

# MINUTES



# County of Inyo Board of Supervisors

**September 11, 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 September 11, 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.

*Addition of Urgency Item* County Counsel Rudolph requested the Board add an urgency item to the agenda, as part of Closed Session, based on the findings that it needs to be addressed before the next Board meeting and only came to light after publication of the agenda. He said the item is a "Conference with Legal Counsel" over anticipated litigation of one potential case, pursuant to paragraph (4) of subdivision (d) of Government Code 54956.9. The Assistant Clerk of the Board asked that it be referred to as item No. 9A. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to add the Conference with Legal Counsel as an urgency item, to be No. 9A, based on the aforementioned findings. Motion carried unanimously.

*Closed Session* Chairperson Totheroh recessed open session at 8:34 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] – Norman Coffman, v. County of Inyo, et al., Inyo County Superior Court Case No. SICVCV-17 61470; No. 3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Melissa M. Neylon and Shawn P. Neylon v. County of Inyo, Inyo County Sheriff's Office, Bill Lutze, Douglas Richards, and DOES 1 to 50, United States District Court Eastern District of California Case No. 1:16-CV-00712-AWI-JLT; No. 4 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Prominent Systems, Inc., a California Corporation, v. Eastern Sierra Engineering, P.C., a Nevada Corporation; County of Inyo, a political subdivision of the State of California, Superior Court of the State of California for the County of Kern Case No. S-1500-CV-279959-DRL; No. 5 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Julia Langlely, v. County of Inyo, et al., United States District Court Eastern District of California Case No. 1:16-CV-01133-DAD-JLT; No. 6 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Bishop Paiute Tribe v. Inyo County; William Lutze, Inyo County Sheriff; Thomas Hardy, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT; No. 7 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Patrick McLernon v. County of Inyo, William Kanayan as an individual, and dba William Kanayan Construction, and Does 1 to 25, inclusive; Inyo County Superior Court Case No. SICVCV 15-58147; No. 8 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: Acting County Administrative Officer Clint Quilter, Assistant County Administrator Ken Walker, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 9 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: County Administrator; and No. 9A **CONFERENCE WITH LEGAL COUNSEL –****

**ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case).

- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10 a.m. with all Board members present.
- Pledge* County Counsel Rudolph led the Pledge of Allegiance in honor and remembrance of the victims of the 9/11 terrorist attacks 17 years ago.
- Report on Closed Session* County Counsel Rudolph reported that with respect to Item 9A, by unanimous vote of all members present, the Board authorized legal counsel to join other counties in initiating legal action against the Nevada State Engineer. He said details of any legal action would be available upon inquiry once that action was formally taken.
- 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* Planning Director Cathreen Richards reported that a review of the comment summary for the Saline Valley Warm Springs Management Plan reveals the County's comments were properly reflected.
- HHS Director Marilyn Mann and Chief Probation Officer Jeff Thomson announced that they won a CSAC Challenge Award for the Juvenile Services Redesign initiative in a contest entered earlier this year. It was noted that Clerk-Recorder Kammi Foote won a Merit Award in the same contest for the Online Fictitious Business Name project and CSAC staff will be looking to present the awards during a Board meeting later this fall.
- Supervisor Kingsley noted a couple of upcoming retirement parties for former Sheriff Bill Lutze: one this Saturday in Shoshone and another in November in Bishop.
- Purchasing – Hanigan Company Sole-Source* Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) declare The Hanigan Company a sole-source provider for certain printing supplies for the period of September 30, 2018 through September 30, 2019; and B) authorize purchase orders to be approved for various County departments to order printing supplies from The Hanigan Company for Fiscal Year 2018-2019. Motion carried unanimously.
- Purchasing – Tree House Print Bid Renewal* Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) exercise the option to renew Bid No. 2017-06 for HP toner cartridges with The Tree House, Inc. for a second year and a third year, if practical; and B) authorize purchase orders that exceed \$10,000 to be issued to The Tree House, Inc. for Fiscal Year 2018-2019 from the Purchasing Revolving Budget, in an amount not to exceed \$50,000. Motion carried unanimously.
- Purchasing – Office Depot Blanket P.O.* Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve a blanket purchase order for Office Depot through the National IPA Cooperative in an amount not to exceed \$130,000 for office supplies and consumable computer/printer supplies for the 2018-2019 Fiscal Year from the Purchasing Revolving Budget. Motion carried unanimously.
- HHS-Behavioral Health – MHSA Innovations Reversion Plan* Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the Mental Health Services Act (MHSA) AB 114 Innovations Reversion Plan in order to access funds otherwise scheduled for reversion and authorize the HHS Deputy Director Behavioral Health Division, as the Mental Health Director, to sign and submit to the Oversight and Accountability Commission. Motion carried unanimously.
- HHS-Behavioral Health – Homeless Mentally Ill Funding* Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve a resolution authorizing Inyo County's participation in the Homeless Mentally Ill Outreach and Treatment Funding and authorize the Chairperson to sign as well as the Deputy HHS Director of Behavioral Health to send a letter of interest to the Department of Health Care Services (DHCS) along with this resolution. Motion carried unanimously.

