

# MINUTES



# County of Inyo Board of Supervisors

**April 9, 2019**

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 April 9, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Tothoroh, 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 10:09 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to (2) of subdivision (d) of Government Code §54956.9 (*one case*); No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (*one case*); and No. 4 **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, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson.

*Open Session* Chairperson Pucci recessed closed session and reconvened the meeting in open session at 10:09 a.m. with all Board members present.

*Pledge* The Assistant Clerk of the Board 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 and there was no-one wishing to address the Board.

*County Department Reports* HHS Director Marilyn Mann distributed handouts about legislation being watched by the Welfare Director's Association and CalFresh expansion to SSI recipients.

Supervisor Kingsley announced that he is working with Librarian Director Nancy Masters to host a gardening event at the courthouse lawn during lunchtime on April 24 called Weed & Feed.

*Employee Service Recognition – 1<sup>st</sup> Quarter 2019* The Board of Supervisors recognized employee service milestones reached during the 2019 First Quarter. The following employees were presented pins commemorating their milestones by their respective department heads (or their designees) or CAO Quilter:

- Treasurer-Tax Collector Alisha McMurtrie, 20 years
- Nate Giardin, 10 years, Sheriff's Department (Kelvin Johnston, 20 years, was unable to attend)
- Lars Erickson, 20 years, Probation Department (Bernadette Warner, 20 years, was unable to attend)

- Evelen Nunez, 5 years; Sharon Wilson, 5 years; Jacob Arnal, 5 years; Valerie Behrendt, 20 years, Health & Human Services (Darcia Blackdeer-Lent, 5 years; Michelle Howe, 5 years; and Ralph Cataldo, 5 years, were unable to attend)
- Keller Tjernagel, 38 years, Public Works
- Nancy Masters, 35 years, Library

*Assessor –  
Auditor-Appraiser I-II*

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) Auditor-Appraiser I-II exists in the Assessor budget, as certified by the Assessor 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) Auditor-Appraiser I, Range 70 (\$4,569 - \$5,557) or Auditor-Appraiser II, Range 72 (\$4,787 - \$5,815), depending upon qualifications. Motion carried unanimously.

*Recycling & Waste  
Management –  
Gate Attendant*

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) Recycling and Waste Management Gate Attendant exists, as certified by the Assistant County Administrator and concurred with by the County Administrator and Auditor-Controller; and B) authorize the hiring of one (1) Gate Attendant, Range 48 (\$2,740 - \$3,320) from the recently established eligibility list. Motion carried unanimously.

*Motor Pool – Vehicle  
Repair Authorization*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the repair of a Motor Pool vehicle in the amount of \$3,211.37 at Inyo-Mono Body Shop in Bishop. Motion carried unanimously.

*Personnel –  
GovInvest &  
AdastraGov*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve: A) the licensing agreement with GovInvest for Actuarial Services and Technology and approve the purchase of the module and annual fees in the amount of \$55,800; B) the licensing agreement with AdastraGov for Labor Negotiation Services and Technology and approve the purchase of the module and annual fees in the amount of \$15,810; and C) authorize the County Administrator to sign the license agreements. Motion carried unanimously.

*Recycling & Waste  
Management –  
Chuck Stewart  
Contract*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) award the bid for maintenance of the Olancha Transfer Station to Chuck Stewart of Olancha; B) approve the contract between the County of Inyo and Chuck Stewart of Olancha for Olancha Transfer Station maintenance in an amount not to exceed \$16,766 for the period of July 1, 2019 through June 30, 2022, contingent upon the Board's adoption of future County budgets; and C) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*County Counsel –  
Sheriff Conflict of  
Interest Code*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) receive and approve the revised 2018 Conflict of Interest Code Biennial Report from the Inyo County Sheriff's Department (Exhibit A); and B) receive and approve the department's Conflict of Interest Code (Exhibit B). Motion carried unanimously.

