

MINUTES



County of Inyo Board of Supervisors

December 4, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:31 a.m., on December 4, 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 Matt Kingsley. Absent: Mark Tillemans.

- 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 8:32 a.m. to convene in closed session with all Board members present except Supervisor Tillemans to discuss the following items: No. 2 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Risk Manager; No. 3 **PUBLIC EMPLOYEE EVALUATION [Pursuant to Government Code §54957]** – Title: Planning Director; and 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.
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:03 a.m. with all Board members present except Supervisor Tillemans, who was absent.
- 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 Totheroh asked for public comment during the second public comment period.
- Supervisor Kingsley took the opportunity to remind those in attendance and watching at home of the events being held this week in memory of former President George H.W. Bush.
- Chairperson Totheroh took the opportunity to announce a charity barbecue being held during the lunch hour on the courthouse lawn.
- County Department Reports* Auditor-Controller Amy Shepherd presented the Board and CAO with copies of the Fiscal Year 2018-2019 budget books as required by law.
- HHS Director Marilyn Mann distributed to the Board copies of the 2018 Inyo County In-Home Support Services Nonprofit Consortium Report.
- Planning Director Cathreen Richards announced the completion of Draft Community Plans for Charleston View and Tecopa, and handed out flyers for workshops in those communities Dec. 12-13.
- Chief Probation Officer Jeff Thomson said the Board of State and Community Corrections completed its first inspection of the post-transition juvenile facility and it passed with flying colors.

<i>Introductions</i>	Assessor David Stottlemire introduced to the Board new Assistant Assessor Tracy Morgan; Acting Public Works Director Mike Errante introduced Heavy Equipment Mechanic Rigoberto Salamanca; and Undersheriff Eric Pritchard introduced Animal Services Shelter Attendant Darcy Duro and Deputy Michael Atkins.
<i>Parks & Recreation – BearSaver Sole-Source Purchase</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) declare BearSaver of Ontario, CA a sole-source provider of specialized trash/recycle bins for County campgrounds; and B) authorize the purchase of nine BearSaver trash/recycle bins in the amount of \$9,975.60. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Clerk-Recorder-Registrar of Voters – Dominion Voting Systems Annual Payment</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize payment to Dominion Voting Systems in the amount of \$14,546.26 for annual ImageCast Software License Maintenance and Support Fee and Extended Warranty Fee. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>County Counsel – County Dept. Conflict of Interest Codes</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to receive and approve the 2018 Conflict of Interest Code Biennial Reports from the following County Departments: Environmental Health, Local Transportation Commission, Public Administrator/Public Guardian, Public Works, and Sheriff; and B) receive and approve the amended Conflict of Interest Code for the following departments: Environmental Health and Public Works. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Public Works – Jail Water Heater Plans & Specifications</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) approve the plans and specifications for the Jail Water Heater Re-Pipe Project; and B) authorize the Public Works Director to advertise and bid the project. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Public Works – Sterndahl Enterprises Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) award the construction contract for the South County Striping Project to Sterndahl Enterprises, Inc. of Sun Valley, CA, in the amount of \$177,384.00; B) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; and C) authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>HHS – Plumas County Agreement Ratification</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 HHS Director to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Public Works – Continue Emergency Jail Sprinkler Replacement</i>	Acting Public Works Director Mike Errante provided an update on the project to replace fire suppression sprinklers at the jail, noting that the work has been completed and all that remains on the project is closing out invoices. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths 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 (<i>4/5ths vote required</i>). Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Probation – Healthy Communities of Southern Inyo Contract Ratification</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and Healthy Communities of Southern Inyo County for a Delinquency Prevention Program in an amount not to exceed \$31,840 for the period of July 1, 2018 to June 30, 2019, contingent upon receipts from the California State Controller's Office, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.
<i>Probation – ICSOS Contract Ratification</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the contract between the County of Inyo and the Inyo County Superintendent of Schools for an Extended Day Program in an amount not to exceed \$21,227 for the period of July 1, 2018 for the period of June 30, 2019, contingent upon receipts from the California State Controller's Office, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor

Tillemans absent.