CAO-FY 18-19  
Budget  
Adoption/Reso #  
2018-39

Acting CAO Quilter reviewed discussions and Board direction from the September 4 Budget Hearings, again taking time to thank Budget Analyst Denelle Carrington and Auditor-Controller Amy Shepherd, as well as the previous CAO, for their many months of hard work. Supervisor Pucci said the budget is a tribute to the discipline of the various departments and thought the changes suggested during the Budget Hearings were impressive, both of which made it easy to recommend approval of the budget. Supervisor Tillemans supported that notion, noting the need for a continued eye on fiscal responsibility going forward. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to:

A) adopt the Fiscal Year 2018-2019 Budget as recommended by the Acting County Administrator, as amended, and as directed on September 4, 2018, including those changes in the attached Addendum & Errata Sheet and the following recommendations:

1. Add \$160,000 of excess Fund Balance to the General Fund Contingencies budget;
2. Make a \$101,677 contribution to the OPEB Trust with excess Fund Balance;
3. Authorize and direct the County Administrator and Auditor Controller to approve and make payments, greater than \$10,000, to Inter-Agency Visitor Center, Cal Expo Exhibit, Tri-County Fairgrounds, and authorize and direct the County Administrator to develop and execute contracts with all ongoing recipients of line-item grants and fishing promotion funding through the Community Project Sponsorship Program as revised by your Board of Supervisors on November 8, 2016, and provided for in the Advertising County Resources budget;
4. Authorize and direct the County Administrator to develop and execute contracts with all ongoing Grants-In-Support program funding recipients identified in the Grants-In-Support Budget;
5. Require all departments to return before the Board of Supervisors following the Authorized Position Review Process for all new positions added to the authorized staffing by virtue of reorganization, reclassification, or addition;
6. Reaffirm the County Criminal Justice Realignment Policy adopted in Fiscal Year 2011-2012;
7. Adopt a "Sales Tax Proceeds Policy" whereby, in any fiscal year that actual sales tax revenues exceed the prior year's actual sales tax revenue by more than the average rate of growth in sales tax revenue calculated for the preceding 10 years, the Auditor-Controller is directed to automatically transfer the amount of the excess in the Accumulated Capital Outlay Fund; and
8. Adopt a "Commercial Cannabis Tax Proceeds Policy" whereby all taxes collected from commercial cannabis businesses pursuant to Inyo County Code Chapter 3.50 are to be credited to the Cannabis Tax Trust (said proceeds will only be budgeted from the Cannabis Tax Trust as Operating Transfers Out to fund one-time expenditures in the County Budget and this policy shall automatically sunset on July 1, 2024);

and B) approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Adopting the Final Budget for Fiscal Year 2018-2019." Motion carried unanimously.

Treasurer-Tax  
Collector – Olancha  
CSD Interim  
Loan/Reso # 2018-40

Treasurer-Tax Collector Alisha McMurtrie presented for approval a resolution authorizing an interim loan to the Olancha Community Services District. She explained the loan is for operational purposes and must be repaid by the end of the fiscal year. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve a resolution titled, "A Resolution of the Inyo County Board of Supervisors Approving an Interim Loan to the Olancha Community Service District from the Inyo County Treasury Pursuant to Article XVI, Section 6 of the California Constitution." Motion carried unanimously.