*County  
Counsel/Water Dept.  
– Greg James  
Contract Amendment  
1*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve Amendment No. 1 to the agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water/Environmental Attorney services to the Water Department, to increase the Fiscal Year 2018-2019 contract limit by \$26,000 from \$100,000, for a total amount not to exceed \$126,000 contingent upon the Board's adoption of the Third Quarter Budget, and authorize the Chairperson to sign. Motion carried unanimously.

*HHS-Health – MCIP  
Participation*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to authorize HHS' participation in the Medi-Cal County Inmate Program and authorize the HHS Director to sign the county participation forms for Fiscal Year 2019-2020. Motion carried unanimously.

*HHS/CAO-  
Emergency Services  
– Red Cross MOU*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve a Memorandum of Understanding between the American Red Cross and the County of Inyo for the period of April 9, 2019 through April 9, 2024; and B) authorize the County Administrator, as the appointed Director of Emergency Services, to sign the MOU. Motion carried unanimously.

*Public Works – Blizzard Fire Protection Contract* Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) award the five-year contract for semi-annual Kitchen Hood Fire Suppression System Inspection Services to Blizzard Fire Protection of Mammoth Lakes, CA in an amount not to exceed \$11,200, contingent upon the Board’s approval of future budgets; B) authorize the Chairperson to sign the contract, contingent upon all appropriate signatures being obtained; and C) authorize the Public Works Director to sign all other contract documents, including contract change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.

*Public Works – Etchemendy Engineering Contract* Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) declare Etchemendy Engineering, Inc. a sole-source provider for the design of the Annex HVAC Retrofit Project; B) approve the contract between the County of Inyo and Etchemendy Engineering, Inc. of Reno, NV for engineering services for a lump sum amount of \$80,050; and C) authorize the Chairperson to sign the contract, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Road Dept. – Metal Pipe Culvert Purchase* Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the purchase of 120 linear feet of corrugated metal pipe culvert and the associated hardware from Western Nevada Supply of Bishop, CA in an amount not to exceed \$11,278.90. Motion carried unanimously.

*Sheriff – CalOES Radio Maintenance Contract Amendment 1* Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) request Board approve Amendment No. 1 to the agreement between the County of Inyo and CalOES for the provision of radio maintenance, extending the term of service for three years from July 1, 2016 through June 30, 2022 at the rate of \$21,667 for Fiscal Year 2019-2020, \$21,667 for Fiscal Year 2020-2021, and \$21,666 for Fiscal Year 2021-2022, increasing the total not-to-exceed amount by \$65,000 for a total amount not to exceed \$125,000, contingent upon the Board’s approval of future budgets; and B) authorize the Sheriff or designee to sign. Motion carried unanimously.

*Water Dept. – Direction to OVGAs, Standing Committee Reps* The Board was asked to provide direction to the County’s representatives on the Owens Valley Groundwater Authority Board of Directors in advance of the OVGAs meeting scheduled for April 18, 2019 in Bishop. Water Director Dr. Aaron Steinwand reviewed each agenda item. The Board and staff discussed the items and recommendations, with considerable discussion about Item 13 regarding the workability of adding additional OVGAs board members and the implications and ramifications of incorporating non-elected entities into a governing body with taxing authority that includes members of the Board of Supervisors who do report to an electorate. The Chairperson called for public comment. Philip Anaya of Bishop asked about a report that LADWP was supposed to be submitted at the end of March, and read a letter he had sent to LADWP, the Water Department, and OVGAs about LADWP’s failure to file that report. Regarding Item 13, Anaya said the OVGAs has been dancing around the issue of adding Associated and Interested Party seats for way too long. He said the Joint Powers Agreement includes the provision and defines the process for adding them and it’s time to let them join, especially Great Basin Unified Air Pollution Control District since LADWP wants to pump from under the Owens Lake and there is debate as to whether it should be regulated per the Water Agreement or not. The Board continued and concluded its discussion with direction given to not support the allocation of voting seats on the OVGAs board to entities that would not be subject to any regulations the OVGAs board would be imposing.

