

# MINUTES



# County of Inyo Board of Supervisors

**October 15, 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 October 15, 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.

*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 8:31 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*), which County Counsel Rudolph noted was related to a threat of litigation regarding Portagee Joe Campground; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Inyo County v. Wilder Barton, Inc., Inyo County Superior Court Case No. SICV-CV-1964071; and No. 4 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS** – 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 Leslie Chapman, 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 10:02 a.m. with all Board members present.

*Pledge* Supervisor Griffiths 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.

Sydney Quinn of Big Pine thanked the Board and CAO Quilter after noticing that the brush is getting cleared from Big Pine campgrounds. She also said she was in attendance with Mr. John Louth on behalf of the Friends of Inyo and thanked the Board for its proclamation celebrating the 25<sup>th</sup> anniversary of Death Valley National Park.

John Louth of Bishop thanked the Board in advance for its vote to approve a proclamation commemorating the 25<sup>th</sup> anniversary of Death Valley National Park.

*County Department Reports* Public Works Director Mike Errante gave the Board updates on the Onion Valley Road, Poleta Road culvert replacement, and South Lake Road FLAP projects, and reported on the Part 139 inspection at Bishop Airport.

Planning Director Cathreen Richards reported the County received an invitation from the BLM to be a cooperative agency on the EIS for the Ivanpah Control Project. She said the County had until October 27 to send a letter expressing its interest in accepting the invitation, and it was noted sending the letter would be consistent with past direction from the Board.

Emergency Services Manager Kelley Williams reported on a Department of Water Resources pre-flood season meeting she attended last week, discussions about installing rain gauges above burn areas, the California Public Utilities Commission's review of Phase II of Southern California Edison's wildfire mitigation plans, and the Great California Shakeout this Thursday at 10:17 a.m.

Museum Services Director Jon Klusmire reported that the Slim Princess has returned to Independence and there will be a welcome home party on November 2.

Water Director Dr. Aaron Steinwand reported on last week's Owens Valley Groundwater Authority board meeting.

Chief Probation Officer Jeff Thomson reported that SB 284 was vetoed by the governor.

*Board of Supervisors  
– Proclamation for  
Death Valley National  
Park 25<sup>th</sup> Anniversary*

Supervisor Kingsley introduced and read aloud a proclamation commemorating the 25th anniversary of Death Valley as a National Park. He also noted that Supervisor Griffiths laid some of the groundwork for the proclamation being developed. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a proclamation titled, "A Proclamation of the Board of Supervisors, County of Inyo, State of California, Commemorating the 25<sup>th</sup> Anniversary of the Designation of Death Valley National Park." Motion carried unanimously. Supervisor Kingsley presented the proclamation to Death Valley National Park Management Assistant Abby Wines, who passed along DVNP Superintendent Mike Reynolds' regrets that he could not attend because of a scheduling conflict. Wines also spoke a little about DVNP's history, recent legislation that added additional wilderness to the park, and project updates. She also passed along staff's appreciation for the special working relationship with County staff, and Superintendent Reynolds' appreciation in particular for the excellent communication of Supervisor Kingsley and CAO Quilter. Supervisor Kingsley asked Wines to pass along gratitude to Superintendent Reynolds for the progress on long-standing projects and improvement in communication.

*CAO-Advertising  
County Resources –  
Film Commissioner  
Fall Oral Report*

Inyo Film Commissioner Chris Langley gave his fall oral report on local filming activity.

*Public Works -  
Custodian*

Moved by Supervisor Tillemans 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) Custodian exists in the Building & Maintenance budget, as certified by the Public Works 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 an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Custodian at Range 50 (\$2,917-\$3,548). Motion carried unanimously.

*Road Department –  
Add Equipment  
Mechanic  
Trainee/Delete Road  
Maintenance Worker*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:

- A) Change the Authorized Strength in the Public Works/Road Department by adding one (1) Equipment Mechanic Trainee I/II at Range 50 (\$2,917-\$3,548) to Range 52 (\$3,057-\$3,714 and deleting one (1) Road Maintenance Worker I/II at Range 50 (\$2,917- \$3,548) to Range 52 (\$3,057-\$3,714); and
- B) Find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for (1) Equipment Mechanic Trainee I/II position exists in the Road Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure the qualified applicants apply; and 3) approve the hiring of one (1) Equipment Mechanic Trainee I, Range 50 (\$2,917-\$3,548), or Equipment Mechanic Trainee II at Range 52 (\$3,057-\$3,714), +2 ½% tool allowance, depending on qualifications.