Probation – Letter of Intent to Contract for Pretrial Services

Chief Probation Officer Jeff Thomson presented for Board approval a non-binding Letter of Intent to contract with Inyo County Superior Court for pre-trial services. He said the Judicial Council of California is trying to gauge how many counties might be signing MOAs/MOUs with their local courts as a result of the bail bond legislation. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the Chief Probation Officer to sign a Letter of Intent to Contract for Pretrial Services with the Superior Court of California, County of Inyo and file it with the Judicial Council of California. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Purchasing – Tree House Prior-Year Invoices

CAO Quilter said the County received invoices from a vendor for a prior fiscal year that staff verified were neither previously paid nor received. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize payment to The Tree House Inc. for prior-year invoices totaling \$3,231.52. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Here it Comes Emergency

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to continue the local emergency known as the “Here It Comes Emergency” that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Rocky Road Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to continue the local emergency known as the “Rocky Road Emergency” that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Land of EVEN Less Water Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to continue the local emergency known as the “Land of EVEN Less Water Emergency” that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously 4-0, with Supervisor Tillemans absent

Gully Washer Emergency

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to to continue the local emergency known as the “Gully Washer Emergency” that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

DV Down But Not Out Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to continue the local emergency known as the “Death Valley Down But Not Out Emergency” that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Clerk of the Board – Amend 09-04-18 Budget Hearing Minutes

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) amend the September 4, 2018 Board Order regarding the Board’s Fiscal Year 2018-2019 Budget Hearings discussion to include the full total Fund Balance amount certified by the Auditor-Controller; and B) amend the minutes of the September 4, 2018 Budget Hearings, first section, fifth sentence, to include the full total Fund Balance amount certified by the Auditor-Controller. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Clerk of the Board – Approval of Minutes

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of October 2, 2018, October 9, 2018, October 16, 2018, November 6, 2018, and November 13, 2018. Motion carried unanimously 4-0, with Supervisor Tillemans absent. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of November 20, 2018 Motion carried unanimously 3-0-1, with Supervisor Tillemans absent and Supervisor Kingsley abstaining.

Board Member and Staff Reports

Supervisor Griffiths said he attended the recent CSAC Conference and reported on topics of interest, including the State Budget, IHSS vulnerability, and the 2020 Census. He said getting a complete count will be extremely important for Inyo County, considering its already low population. He also said he would be attending a Sierra Nevada Conservancy meeting tomorrow, the last of his current term on its board of directors.

Supervisor Kingsley said he also attended the recent CSAC Conference and reported on topics of interest, including fire resilient communities. He said some of his constituents have asked how the County can help with fuels treatment and he suggested possible presentations in communities.

Supervisor Pucci said he also attended the recent CSAC Conference and reported that, for once, cannabis was not a major topic of discussion. He said the biggest topic was fire suppression, and also echoed Supervisor Griffiths' comments on the importance of the Census count.

Chairperson Totheroh said he heard from a constituent how important road striping is in low-visibility situations, and he suggested keeping the striping maintained on County roads can help in the event of evacuations due to fires.

CAO Quilter said he also attended the recent CSAC Conference, where he was able to attend a meeting of the California Association of County Executives, and meet with Kristi More of The Ferguson Group. He said TFG is developing a federal legislative advocacy plan for Inyo County based on its legislative platform, and More would be providing an update to the Board sometime after the New Year.

*Ag Commissioner/
Planning – Enact
Ordinance 1236
(Industrial Hemp)*

Ag Commissioner Nate Reade presented for approval an ordinance regulating the cultivation of industrial hemp in Inyo County, offering background information on the County's emergency moratorium and the status of State regulations. Discussion ensued between the Board and Reade, including lengthy discourse regarding the ordinance's prohibition on growing hemp outdoors. Reade explained that the clause is a mitigation measure meant to prevent cross-pollination between cannabis and hemp crops. Supervisor Griffiths questioned the likelihood of cross-pollination with common growing practices, and expressed reluctance to adopt a blanket ban. He suggested instead required distances between the two different operations. Reade said the distances could be set on a case-by-case basis through the Conditional Use Permit process identified in the ordinance. Planning Director Cathreen Richards said a grower could also apply for a variance to grow outdoors.

The Chairperson opened the public hearing at 11:27 a.m.

Spencer McNeal said growing hemp indoors does not make sense on an industrial scale, and growers should only be using female seeds anyway. He said mitigation should be decided through Conditional Use Permits, not a blanket ban. He also submitted to the Board paperwork to show how Nevada has proceeded with hemp licensing and regulations.

Ben Horner said hemp growers have to grow on a larger scale than cannabis growers in order to make a profit, and can't do that indoors. He also said cross-contamination should not be a concern because every year their seeds have to be purchased from certified seed-breeders.

Chuck Kaiser said he did not see cross-contamination as an issue because cannabis growers are aiming to grow all-female, seedless plants and hemp growers are getting new, female seeds every year.

Nathan Lund said cross-contamination is a legitimate concern and appreciates the County taking into consideration, but said growers take proper precautions to avoid cross-contamination and communicate openly to avoid adverse interactions between their crops. He said an inspection system could be a simple solution to ensure male plants are not being grown. Lund concurred that hemp growers need to grow outdoors because of the amount they have to grow in order to turn a profit.