The Board was asked to provide direction to the County’s representatives on the Inyo-L.A. Standing Committee in advance of the Standing Committee meeting scheduled for May 6, 2019 in Independence. Dr. Steinwand reviewed each agenda item for the Board. The Board and staff discussed the items and recommendations. The Chairperson opened the floor to public comment. Philip Anaya of Bishop said he would like an additional agenda item added that delineates co-authorship of LADWP’s annual report and directs that it go before the Technical Group and Standing Committee before submission to the State and court. Chairperson Pucci said the matter needs to be taken up with the Technical Group, which submits items for the Standing Committee agenda. The Board continued and concluded its discussion concurring with staff recommendations.

*Recess/Reconvene* The Chairperson recessed the meeting for a break at 11:54 a.m. and reconvened the meeting at 12:01 p.m. with all Board members present.

*Recycling & Waste Management – Late Fee for Delinquent Gate Fee Accounts/Reso. # 2019-18*

Assistant County Administrator Rick Benson presented for approval a late fee to charge commercial accounts whose gate fees at the landfills are more than 30 days delinquent. The Chairperson opened the public hearing at 12:05 p.m. and, with no-one wishing to speak on the matter, closed the public hearing at 12:05 p.m. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) approve a late fee, effective June 1, 2019, of 1.5% per month to gate fee accounts over 30 days delinquent; B) approve Resolution No. 2019-18 authorizing the late fees; and D) approve the attached Gate Fee Account Policy. Motion carried unanimously.

*Planning – Short-Term Rental Ordinance Update Presentation*

The Board was asked to receive a presentation from Planning staff regarding the status of short-term rentals in Inyo County, approximately one year after the Planning Department began accepting applications; and provide direction to the Planning Department on Short-Term Rental policy, and any elements that may require review or revision. Associate Planner Tom Schaniel provided statistics on the current number of permits issued in the county, how many notices of violation have been issued since July 2018, and how many illegal rentals were being advertised prior to the County adopting its regulations. He said only two complaints regarding permitted short-term rentals have been received by the Planning Department, about the same rental. He estimated only five out of 24 potential long-term rentals were displaced by short-term rentals, based on a survey Planning conducted. Schaniel also reviewed staff's recommendations for adjusting the permitting process.

Chairperson Pucci said the County tried to address the concerns regarding commercial activity in residential areas by placing conditions on the permits, and non-hosted permits were supposed to allow residents to make supplemental income by renting accessory dwellings on their properties but it appears the majority of homeowners are renting on property they don't actually live on full-time. He also noted that Planning staff can't properly monitor the situation if residents aren't actually filing complaints. Supervisor Griffiths said the County has learned a lot over the past year and there are some big changes that can be made moving forward. He said his intention was to help local residents supplement their incomes while avoiding the loss of affordable housing and the rise of pure commercial operations in residential neighborhoods, but the opposite is happening with non-hosted permits. He suggested altering the definition of a hosted permit to mean you occupy the house and getting rid of non-hosted permits entirely. Supervisor Tillemans agreed, noting he was against them from the start since non-hosted rentals represent homes families can't rent and higher rent elsewhere. He said the Board's priority should be finding solutions to the housing shortage. Supervisor Totheroh said he shared concerns about loss of housing stock but also heard through the extensive public comment process that the existing County Code did not provide for proper enforcement of illegal short-term rentals or associated neighbor complaints, and the County's subsequent regulations have allowed for great progress in that area. He said the Board should be hesitant about throwing the baby out with the bathwater.

The Chairperson called for public comment.

Bishop resident Gene Coufal said a non-hosted short-term rental was recently approved by the Planning Commission for his neighborhood on Sunrise Drive, despite 20 of the affected 21 property owners signing a petition against it. He said the Planning Commission did not take that into account because of the way the short-term rental ordinance is written, and in general said some of the things that transpired at the meeting were not very democratic. Mr. Coufal then read a letter from Gary Colbert registering complaints about the Planning Commission meeting, including an allegation that one of the members has property being rented as a short-term rental and therefore should have abstained from deliberations.

