

MINUTES



County of Inyo Board of Supervisors

October 8, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 10:01 a.m., on October 8, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

Pledge of Allegiance Supervisor Tillemans led the Pledge of Allegiance.

Public Comment Chairperson Pucci asked for public comment during the first public comment period.

Alan Bacock of the Big Pine Paiute Tribe announced he unfortunately was not appointed to the position of Director of the U.S. Environmental Protection Agency American Indian Environmental Office in Washington, D.C., but wanted to thank the Board – and Fourth District Supervisor Mark Tillemans – for their letters supporting his nomination, which he said was a sign that rural communities are being watched from D.C.

Deena Davenport distributed information to the Board on the “Complete Streets” bill and urged the Board to lend its support to the legislation.

Earl Wilson of Lone Pine commented that Saturday’s dedication of the Alabama Hills National Scenic Area was quite the party. He also asked County Counsel Rudolph for a report out of Closed Session, and was informed today’s meeting did not include a Closed Session.

County Department Reports Public Works Director Mike Errante provided an update on high visibility projects, including the Poleta Road culvert replacement, Dolomite Loop construction, and the Bishop Airport runway rehabilitation project.

Chief Probation Officer Jeff Thomson reported on the recent mock DUI crash staged for Lone Pine high school students, noting there is a video available of the event for viewing and thanking all who participated in and supported the awareness effort.

HHS Director Marilyn Mann announced that Caltrans has produced a video available on YouTube about safely crossing U.S. 395 on foot, and said HHS will be holding its annual volunteer appreciation dinner on October 30.

Introductions The Board of Supervisors recognized employees who reached service milestones during the 2019 Third Quarter. The following employees were presented pins commemorating their milestones by their respective department heads (or their designees) or CAO Quilter:

- Rusty Huerta, 10 years, Auditor-Controller’s Office
- Emma Bills, 30 years, Administration
- Chief Probation Officer Jeff Thomson, 20 years
- Riannah Reade, 15 years; Lauri Harner, 20 years, Sheriff’s Department (Undersheriff Eric Pritchard, 20 years, was unable to attend)
- Laura Wieggers, 5 years; Melissa Best-Baker, 20 years, Health & Human Services (Anita Richardson, 5 years, and Kelly Piper, 10 years, were unable to attend)

Maureen McVicker, 10 years, District Attorney’s Office, was unable to attend.

Proclamation – Wild Iris – Domestic Violence Awareness Month Wild Iris Executive Director Matthew O’Connor appeared before the Board with a request to approve a proclamation in observance of Domestic Violence Awareness Month. He provided a brief history of Wild Iris as an organization, along with some statistics for domestic violence in Inyo County. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a proclamation declaring October 2019 as Domestic Violence Prevention Month in Inyo County.

Motion carried unanimously.

*HHS-Fiscal – Office
Technician I-II*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding exists in the Social Services and ICGOLD budgets for one (1) Office Technician I-II, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of either an Office Technician I at Range 55 (\$3,277-\$3,985) or Office Technician II at Range 59 (\$3,597-\$4,371), depending upon qualifications. Motion carried unanimously.

*Treasurer-Tax
Collector – Office
Technician I-II*

Moved by Supervisor Totheroh and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I or II exists in the General Fund, as certified by the Treasurer-Tax Collector 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 applicants apply; and C) approve the hiring of one (1) Office Technician I at Range 55 (\$3,277 - \$3,985) or an Office Technician II at Range 59 (\$3,597 - \$4,371), depending on qualifications. Motion carried unanimously.