Alena Wagener suggested a notice be sent to other farmers in the area as part of the Conditional Use Permit process, and also agreed that most farmers work together to alleviate such concerns.

Staff members and Board members discussed potentially removing reference to the indoors-only requirement in the proposed ordinance, or leaving the ordinance as is and requiring growers to request variances – which Planning Director Richards noted could be an onerous process if essentially all hemp farmers wanted to grow outdoors. Supervisor Kingsley

expressed concern over any possible delay in adopting regulations, lest the absence thereof be exploited.

The Chairperson closed the public hearing at 11:55 a.m.

Discussion between staff and Board members continued. Supervisor Kingsley noted he was willing to support the removal of the indoor-grow ban, but was also concerned that while hemp and cannabis farmers presented a united front today, that might change in the future.

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) enact an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Sections 18.78.370, 18.06.263, 18.06.422 and Subsections 18.12.040.Q, 18.56.040.L, 18.56.040.M, 18.57.040.M and 18.57.040.N to the Inyo County Code Regarding Hemp Activities," with the indoor-only provision removed; and B) certify that the provisions of the California Environmental Quality Act have been met. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Recess/Reconvene

The Chairperson recessed the meeting for lunch at 12:04 p.m. and reconvened the meeting at 1:05 p.m. with all Board members present except Supervisor Tillemans, who was absent.

*Ag Commissioner –
Annual Commercial
Cannabis Business
License Fees/Reso #
2018-50*

Ag Commissioner Nate Reade presented for Board approval a resolution establishing fees for annual commercial cannabis business licenses. He said staff completed a study to estimate the cost of regulating commercial cannabis businesses and, based on the current estimated number of licenses, arrived at an annual fee of \$8,850 to cover the County's costs. Supervisor Kingsley noted that the fee is intended only for cost recovery, not profit. CAO Quilter reported for the sake of comparison that San Luis Obispo County recently approved an application fee of \$22,000 and annual business license fees ranging from \$65,000 to \$95,000 for retailers. Reade noted that the County's goal was not to exceed \$10,000 for business license fees. He said staff will evaluate the fees every year and make adjustments as necessary based on the number of licenses.

The Chairperson opened the public hearing at 1:10 p.m.

Dan Dickman of Lone Pine spoke on behalf of the owner of Lee's Frontier Liquor, Deli & Gas in Lone Pine to let the Board know the owner is hoping to apply for a retail license during the next round of applications to open a shop separate from his gas station. Dickman discussed plans for the business in more detail, and also noted that the business license fee being proposed is a bargain.

The Chairperson closed the public hearing at 1:12 p.m.

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California Establishing Annual Commercial Cannabis Businesses License Fees," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Ag Commissioner –
Zone 1 Commercial
Cannabis Business
Licenses*

Ag Commissioner Nate Reade presented for Board consideration the first retail commercial cannabis licenses submitted during the first round of applications. He said four applicants turned in applications for two available retail licenses in Zone 1, and after the final scores were tabulated, only two met the minimum threshold for approval of 80%. He said staff recommended conditionally approving those two applications and denying the two that did not meet the threshold. He also thanked all the time and effort extended by other County departments during the application review process. Supervisor Kingsley said he was initially worried the threshold might have been set too high, but this set of applicants has shown not only is it attainable, but that the scoring system is legitimate. He credited Reade and his team, and other departments who helped, and said he was excited to begin the permit process and have people getting into business.

The Chairperson opened the public hearing at 1:19 p.m. and, with no-one wishing to speak, closed the public hearing at 1:19 p.m.

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to:

- A) conditionally approve those applications that exceeded the 80% minimum threshold as set forth in Inyo County code section 5.40.090(H), from the following entities for the following county commercial cannabis licenses:
- retail classification licenses in cannabis Zone 1 – PALS Association, Inc. and Simply Green; and
- B) authorize issuance of licenses contingent on the applicant paying the fees established, and applicants obtaining all applicable permits and licenses required by the County and the state of California including payment of all required fees and taxes; and C) deny those applications that failed to meet the 80% minimum requirement and authorize final letters of rejection.

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

Public Comment

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

Nathan Lund and Jake Wagener each thanked the Board for its hard work in addressing and adopting commercial cannabis regulations.

Alena Wagener thanked the Board for the opportunity afforded by the business license just granted to her, noting that it will be the catalyst for the positive impact she will make on the community.

Adjournment

Chairperson Totheroh adjourned the meeting at 1:22 p.m. to 8:30 a.m. Tuesday, December 11, 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