Joann Lijek of Bishop said she agreed that a "host" should have to live on the property and that there should be no non-hosted permit.

Chairperson Pucci said spoke in defense of Planning Commissioners, whose decisions are confined to what's outlined in County Code.

Marty Williams of Bishop said he believed all his questions had already been answered but he thought someone with a financial interest in the issue shouldn't be making decisions about it.

Earl Wilson of Lone Pine asked whether the Planning Department's number is posted on signs outside of the rentals so neighbors know who to call when there are issues and was told all neighbors are mailed letters with the number. He added he believed non-hosted rentals should be on the same property as hosted rentals.

Sharon White of the Alabama Hills said it sounds like the Board had the same impression of what the process was supposed to be like as she did. She said she's not against short-term rentals per se, but thinks property owners should have to get the hosted short-term license first before the non-hosted, and only if they're for the same property.

Robert Jellison of Bishop said he would like hosted and non-hosted redefined as well, noting he is using his permits as envisioned and earning extra income for his daughter's college tuition. He said nobody is talking about the positive impacts of short-term rentals, which include attracting visitors to the area who are not likely to stay in traditional lodging establishments.

Stan Smith of Bishop said he thinks the Board is realizing it created a monster, as Inyo County is being encroached on by Mammoth Mountain buying up what little affordable housing stock is available for its employees. He said neighbors don't file complaints out of fear of retaliation and because they don't think they'll be taken seriously. He said non-hosted rentals should be eliminated and hosted permittee should have to live on the same property.

Planning Director Cathreen Richards took the opportunity to defend the Planning Commissioners. She said they do a really good job and listen to people fairly but have to follow the policy set by the Board and cannot deny a short-term rental permit on the basis alone that people do not like short-term rentals. Supervisor Kingsley suggested possible neighborhood limits to the number of rentals, and/or an annual review of the permits and agreed with Supervisor Griffiths that adjustments need to be made so that neighborhood input carries more weight. Chairperson Pucci said it's crucial that neighborhood notification take place in advance of any permit issuance. Supervisor Griffiths additionally suggested redefining hosted and non-hosted, and possibly another analysis of whether Airstream trailers and yurts can be eligible for short-term rentals. Schaniel said staff would return in May with an array of options for the Board to consider.

*Recess for Lunch*

The Chairperson recessed the meeting for lunch at 1:46 p.m. and reconvened the meeting at 2:24 p.m. with all Board members present except Supervisor Griffiths, who left due to pre-arranged travel obligations.

*Presentation – SCE and CPUC on Ivanpah-Control Project*

Cal Rossi, Southern California Edison Government Relations Manager, introduced the speakers from SCE and the California Public Utilities Commission who would be discussing SCE's Ivanpah-Control Project. SCE Senior Project Manager Warnetta Logan provided an overview of the project, including the timeline, and explained that the purpose is strictly to comply with safety standards by raising the lines higher from the ground and not to increase reliability of the system. Billie Blanchard, Senior Regulatory Analyst/Project Manager for CPUC, gave a report on CPUC's procedure for review of SCE's project, including the CEQA process and the CPUC proceeding in the decision-making process. Supervisor Kingsley encouraged the CPUC to hold meetings locally because they have constituents who would want to provide input, register complaints about myriad topics. Earl Wilson of Lone Pine asked whether the conductors will be the same diameter, if there is any historical value to the existing towers, whether the new poles will have the capacity to hold another circuit, and how tall the new poles will be. Logan answered that the Environmental Analysis will include a detailed description of the conductors, that SCE is not planning to save any of the structures, and that the new poles will be about 15 feet taller but will not have the capacity for more circuitry. Chairperson Pucci thanked both SCE and the CPUC for their presentations.