Motion carried unanimously.

*HHS-Behavioral*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve and

<i>Health – Anthem Blue Cross Medi-Cal MOU</i>	authorize the HHS Director and/or Chairperson to sign an MOU with the Anthem Blue Cross Medi-Cal plan, allowing Behavioral Health to utilize an iPad, provided for free by Anthem, for Medi-Cal members to access free telehealth psychiatry, psychology, and other behavioral health services when those Medi-Cal beneficiaries do not meet medical necessity criteria for access to County Specialty Mental Health. Motion carried unanimously.
<i>HHS-Social Services – CWDA Dues for FY 19-20</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize payment to the County Welfare Director's Association (CWDA) for dues for Fiscal Year 2019-2020 in an amount not to exceed \$19,651.00. Motion carried unanimously.
<i>Public Works – No. Inyo Airport Advisory Committee Appointments</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to reappoint Mr. Geoff Pope and appoint Mr. Wayne Sayer each to a four-year term on the Northern Inyo Airport Advisory Committee, ending October 31, 2023. Motion carried unanimously.
<i>Public Works – South Lake FLAP Project Highway Easement Deed</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a Highway Easement Deed for the South Lake Road Forest Lands Access Program (FLAP) Project and authorize the Chairperson to sign. Motion carried unanimously.
<i>Public Works – Birchim Lane Project N.O.C./Reso # 2019-49</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Resolution No. 2019-49, titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Recording of a Notice of Completion for the Birchim Lane Overlay Project," and authorize the Chairperson to sign. Motion carried unanimously.
<i>Road Department – Caterpillar Brushcutter and Angle Broom Purchase</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the purchase of one Caterpillar Inc. Model BRX118 Industrial Brushcutter and one Caterpillar Inc. Model BA25 Angle Broom from Quinn Company of City of Industry, CA in an amount not to exceed \$37,598.82. Motion carried unanimously.
<i>Sheriff – Adamson Blanket P.O.</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize issuance of a blanket purchase order in an amount not to exceed \$22,000, payable to Adamson Police Products of Los Alamitos, CA for miscellaneous law enforcement gear and increase spending authority to \$35,100 through the end of the fiscal year. Motion carried unanimously.
<i>Sheriff – OES Prior-Year Invoices</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize payment to Governor's Office of Emergency Services of State of California for prior-year invoices in the amount of \$1,152 for Radio Maintenance Service. Motion carried unanimously.
<i>Parks &amp; Recreation – Prop 68 Per Capita Grant Funding/Reso # 2019-48</i>	Supervisor Griffiths requested the agenda item be moved from the Consent Agenda to Departmental for discussion. Assistant County Administrator Leslie Chapman explained that Inyo County is eligible for an estimated \$400,000 in per capita funding from Prop 68, and while the application is not due until January 31, a Board resolution is due in November authorizing the submittal of an application. She said one of the requirements of the grant is long-term land tenure and because the County actually has a long-term lease from LADWP for Diaz Lake campground and the water system there needs repair, staff has identified it for use of grant funds. She said that staff can quickly pivot to other identified projects with any leftover funding. Supervisor Griffiths asked whether the resolution was specifically identifying Diaz Lake campground for use of the grant funds, and whether they are on-time funds, and Chapman responded no and yes, respectively. After additional discussion, she also noted that drafts of new campground leases are in the works and the State of the Parks report should be ready by the end of November. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to: A) approve Resolution No. 2019-48, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving Application(s) for Per Capita Grant Funds," and authorize the Chairperson to sign; B) authorize staff to prepare and submit an application for replacement of the Diaz Lake drinking water system; and C) direct staff to return to Board for further direction if there are excess funds available after the Diaz Lake water system is funded. Motion carried unanimously.
<i>CAO-Economic</i>	CAO Quilter introduced Kristi More of The Ferguson Group, the firm with which the County has