*Public Works – Right
of Way Application
for District 5*

Chairperson Pucci noted that a District 5 resident had submitted a letter that he requested be entered into the record in relation to this agenda item. Road Superintendent Chris Cash presented for approval a request to submit a facility application to the BLM for public road right of way for Inyo County roads crossing BLM land in District 5. He noted this is one step in clearing up gray areas in the road system. Supervisor Kingsley discussed with Cash the confusion about signs being installed on BLM land and the expectation among residents that the County should be removing them. Cash indicated some outreach could help clear up that confusion. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to authorize the submittal of a facility application to the Bureau of Land Management (BLM) for public road right-of-way for Inyo County District 5 roads crossing BLM land, and authorize the Board Chairperson to sign the application. Motion carried unanimously.

*Sheriff – OnSolve
Sole-Source P.O.*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to declare OnSolve of Ormond Beach, FL a sole-source provider of CodeRED/IPAWS; and B) authorize the issuance of a purchase order in an amount not to exceed \$12,500 payable to OnSolve of Ormond Beach, FL for CodeRED/IPAWS. Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 10:43 a.m. and reconvened the meeting at 10:50 a.m. with all Board members present.

*Planning – Appeal
No. 2019-03/Robert
Steele (Denied)*

Assistant Planner Ryan Standridge introduced a request from the Planning Department for the Board to hold a public hearing with regard to Appeal No. 2019-03, filed by Mr. Robert Steele in response to the Planning Commission's unanimous August 28, 2019 decision to approve a Non-hosted Short-Term Rental permit for the property at 150 Manzanita Rd. owned by Mr. George Lozito. Standridge provided background on the issue, and offered staff's rebuttal to statements made by Mr. Steele in his appeal letter. She noted that all opposition letters received in relation to the Planning Commission's consideration of the permit were provided to the Commission – either in advance or, if received after the posting of the agenda, via email and/or at the meeting. She also disputed the claim that there is 100% opposition to the short-term rental in Aspendell, and noted that most of the complaints received were considered non-substantive to the permit in question because they opposed short-term rentals in Aspendell in general. Standridge also said the Lozitos not only met all requirements for the permit laid out in County Code, but they included additional restrictions for renters in their application in an attempt to address neighborhood concerns.

The Chairperson asked to hear from the Lozitos. George Lozito said he and his wife have been a part of the community for 50 and 40 years, respectively, teaching and serving youth in various capacities, have good reputations and are known for their integrity. He said they purchased the Aspendell home with the intent to use it themselves as a vacation cabin, and to rent it out occasionally in order to cover the costs of the property tax. He said they went out of

their way to communicate with their neighbors, added additional rules to their permit to appease the opposition, and will continue to live there part-time whether the appeal is approved or denied – so the argument that renting the home removes workforce housing from available stock is moot. Kerry Lozito said it has been personally upsetting to have their character and integrity questioned – to be called ruthless profiteers – when they have been transparent and on the level, and live in Inyo County full-time.

The Chairperson asked to hear from the appellant. It was noted that he was unable to attend.

Supervisor Kingsley asked about fire protection services in Aspendell. Jan Almquist, president of the Aspendell Homeowners Association, explained that there is a community fire department staffed by volunteers with backup provided by the Bishop Volunteer Fire Department.

The Chairperson opened the public hearing at 11:16 a.m. It was noted that 20 letters sent in via email would be entered into the record.

Lenore Stein of Aspendell said she and her husband purchased their home in Aspendell to get away from Los Angeles and are adamantly opposed to short-term vacation rentals in Aspendell because they will change the infrastructure and character of the community. She produced a list of 69 Aspendell residents opposed to short-term rentals, as well as collection of “experience letters” detailing residents’ issues with a former neighbor renting to weekend guests and a map showing residents that she and other homeowners contacted who are opposed to short-term rentals. Stein asked that the documents be entered into the record and also said she respectfully requested Supervisor Totheroh recuse himself due to his close friendship with the Lozitos. Supervisor Totheroh said Ms. Lozito taught his daughter and he knows Mr. Lozito through his volunteer work at the high school. Stein said she didn’t think Aspendell residents were being represented by the section of zoning code that aims to “protect residential properties from ... deleterious influences,” nor were any of them made aware that short-term rentals would be allowed in their community. She also said allowing the vacation rental would impact housing availability for residents. Supervisor Griffiths asked whether the same couldn’t be said of second homes owned by part-time residents. Supervisor Totheroh asked whether Stein had specific concerns related to the conditions of Mr. Lozito’s permit or broad objections to short-term rentals. She asked who would be enforcing the conditions of the permit. Supervisor Totheroh explained the process as outlined in County Code, and said residents will have to call and report violations, but not regulate anything.