*HHS-Aging & Social Services – RTZ Associates Agreement Ratification*

Moved by Supervisor Tothoroh and seconded by Supervisor Tillemans to ratify and approve the agreement between the County of Inyo and RTZ Associates, Inc. for the provision of an online web portal for the GetCare program, in the amount of \$14,930 for the period of April 1, 2019 through June 30, 2019 and \$18,120 for Fiscal Year 2019-2020 and \$18,120 for Fiscal Year 2020-2021 for a total amount of \$51,170, contingent upon the Board's adoption of future budgets, and authorize the HHS Director to sign. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Public Works – Raftelis Contract Ratification*

Moved by Supervisor Tillemans and seconded by Supervisor Tothoroh to: A) ratify and approve the contract between the County of Inyo and Raftelis Financial Consultants, Inc. for the provision of Water Rate Study Services for the Lone Pine, Independence, and Laws Town Water Systems in an amount not to exceed \$34,691 for the period of January 1, 2019 to December 31, 2019; and B) authorize the Chairperson to sign, contingent upon all appropriate

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

*Road Department –  
SB 1 Projects/Reso.  
# 2019-16*

Road Superintendent Chris Cash distributed copies of his talking points, and provided a lengthy and detailed explanation of the County's allocations and use of SB 1 funds, as well as staff's recommendation for future uses which is due May 1. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to: A) approve Resolution No. 2019-16, titled, "A Resolution of the Board of Supervisors, of the County of Inyo, State of California, Identifying Projects to Be Funded by Road Maintenance and Rehabilitation Funds Pursuant to SB 1: the Road Repair and Accountability Act;" B) approve the recommended project lists attached to satisfy the documentation requirements to receive SB 1 Road Repair and Accountability Act of 2017 funding from the Road Maintenance and Rehabilitation Account; C) authorize the Public Works Department to apply for and submit all required documentation to receive the Inyo County allotment of SB 1 Road Repair and Accountability Act of 2017 funding; and D) authorize the Public Works Director, or his designee, to sign for the RMRA funding and all associated supporting documents. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*CAO – Changing  
Meeting  
Location/Reso. #  
2019-17*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Resolution No. 2019-17, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Changing the Location of the Board's April 16, 2019 Regular Meeting," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Recycling & Waste  
Management –  
Waste Hauler  
Franchise  
Agreements*

Assistant County Administrator Rick Benson distributed changes and corrections made to the proposed waste hauler Franchise Agreements since initially being presented to the Board last week. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the Franchise Agreements with the County's waste haulers, as originally submitted and with the changes noted today, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Recycling & Waste  
Management – Floor  
Rate Increase*

Assistant County Administrator Rick Benson brought forward for approval the proposed floor rate increase initially discussed last week, and which will take effect July 1. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a floor rate increase for residential, commercial, and roll-off service for Permit Areas A & B in Inyo County. Motion carried unanimously 4-0, with Supervisor Griffiths absent.

*Here It Comes  
Emergency*

Moved by Supervisor Tillemans 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 Griffiths absent.

*Rocky Road  
Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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 Griffiths absent.

*Public Comment*

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

*Board Member and  
Staff Reports*

Supervisor Kingsley announced that Sheriff Hollowell testified today before the Senate Transportation Committee in support of SB 402 and he just heard it passed through the Committee.

Supervisor Totheroh said he has ESCOG/ESTA meetings to attend this Friday and attended the Every 15 Minutes program April 3-4.

*Adjournment*

Chairperson Pucci said he also attended the Every 15 Minutes program and noted that Supervisor Totheroh did the lighting for the session in the auditorium. Chairperson Pucci adjourned the meeting at 3:36 p.m. to 1 p.m. Tuesday, April 16, 2019 at Timbisha Tacos, Timbisha Shoshone Reservation, Furnace Creek, CA.

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Chairperson, Inyo County Board of Supervisors

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

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