*Development –  
Ferguson Group  
Legislative Update*

contracted for federal legislative advocacy services. He noted More worked with staff and the Board last year on a two-year legislative platform and had meetings lined up yesterday and continuing today with Department Heads and Board members as a follow-up to that process. More explained she was checking in with Department Heads and Board members to get an update on legislative funding priorities one year into the two-year platform and agenda, and over the last six months has been developing a list of individual programs to pursue in accordance with the platform and agenda. She said she is also working on an economic and demographics report for Inyo County that compares it to the surrounding region and state, and can be used to augment conversations in support of the county. More also provided an update on legislative issues relevant to the County, including the USFS budget and renewal of PILT and SRS programs.

*CAO-Advertising  
County Resources –  
CPSP Grant  
Guideline Changes*

Museum Services Director Jon Klusmire introduced to the Board what he called a fairly substantial revision of the guidelines and processing for Community Project Sponsorship Program grants to streamline and make the process less onerous from an administrative standpoint and for applicants, and to reduce the amount of paperwork involved. He said the biggest changes are giving the recipients of the grants 100% of the funds upon execution of the contracts, instead of first receiving a portion and then having to produce invoices and receipts after the event to receive the remaining contract amount, and requiring a short oral report to the Board after the event or program has concluded describing its benefit to the community. He said staff is confident in recommending the changes because of the track record of the grant recipients and program itself, which has awarded more than \$1 million so far without a hint of any impropriety. Chairperson Pucci expressed concern that some of the small non-profits might inadvertently find themselves on the wrong end of an audit through no fault of their own. Assistant County Administrator Leslie Chapman explained the guidelines will still require grantees to keep all receipts, and advises them they are subject to an audit if necessary. She said if they cannot justify an expense, depending on how egregious the instance, they might have to refund the money. She said the idea is to make the process easier for small non-profits and provide them the funding upfront so they're not scrambling to stage their community events. Auditor-Controller Amy Shepherd explained she is comfortable with the recommendation because of the track record of the grant recipients and auditing caveat. Supervisor Griffiths said he supports delivering all of the money at once, but does not understand why the County would not require the grant recipients to turn in receipts showing how they spent the money. Kathleen New, executive director of the Lone Pine Chamber of Commerce, said she supports the reduction in paperwork and receipt of 100% of money in advance of their events/programs. Supervisor Griffiths continued discussions about the need for accountability and transparency with expenditure of taxpayer money, and noted that a simple accounting of how and what the grant money was spent on does not add undue burden. The Board ultimately came to consensus. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the changes to the Community Project Sponsorship Program Grant Guidelines, with the requirement that that the fishing derby grant recipients still fill out applications indicating how they'll spend the grant money, and that the competitive grant recipients provide an accounting of how their money was spent as part of their final report, in a public document. Motion carried unanimously.

*Recess/Reconvene –  
Capital Asset  
Leasing Corporation*

The Chairperson recessed the Board of Supervisors meeting at 12:05 p.m., to convene as the Capital Asset Leasing Corporation to conduct the Corporation's annual meeting (separate minutes to be approved at next Corporation meeting). The Chairperson reconvened the Board of Supervisors meeting in open session at 12:10 p.m., with all Board members present.

*Recess/Reconvene*

The Chairperson recessed the meeting for lunch at 12:10 p.m. and reconvened the meeting at 1:01 p.m. with all Board members present.

*Planning – Short-  
Term Rental  
Ordinance Workshop*

Planning staff conducted a workshop with the Board on short-term rentals, reviewing staff's recommendations for changes to Inyo County Code Chapter 18.73 Short-term Rental of Residential Property and soliciting comments and direction from the Board in order to move forward with updates to Chapter 18.73. Planning Director Cathreen Richards reviewed the background and history of short-term rentals in Inyo County, including the lengthy process that led to the Board adopting an ordinance to allow for and regulate the rentals and then, in April and May, directing staff to evaluate a number of issues such as tightening up enforcement and noticing requirements, introducing possible business licenses, and creating clearer definitions for non-hosted versus hosted short-term vacation rentals. Richards reviewed for the Board

staff's recommended changes to County Code to address these issues and the Board's related concerns about impacts to the character of residential neighborhoods, losing affordable housing stock and speculative home purchases. Staff recommendations included:

- adding a fine for non-permitted rentals of "no less than the dollar amount of the rental rate of the property for each day the short-term rental is advertised and/or operated ...;"
- requiring a sign be posted outside of the rental that's visible from the street with the address number of the rental;
- requiring a deposit for the County's costs to mail notices of applications received for hosted and non-hosted permits and for the permits that have been granted, to property owners and neighbors within 300 feet of the subject property;
- changing the title of the Neighborhood Agreement Form to Neighborhood Notification Form and requiring it for both hosted and non-hosted rentals;
- requiring applicants to share a copy of the short-term rental rules with each neighbor contacted; adding an annual review of the permit by the Planning Director;
- adding a penalty that three or more violations in a year trigger automatic revocation of a short-term rental permit;
- tying the permit to the owner/applicant at the time of the Planning Commission's approval, rather than the property;
- changing the definition of owner to remove the 20% interest clause;
- removing the requirement that an applicant must possess a hosted rental permit to apply for a non-hosted permit;
- restricting short-term rentals to no more than one parcel with a common owner; and
- allowing hosted rentals in Multiple Residential (R2) zones.

The Board and staff engaged in a lengthy discussion about the proposed changes, as well as the current status of short-term rentals in Inyo County, where it's been determined there are 5 short-term rentals operating without a permit and staff is in the process of bringing them into compliance.

The Chairperson asked for public comment. Cherisse Rudolph of Bishop said she has one of the first non-hosted permitted short-term rentals in the County, and supports most of the changes being proposed by staff, but asked the Board to reconsider the one-parcel rental limit, as she is interested in renting her current permitted property long-term to her son and finding a different property elsewhere in the County from which to operate short-term rentals.

The Board went through staff's recommendations one by one. The Board reached consensus to support staff continuing to review short-term rentals in the county rather than hire a professional firm again; tightening up regulations to include the daily fines; requiring posting outdoor signage; requiring applicants to go door to door notifying neighbors of their intent to apply for either a hosted or non-hosted permit and for staff to send mailers about both; the Planning Director's annual review; and continued issuance of Conditional Use Permits rather than creating business licenses. With regard to possibly extending short-term rental permits to yurts, RVs, and other transient facilities as Supervisor Griffiths requested be explored, staff said they will continue to look into it. Regarding the removal of the requirement for a hosted permit in order to apply for a non-hosted permit, Board members indicated their support as long as it limited the amount of properties a person can rent from, in order to prevent speculators from buying up housing stock. Supervisor Tillemans said he has never supported non-hosted rentals but restricting all short-term rentals to one property per owner could help mitigate the problems they create. Supervisor Griffiths noted his goal from the start was to allow people to supplement their incomes while providing visitors with the short-term rental vacation experience, but not adding to the housing shortage. Discussion continued, with the Board deciding to support the one-parcel restriction and allowing homeowners to still rent granny units on the same property as long as a designated representative of the homeowner is present (effectively eliminating non-hosted permits). The Board also decided to support the addition of short-term rentals in R2 zones but only – at the suggestion of Supervisor Totheroh – in the main residence. Supervisor Tillemans said this solution preserves affordable housing stock while also extending the same opportunity for supplemental income to R2 homeowners. Staff was directed to return with a draft ordinance incorporating the changes discussed above.

### *Recess/Reconvene*

The Chairperson recessed the meeting for a break at 2:58 p.m. and reconvened the meeting at 3:05 p.m. with all members present.