Barbara Billings, an Aspendell resident since 1981, spoke about concerns related to non-hosted short-term rentals in general, including risks to public safety and threats to wildlife when professional emergency responders cannot respond and with renters more likely to enhance those risks because they are ignorant about the area, engage in irresponsible behavior, experience health issues due to the high elevation and dehydration, improperly dispose of their garbage, and bring noise and traffic. She said short-term rentals will affect Aspendell property values and the quality of life for residents, and there is no sound justification for allowing them when there are commercial options available elsewhere. She said she worried about housing availability in Inyo County and did not want to see Aspendell homes being used for income generation. She said she supported the restrictions put forth by the Lozitos but said not everyone follows the rules. Supervisor Totheroh asked whether she was aware that long-term rentals are subject to no restrictions whatsoever. Supervisor Kingsley asked who these renters are that are leaving trash around Aspendell. Billings said they are most likely from unpermitted short-term rentals. Supervisor Kingsley asked whether she reported this violation and she said her neighbor did because he is a full-time resident. Supervisor Kingsley said everyone has a responsibility to report unpermitted short-term rentals whether they live in a community part of the year or full-time. Supervisor Totheroh clarified that there is one short-term rental already permitted in Aspendell right now and 5 others that may also be operating – though one is believed to be long-term and with the others it cannot be proven whether the visiting vacationers are renters or friends or relatives of the homeowners.

Mr. Lozito said he believed people are inappropriately trying to rationalize ideas to advocate for a ban on short-term rentals and this is not the place for that conversation.

Earl Wilson of Lone Pine said the problem seems to lie with non-hosted short-term vacation rentals, when the property owner is not there at the time of the rental. He also questioned how the County can prove that people staying on a property are the homeowners’ friends or

relatives and not customers.

Betty Miller, an Aspendell resident since 2002, said Aspendell residents did not have the opportunity to voice their concerns about short-term rentals prior to the Board adopting its ordinance because the Board did not seek their input. She said there were no scoping meetings held in Aspendell on issues that significantly affect their property values and quality of time in Aspendell. She said Supervisor Totheroh wanting to hold a meeting with homeowners now is too little, too late, and they oppose these rentals and feel blind-sided by them. Supervisor Griffiths said the County held 5 workshops in different parts of the county, several workshops during Board meetings and at the Planning Commission level, and all of them were publicly advertised. He said short-term rentals were a lengthy and controversial topic that included a lot of public outreach and input so he takes exception to the assertion this hasn't been a thorough public process. Supervisor Totheroh said he additionally called individual residents in Aspendell to let them know so they could spread the word.

Gary Rainwater of Aspendell said there is a lot more opposition to the Lozitos' proposal beyond those living within the 300-foot notification zone. He said he is concerned about the commercialization of Aspendell and a changing buyer profile, and would not like to see buyers changing the feel of the community.

Kerry Lozito said she finds it ironic that people who are largely absentee homeowners want to prevent them from paying their property taxes through short-term rentals. George Lozito said he spoke with 4 or 5 other homeowners who are in support of their short-term rental. Kerry Lozito said she and her husband plan to rent maybe once or twice a month and will have the time to selectively choose renters and convey to them the importance of peace and quiet in the neighborhood.

