both law enforcement and fire department functions. Supervisor Kingsley said there was County staff in attendance who could address each issue during Department Reports.

Crystal Aldridge spoke on the need for cell phone service in Tecopa and asked the Board if it could encourage a provider to install a tower in the area. She also asked for more participation in community events from resident sheriff's deputies, so that residents can get to know them on friendlier terms than traffic stops and other service calls.

Katie Knight noted she had contacted Supervisor Kingsley to request the installation of “Yield to Uphill Traffic” signs on the heavily traveled China Ranch Road, where most drivers are dangerously and incorrectly assuming that downhill traffic gets the right-of-way.

*County Department Reports*

Deputy Public Works Director/Road Superintendent Chris Cash reported that the “Yield to Uphill Traffic” signs were dropped off in Tecopa today and Road staff will be installing along China Ranch Road next week. He also announced the appointment of a new Public Works Director, Mike Errante, who was ill and unable to attend today’s meeting; reported that the County is investigating options for abandoning the Tecopa Sewer Ponds and adopting a new system; reported that staff developed and the Board adopted an ordinance to establish weight ton limits on Old Spanish Trail to prevent large trucks from traveling the highway; and provided an update on current and upcoming SB 1 projects in the area.

Chief Probation Officer Jeff Thomson and HHS Director Marilyn Mann announced April is Re-Entry Services and Second Chances Month. Thomson provided statistics on the local program and Mann presented a single success story as examples of the program’s success.

HHS Director Marilyn Mann reported that a healthcare provider is close to being approved in the Pahrump area and her office would notify Tecopa area staff as soon as more is known.

Sheriff Hollowell announced Dispatcher Appreciation Week, and that a Prescription Drug Takeback Event will be held at the Tecopa Community Center on April 27. He also reported that his office in the midst of a three-phase overhaul of its entire radio system, and rather than replace the backup generator in Tecopa as planned, is now looking into removing and replacing it with solar-operated batteries. Regarding community involvement, he said he campaigned on the importance of community policing and would have a conversation with his deputies about it. One audience member noted that he sees one of the resident deputies engaging at many community functions, and another said residents can take more responsibility in making the deputies feel included.

*Presentations*

The Board received presentations from the following agency representatives:

- Death Valley Unified School District Superintendent Jim Copeland on area schools, including projects and projections for the future.
- Carl Dennett from the Southern Inyo Fire Protection District on district operations and programs.

An update had been scheduled from Jeff Childers, Associate Field Manager of the Barstow BLM Field Office, on issues dealing with recreation and natural resources in the Shoshone-Tecopa area, however Mr. Childers was not in attendance.

*HHS-ESAAA/IC-GOLD – APAR PSA I-II*

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of ESAAA, Social Services, and IC-GOLD funding exists for one (1) APAR Program Services Assistant I-II, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where due to the part-time nature of the position it unlikely the vacancy could be filled by internal candidates, an open recruitment is most appropriate to ensure qualified candidates apply; and C) approve the hiring of either one (1) APAR PSA I at Range 39PT (\$11.93-\$14.48/hr.) or APAR PSA II at Range 42PT (\$12.75-15.52/hr.), depending upon qualifications. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*HHS-Social Services – Office Technician III*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:

- A) Change the authorized strength in the HHS Aging and Social Services Division by:
  1. Deleting one (1) Office Technician III, Range 63 (\$3,867 - \$4,705); and
  2. Adding one (1) Administrative Secretary II, Range 60 (\$3,612 - \$4,387); and
- B) Find that, consistent with the adopted Authorized Position Review Policy:
  1. The availability of funding for the requested position exists, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller;
  2. 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
  3. Approve the hiring of one (1) Administrative Secretary II, Range 60 (\$3,612 -

\$4,387).

Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Probation –  
Deputy Probation  
Officer I-II*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Deputy Probation Officer I-II exists in the General Fund, as certified by the Chief Probation Officer 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) Deputy Probation Officer I, Range 67 (\$4,008 - \$4,865), or Deputy Probation Officer II, Range 70 (\$4,305 - \$5,236), depending upon qualifications, and authorize up to the Step E for a qualified lateral applicant. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*CAO-Advertising  
County Resources –  
Final FY 17-18 &  
FY 18-19 CPSP  
Payments*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve a final payment from the 2017-18 Advertising County Resources Budget to the Friends of the Mt. Whitney Fish Hatchery/Independence Fishing Derby, Inc. for \$1,875 for completing the 2018 Independence Father's Day Fishing Derby; and a final payment from the 2018-19 Advertising County Resources Budget to the Lone Pine Chamber of Commerce for completing the 2019 Early Opener Trout Derby. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Motor Pool – Revise  
Bishop Ford P.O.*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to revise the approved amount of a purchase order with Bishop Ford to reflect the corrected total of \$89,896.06. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Motor Pool –  
Increase Bishop Ford  
Blanket P.O.*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve an increase in the amount of the blanket purchase order with Bishop Ford by \$8,000 to a not to exceed amount of \$38,000 from the Motor Pool budget, for the maintenance of Motor Pool vehicles. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*HHS-ESAAA –  
FY 19-20 Area Plan  
Update*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) approve the Fiscal Year 2019-2020 Area Plan Update for Planning and Services Area 16 (Inyo and Mono Counties); B) set the minimum percentages for the subcategory for Supportive Services as recommended by the Advisory Council: 50% for transportation, 10% for legal services, and 3% for in-home services; and C) authorize the Chairperson to sign two (2) copies of the required Transmittal Letter. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Planning/Water Dept.  
– Daniel B. Stephens  
& Assoc. Contract  
Amendment 2*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve Amendment No. 2 to the contract between the County of Inyo and Daniel B. Stephens & Associates, Inc. for the provision of hydrological services, amending all sections relating to the term of the agreement to be April 25, 2017 to April 25, 2020, contingent upon adoption of future budgets, and authorize the Chairperson to sign contingent upon all appropriate signatures being obtained. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Public Works –  
Birchim Lane Project  
Plans & Specs*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the plans and specifications for the Birchim Lane Overlay Project and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Sheriff – ProForce  
Law Enforcement  
Sole-Source Taser  
Purchase*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) declare ProForce Law Enforcement of Prescott, AZ a sole-source provider of Taser International equipment; and B) authorize the purchase of Tasers, magazines, and cartridges from ProForce Law Enforcement in the amount of \$13,735.43, increasing the department's purchasing authority with ProForce to \$16,400 for the fiscal year. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*BOS – SCE  
Reliability Issues  
Discussion*

Supervisor Kingsley introduced Cal Rossi, Southern California Edison Government Relations Manager, who he asked to address Tecopa residents about electricity reliability issues following a presentation SCE made for the Board at an earlier April meeting. Rossi reviewed the most recent available circuit reliability report for the area, explaining that SCE is aware of issues in Tecopa and is planning to put in new switches and reconductoring on 27 miles of line to improve service. He said that environmental issues have been a hurdle to progress on the

project, but believes residents will see improvements in reliability once the project is constructed.

An audience member asked about the high number of planned power outages in the area. Rossi said planned power outages are usually an indicator that improvements are being made to the system somewhere. Another resident said the situation is much better now with planned outages than it was 15 years ago with constant, unpredictable outages. Yet another resident noted that the town did not lose power during the last severe wind storm. Chairperson Pucci added that it is important first responders in the area have the correct, direct phone numbers for SCE to call during emergencies. Someone asked about new legislation requiring solar power on new construction, and Supervisor Kingsley said he would get that information, along with the new circuit reliability report, forwarded to residents by email through the Southeast Inyo email list.

*Public Works –  
Wadell Engineering  
Contract, Budget  
Amendment*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:

- A) Amend the Fiscal Year 2018-2019 Bishop Airport Operating Transfer Out (Budget 150100 Object Code 5801) by increasing by \$1,459;
- B) Amend the Fiscal Year 2018-2019 Bishop Airport-Taxiway Rehabilitation Budget (Budget 630305) as follows (*4/5th vote required*): increase estimated revenue in Federal Grants (Revenue Code 4555) by \$13,131; increase estimated revenue in Bishop Airport Operating Transfer In (Revenue Code 4998) by \$1,459, which will be paid from the Bishop Airport Operating Budget (Budget 150100); and increase appropriations in Professional Services (Object Code 5265) by \$14,590; and
- C) Approve Inyo County Standard Contract No. 161 between the County of Inyo and Wadell Engineering Corporation of Burlingame, CA for On-Call Airport Architectural, Engineering and Planning Services in an amount not to exceed \$14,590 for the period of April 16, 2019 through April 15, 2024, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained.

Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Parks & Recreation –  
Owens Valley  
Campground Leases*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve leases with the Los Angeles Department of Water and Power for six Owens Valley County Campgrounds and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Recycling & Waste  
Management – Truck  
Driving School  
Ratification*

Assistant County Administrator Rick Benson presented for approval a request to ratify a purchase order to a truck driving school, noting that sending a recent hire put the department over its spending limit requiring Board approval. Larry Levy asked if it is standard practice for the County to pay for employees to obtain various trainings and certifications. CAO Quilter said it is normally not standard practice, however the attainment of Class A driver's licenses proved to be impediments to successful hires without County assistance and therefor the exception was made in their case. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to ratify and approve a purchase order in the amount of \$6,598 to Hi Desert Truck Driving School. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Ag Commissioner –  
Proposed Changes  
to Code Section  
3.50.040*

Supervisor Tillemans recused himself from the agenda item and remainder of the meeting at 5:38 p.m.

Ag Commissioner Nate Reade presented to the Board a draft ordinance containing changes to Section 3.50.40 of County Code, as discussed with the Board at its March 19 meeting and designed to align all cannabis and cannabis product definitions within County Code and to make them consistent with State definitions.

Larry Levy suggested a grammatical change to the proposed ordinance.

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to introduce, read title, and waive further reading of proposed Ordinance No. 1241, titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 3.50.040 of the Inyo County Code;" and B) schedule enactment for 11:15 a.m. Tuesday, May 7, 2019 in the Board of Supervisors Chambers, Independence. Motion carried unanimously 3-0, with Supervisors Griffiths and Tillemans absent.

*Ag Commissioner –*

Ag Commissioner Nate Reade presented to the Board a draft ordinance containing changes to

*Proposed Changes to Code Section 5.40*

the cannabis business license sections of County Code, as discussed with the Board at its March 19 meeting and designed to align all cannabis and cannabis product definitions within County Code and to make them consistent with State definitions. Reade also asked for guidance with regard to license allocation in the different zones, as some of the available licenses could be shuffled based on demand seen during the first licensing cycle. Reade distributed a sheet containing proposed adjustments to license numbers in zones.

Supervisor Kingsley reviewed for the audience the lengthy public process County staff and the Board engaged in to be able to tailor license type and availability based on community tolerance levels, knowing that adjustments would still probably have to be made later in the process. He said the Board set the initial numbers based on its best guesses. Reade commended the Board because, despite setting the initial numbers on guesswork, those numbers turned out to be largely accurate.

The Chairperson called for public comment.

Alex Scherer said he was glad to see how responsive the County is to a flourishing industry but hoped there could be the addition of more retail licenses, without which local cultivators and manufacturers have no hope of developing brands and identities. He said it will be nearly impossible for them to get their products on the shelves in outside markets, where the competition is fierce. Steve McNeal said there is not enough electricity available in Southeast Inyo for the addition of more farms larger than 5,000 square feet. Steven Scow, attorney for the Wiley Trust, asked about the speed of the license issuance process, and said electricity availability is not a problem. He also asked about transferability of licenses.

Reade said the County hopes to move faster with the licenses this round but there are a number of departments who are still involved in the review process. County Counsel Rudolph noted licenses cannot be transferred without approval of the Board. Supervisor Kingsley recommended the Board accept the proposed license shuffling as presented, and also noted that the County is ultimately looking for good operators and he will be very interested to see which ones followed through on their plans for community benefit when it comes time to review licenses for renewal.

Moved by Supervisor Kingsley and seconded by Supervisor Tothorh to accept the changes in license numbers as presented and introduce, read title, and waive further reading of proposed Ordinance No. 1242, titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Sections 5.40.020, 5.40.060, 5.40.070, 5.40.080, 5.40.090, 5.40.140, and 5.40.150 of the Inyo County Code;" and B) schedule enactment for 11:15 a.m. Tuesday, May 7, 2019 in the Board of Supervisors Chambers, Independence. Motion carried unanimously 3-0, with Supervisors Griffiths and Tillemans absent.

*Ag Commissioner – Proposed Changes to Title 18*

Ag Commissioner Nate Reade presented to the Board a proposed change to Inyo County Code Section 18.78.360(A) that would eliminate licensees' need to go through environmental review twice. It was the consensus of the Board for staff to work on the change as presented and return with an ordinance for Board consideration.

*Public Comment*

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

Roger Hickman of Tecopa commented on the poor condition of Bob White Road and asked the County to consider laying down a new layer of asphalt or converting it to a smooth dirt road.

*Adjournment*

Chairperson Pucci adjourned the meeting at 6:15 p.m. to 8:30 a.m. Tuesday, May 7, 2019 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

*Clerk of the Board*

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