<i>Recess/Reconvene – Board of Equalization</i>	The Board of Supervisors recessed at 3:06 p.m. and reconvened as the Board of Equalization (separate minutes to be approved by the Board of Equalization at its next meeting). Chairperson Pucci adjourned the BOE meeting at 3:14 p.m. and reconvened the meeting of the Board of Supervisors.
<i>HHS- Health/Prevention – Sierra HOPE MOU</i>	Moved by Supervisor Totheroh and Supervisor Griffiths to ratify and approve the Memorandum of Understanding (MOU) between the County of Inyo and Sierra HOPE for the purpose of assisting Inyo County HIV positive clients in accessing Housing Opportunities for People with AIDS (HOPWA) assistance for short term emergency financial assistance with rent, mortgage or essential utilities, for the period of July 1, 2019 through June 30, 2022 and authorize the Chairperson to sign the MOU and HIPAA Business Associate Agreement. Motion carried unanimously.
<i>Sheriff – Budget Amendment/ American Security Group Purchases</i>	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to amend the Fiscal Year 2019-2020 Jail Security Budget (Budget Number 022706) as follows: increase estimated revenue in Operating Transfers In (Revenue Code 4998) by \$10,000 and increase appropriations in Professional Services (Object Code 5265) by \$10,000 ( <i>4/5ths vote required</i> ); and authorize the Auditor to make the transfer from the Sheriff AB443 Trust (Trust Number 502709) Operating Transfers Out (Object Code 5801); and B) approve purchases during Fiscal Year 2019-2020 from American Security Group of Vista, CA in the amount of \$52,344 for Jail Security server upgrades, replacement and maintenance, including a purchase order in the amount of \$39,940 to upgrade and replace the Jail Security Servers. Motion carried unanimously.
<i>Personnel – MOU with DSA</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify and approve the July 1, 2019-June 30, 2022 Memorandum of Understanding between the County of the Inyo and the Deputy Sheriff's Association (DSA). Motion carried unanimously.
<i>CAO – Surplus L.A.- Owned Property</i>	CAO Quilter reported that the Los Angeles Department of Water and Power notified the County via letter on October 8 that it proposed auctioning off several parcels of City of Los Angeles-owned property, and was inquiring, pursuant to City Code, whether the County was interested in purchasing any of the parcels first, and needed to respond with a letter of interest by October 25. CAO Quilter noted the locations of the parcels but said at this time it was unknown under what terms and by what process any sale would occur as he has been unable to follow-up with LADWP staff. He said he circulated the letters and maps from LADWP to County department heads with a request to determine whether the parcels might further any business needs of the County. He said, preliminarily, it appeared the parcel adjacent to the Ag Building on Wye Road in Bishop, the property where the Pines Café sits in Independence, and the parcel next to the drug store in Lone Pine have been identified as possibly useful to the County. He said staff had not yet formulated a recommendation. The Board directed CAO Quilter to respond to LADWP by October 25 and to get more information on possible restrictions on the purchases and pricing.
<i>Clerk of the Board – Fish &amp; Wildlife Commission Appointments</i>	The Assistant Clerk of the Board introduced the agenda item, explaining the recruitment process that resulted in more than one letter of interest for one of the three vacancies advertised. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to reappoint Mr. Doug Brown to the Inyo Fish & Wildlife Commission to complete a four-year term ending October 6, 2023; B) appoint Mr. Warren Allsup as an alternate to the Inyo Fish & Wildlife Commission to complete a term ending October 6, 2021; and C) reappoint Mr. Steve Ivey to a four-year term expiring October 6, 2023. Motion carried unanimously.
<i>Clerk of the Board – Approval of Minutes</i>	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the minutes of the regular Board of Supervisors meeting of October 1, 2019. Motion carried unanimously.
<i>Public Comment</i>	Chairperson Pucci asked for public comment during the final public comment period and there was no-one wishing to address the Board.
<i>Board Member and Staff Reports</i>	Supervisor Kingsley reported having a meeting with a company about water in the Indian Wells Valley and attending Lone Pine Film Festival festivities.  Supervisor Tillemans reported attending last week's Owens Valley Groundwater Authority meeting.

Supervisor Griffiths reported attending last week's OVGA meeting, the Bishop Chamber of Commerce volunteer appreciation dinner, the Eastern Sierra Council of Governments and Eastern Sierra Transit Authority meetings, and the Community Art Days in the Parks in Lone Pine and Big Pine, and said he would be attending an Eastern Sierra Sustainable Recreation Partnership meeting in Bishop on Thursday.

CAO Quilter said he will be attending a California Association of County Executives meeting in Carmel the rest of the week.

*Adjournment*

Chairperson Pucci adjourned the meeting at 3:41 to 8:30 a.m. Tuesday, November 5, 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*