Sheriff – Animal  
Shelter Attendant

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for one

(1) Animal Services Shelter Attendant exists in the General Fund, as certified by the Sheriff and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) full-time Shelter Attendant, Range 42 (\$2,381 - \$2,894). Motion carried unanimously.

*Public Works –  
Connie & Michael  
Layne Trust Lease  
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the lease agreement between the County of Inyo and Connie and Michael Layne Trust for the real property described as 162 Grove Street, Bishop, CA, in an amount not to exceed \$75,411 (\$6,284.25 per month) for the period of July 1, 2018 through June 30, 2019, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS – HHS  
Management Analyst*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for one (1) HHS Management Analyst exists in a non-General Fund budget, as certified by the HHS Director and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) HHS Management Analyst, Range 80 (\$5,784 - \$7,035). Motion carried unanimously.

*HHS-Fiscal –  
Office Tech I-II*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for one (1) Office Technician I-II exists in various non-General Fund budgets, as certified by the HHS Director and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Technician I, Range 55 (\$3,213 - \$3,907) or Office Technician II, Range 59 (\$3,526 - \$4,285). Motion carried unanimously.

*HHS-FIRST – HHS  
Specialist IV*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for one (1) HHS Specialist IV exists in a non-General Fund budget, as certified by the HHS Director and concurred with by the Acting County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) HHS Specialist IV, Range 60 (\$3,612 - \$4,387). Motion carried unanimously.

*HHS-Health – CDPH  
Naloxene Agreement  
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve Agreement No. 16-11061 between County of Inyo and the California Department of Public Health for the term of April 1, 2018 to June 30, 2019 for an amount not to exceed \$10,406.25, and authorize the HHS Director to sign this agreement and Contractor Certification Clauses. Motion carried unanimously.

*CAO – Response to  
17-18 Final Grand  
Jury Report*

Acting CAO Quilter thanked the Assistant Clerk of the Board for drafting the Grand Jury response and County Counsel for his review and input. He summarized the response process for the Board, including the legal requirements, and reviewed some of the finer points in the transmittal letter. County Counsel Rudolph requested a small edit to the letter, in the last sentence: changing "as you have requested" to "as the Grand Jury has requested." Supervisor Kingsley said he appreciated the drafted responses. He noted sometimes it can be difficult for the Grand Jury to understand the roles and responsibilities between elected and appointed officials, but he also appreciated the jury holding the Board accountable and looking for leadership in certain situations. He said he also appreciated the Grand Jury's report on the EMT shortage and said it is an issue the County has been working on independent of the report. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the report to the Honorable Brian Lamb, Presiding Judge, Inyo County Superior Court, responding to the findings and recommendations in the 2017-2018 Grand Jury Final Report and authorize the County Administrator to sign the transmittal letter. Motion carried unanimously.

*Board Member and Staff Reports*

Supervisor Kingsley reported attending a Great Basin Air Pollution Control Board of Directors meeting that include a spirited discussion about smoke impacts from wild fires. He added that it might be a good idea for the Emergency Services Manager to identify areas around the county where people might be able to seek refuge during heavy smoke days.

Supervisor Tillemans reported attending the Good Ole Days Celebration at Laws Museum, as well as last night's Big Pine Civic Club meeting with Acting CAO Quilter and Sheriff Hollowell. He said there was discussion about restarting the Big Pine Fire Safe Council and taking advantage of available funding mentioned previously by Supervisor Griffiths.

Chairperson Totheroh said he also attended the Great Basin meeting, as well as a Behavioral Health Advisory Board meeting, and said he has been invited to a climate change discussion for county leaders in San Francisco, featuring Al Gore. He said he also received an invitation to tour to the White House and have meetings with staff and Cabinet members and asked for the Board's input on whether the trip would be worth the expense. Supervisors Kingsley and Griffith said they received the same invitation and said it is part of a state-by-state initiative to bridge the gap between local leaders and the Administration. County Counsel Rudolph suggested agendaizing the item for a future meeting if the Board wished to discuss the matter more in depth, and provide direction as to who, if anyone, should attend.