Jan Almquist, speaking as a resident of Aspendell, said she supported the rental. She also said, as a former deputy county counsel for Inyo County, she understands the intensive public process the County went through in approving its short-term rental ordinance. She said all of this was publicized but as citizens it is their duty to also find out what their government is doing. Almquist added that having an ordinance that regulates short-term rentals is a plus, and the conditions the Lozitos proposed and agreed to are above and beyond what the ordinance requires. She said she supported denial of the appeal without additional restrictions, and said she knows Aspendell residents will be vigilant in reporting any violations and has faith the Planning Commission will continue to look at each permit thoroughly.

Betty Miller said while the public meetings and hearings may have been in the newspaper and on the County website, she would have expected a notice or email notifying the second homeowners who live out of the area of the possibility of short-term rentals in Aspendell.

Jan Almquist, speaking now as the president of the Homeowners Association, said Supervisor Totheroh did reach out while the ordinance was being proposed in search of someone to notify homeowners.

The Chairperson closed the public hearing at 12:09 p.m.

Supervisor Totheroh said he was hearing opposition to the concept of short-term rentals in general, after the Board has already put regulations in place to allow them. He said the County held meetings not in every community with 60 or so residents but in major population centers, and he is not seeing anything in the spate of protest letters that already didn't arise during those public meetings and was already considered by the Board. He said he heard nothing today that would indicate the Lozito proposal is improper or out of line with the County ordinance.

Supervisor Tillemans said he voted in favor of short-term rentals, despite the inclusion of non-hosted rentals, because regulated vacation rentals are better than unregulated, illegal rentals. He said he is impressed with the way the Lozitos have handled themselves and their efforts to address neighborhood concerns, and saw them as responsible homeowners who deserve the opportunity available to them.

Supervisor Kingsley said he found some of the residents' comments offensive in that they can be interpreted to mean there is no room for outsiders in their like-minded community, and these

outsiders are being characterized as automatically ignorant and irresponsible. He also said it is unreasonable to expect a Supervisor to contact absentee or second homeowners when the Board makes a change to a countywide ordinance, even after a widespread public outreach effort inviting concerns and feedback, and an effort by Supervisor Totheroh to contact key community members to spread the news. He encouraged residents being impacted by suspected illegal short-term rentals to file complaints with the Planning Department, and said he shared concerns about the commercialization of neighborhoods and hoped to address them when the Board revisits the ordinance. He also said he anticipated good oversight of the Lozitos and noted he is not afraid to recommend rescinding permits that are in violation of the rules.

Planning Director Cathreen Richards reviewed for the Board the process by which complaints are received and reviewed.

Supervisor Griffiths said he shares Supervisor Tillemans' concerns about non-hosted rentals because of their impact on affordable housing stock, but said the ordinance as it stands is protective of and responsive to neighbor concerns and he doesn't think issues with affordable and/or workforce housing apply in this situation. He said the Lozitos have added responsible rules and regulations to their application and the County has a system in place for dealing with complaints and violations.

Chairperson Pucci said he agrees with the rest of the Board, noting there were other residents from Aspendell at some of the meetings preceding the Board's adoption of the short-term rental ordinance, which is not perfect but does establish guidelines and regulations for something that was totally unregulated before. He said he shares concerns about non-hosted rentals but this is not the time for that discussion and believes the Lozitos have met all the requirements under the ordinance and even added conditions to address neighbor concerns.

Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to deny Appeal No. 2019-03/Robert Steele. Motion carried unanimously.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 12:29 p.m. and reconvened the meeting at 12:36 p.m. with all Board members present.

*Water Department –
Direction for OVGA
Representatives*

Dr. Aaron Steinwand requested direction from the Board for the County's Owens Valley Groundwater Authority representatives in advance of the OVGA meeting scheduled for October 10, 2019 in Bishop. Discussion focused on the uncertainty surrounding the future of the OVGA, the development of the Groundwater Sustainability Plan and related grant funding, and the will of the OVGA Board in light of the State Department of Water Resources delayed report containing the possible new prioritization for the Owens Valley Groundwater Basin. The County Board of Supervisors reaffirmed its position that the OVGA needs to make a formal decision sooner rather than later on these issues so as not to jeopardize grant funding or risk putting the GSP behind schedule.