Supervisor Griffiths reported attending an Inyo Council for the Arts Board meeting, a CSAC Board meeting in Sacramento, working at the Soup Kitchen in Bishop, participating in a picnic with the City Council and Tribal Council alongside Supervisor Pucci, attending the First Friday Art Walk and the opening of the bouldering gym at Sage to Summit, speaking at the Picnic in the Park event on Saturday about the County's solar energy and recycling initiatives, attending Good Ole Days, and providing an update at last night's City Council meeting.

County Counsel Rudolph reported he would be at a County Counsel conference in Southern California the rest of the week.

Acting CAO Quilter reported attending the Big Pine Civic Club meeting, and advised the Board that beginning September 25, he would be trying out a new format for the agenda to put all hiring requests near the start of the meeting.

*Recess/Reconvene*

The Chairperson recessed the meeting for a break at 10:55 a.m. and reconvened the meeting at 11:04 a.m. with all Board members present.

*Planning – HazMat Plan General Plan Amendment/ Reso # 2018-41*

Planning Director Cathreen Richards presented for Board approval a resolution to amend the Public Safety Element of the County's General Plan by adding to it, by reference, the Inyo County Multi-Jurisdictional Hazard Mitigation Plan. She provided background and a general overview of the plan, including its benefits to the County (e.g., increased grant funding opportunities). The Chairperson opened the public hearing at 11:08 a.m. Earl Wilson of Lone Pine asked whether the HazMat Plan would include smoke impacts. Kelley Williams, Emergency Services Manager, said she did not believe smoke impacts were addressed in the document but could certainly be added upon the planned, annual review. Supervisor Kingsley encouraged her to continue to think of additional areas that need to be addressed, and she said the higher-risk projects identified would be brought forward for discussion of prioritization. The public hearing was closed at 11:12 p.m. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to: A) approve a resolution approving General Plan Amendment 2018-02/Inyo County-MHMP; and B) certify that General Plan Amendment 2018-02/Inyo County-MHMP is exempt from the California Environmental Quality Act. Motion carried unanimously.

*Planning – In Ernest Holdings Ltd. Rezoning Proposed Ordinance*

Associate Planner Tom Schaniel reviewed for the Board a request to rezone property in Lone Pine from Multiple Residential (R-2) to Single Residence or Mobilehome Combined (RMH), so that the owner can operate a short-term vacation rental in compliance with current County ordinance. Schaniel noted that all surrounding properties are zoned RMH, making the R-2 zoning inconsistent with existing uses and creating undesirable "spot-zoning." Supervisor Kingsley said the County wants to be careful from a policy standpoint to re-zone properties to accommodate short-term rentals, but this particular case supports a re-zoning because of the

anomalous R-2 designation among RMH lots. The Chairperson opened the public hearing at 11:20 a.m. Earl Wilson of Lone Pine expressed concern about two trailers being put on the lot and was provided clarifying information. The public hearing was closed at 11:22 a.m. Supervisor Griffiths said the re-zoning request made sense to him in order to bring the single property in line with surrounding properties. Supervisor Tillemans asked for clarification as to whether the re-zoning would be an issue if it were not correcting what was described as an R-2 “tooth” sticking into RMH zoning, and Schaniel said yes. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) certify that the provisions of CEQA have been met and make certain findings with respect to and approving Zone Reclassification No. 2018-07/In Ernest Holdings Ltd. Liability Company; and B) waive the first reading of a proposed ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2018-07/In Ernest Holdings Ltd. Liability Company and Amending the Zoning Map of the County of Inyo by Rezoning a 0.34 Acre Parcel Located at 225 North Mount Whitney Drive (APN 005-073-34) in the Unincorporated Community of Lone Pine from Multiple Residential (R-2) to Single Residence or Mobilehome Combined (RMH),” and schedule enactment for 11 a.m. Tuesday, September 25, 2018 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously.

*Public Comment*

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

*Adjournment*

Chairperson Totheroh adjourned the meeting at 11:26 a.m. to 8:30 a.m. Tuesday, September 25, 2018 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

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