*HHS-Fiscal – CDA
Amendment 1
Ratification*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to ratify and approve Amendment No. 1 to Standard Agreement for Contract Number AP-1920-16 between the County of Inyo and the California Department of Aging (CDA), increasing the overall allocation by \$38,683, for a total contract amount of \$886,221; and authorize the HHS Director to sign the Standard Agreement Amendment. Motion carried unanimously.

*Sheriff – OHV Grant
Budget Amendment*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to amend the Fiscal Year 2019-2020 OHV Grant Budget (Budget Number 623519) as follows: increase estimated revenue in State Grants (Revenue Code 4498) by \$21,207.00 and increase appropriation in General Operating (Object Code 5311) by \$1,207 and Vehicles (Object Code 5655) by \$20,000 (4/5ths vote required). Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

*Sheriff – Adlerhorst
International Sole-
Source/Budget
Amendment*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) amend the Fiscal Year 2019-2020 Sheriff General Budget (Budget Number 022700) as follows: increase estimated revenue in Operating Transfers In (Revenue Code 4998) by \$17,000 and increase appropriations in Travel Expense (Object Code 5331) by \$14,250 and Personnel and Safety Gear (Object Code 5112) by \$2,750 (4/5ths vote required), and make the transfer from the Canine Replacement Trust (Trust Number 502707) Operating Transfers Out (Object Code

5801); C) declare Adlerhorst International of Jurupa Valley, CA, a sole-source provider of K-9 training; and D) ratify and approve purchases during Fiscal Year 2019-2020 from Adlerhorst International of Jurupa Valley, CA in the amount of \$17,000 for K-9 training and training materials, including a blanket purchase order in the amount of \$17,000 for the remainder of the fiscal year. Motion carried unanimously.

**CAO – Workshop on
ESSRP**

CAO Quilter conducted a workshop with the Board on possibly becoming a member of the Eastern Sierra Sustainable Recreation Partnership, and sought any follow-up direction to staff the Board might find necessary. A lengthy discussion ensued between Board members and staff regarding the structure, responsibilities, and goals of the ESSRP, as well as jurisdictional issues and regional collaboration. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to express Inyo County's intent to join the ESSRP and direct staff to negotiate a regionwide cost share agreement. Motion carried unanimously.

Public Comment

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

Earl Wilson commended the Board on its intent to join the Eastern Sierra Sustainable Recreation Partnership, noting that the planned effort to help streamline the permitting process for public lands will be a huge plus.

**Correspondence-
Action – ICA CA Arts
Council Resolution
(#2019-48)**

Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve Resolution No. 2019-48, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California Designating Inyo Council for the Arts as the County's Partner to the California Arts Council," and authorize the Chairperson to sign. Motion carried unanimously, 4-0, with Supervisor Griffiths abstaining.

**Board Member and
Staff Reports**

Supervisor Kingsley reported that the dedication of the Alabama Hills National Scenic Area on Saturday was well attended and well organized, and a great celebration.

Supervisor Griffiths said he participated in a NACo Justice and Public Safety conference call, attended the Inyo Council for the Arts Board meeting, the Inyo National Forest Plan Revision public meeting at Cerro Coso College, a Bishop Chamber of Commerce mixer at DK Woodworks, Southern California Edison's public meeting on Public Safety Power Shutoffs on Thursday, the kickoff to a Bishop City Beautification Effort on Friday, a First Friday Market in Bishop, and the Choo Choo Swap Meet in Bishop and Alabama Hills celebration in Lone Pine on Saturday.

Adjournment

Chairperson Pucci adjourned the meeting at 1:47 p.m. to 8:30 a.m. Tuesday, October 15, 2019 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant