

MINUTES



County of Inyo Board of Supervisors

November 19, 2019

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:36 a.m., on November 19, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Jeff Griffiths, and Matt Kingsley. Absent: Mark Tillemans.

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 8:36 a.m. to convene in closed session with all Board members present to discuss the following items except Supervisor Tillemans: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to potential litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (*one potential case*); and No. 3 **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, and Assistant County Counsel John Vallejo.

Open Session Chairperson Pucci recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present except Supervisor Tillemans, who was absent.

Pledge Supervisor Totheroh 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.

Supervisor Kingsley announced that Earl Wilson of Lone Pine is in critical condition at Renown Hospital in Reno. He said not much is known about the situation, and community members are trying to locate his family.

County Department Reports Ag Commissioner Nate Reade reported that Inyo County won a Merit Award in the CSAC Challenge Awards contest for its commercial cannabis permitting program. He noted that Inyo County was one of 27, out of 284 entries, to be recognized, and said the program was the result of a team effort between his department, Administration, County Counsel, Planning, Public Works, Environmental Health and the Sheriff's Office and involved a lot of community outreach. He said more and more counties are modeling their programs after Inyo's.

Chief Probation Officer Jeff Thomson distributed to the Board an outline on the Elevate Justice Act from the Chief Probation Officers of California and said Inyo County is ahead of the curve with regard to several of the proposed initiatives.

HHS Director Marilyn Mann said her department has been working with the EMS provider community on attracting and recruiting EMTs, and announced an onsite registration at the Big Pine Fire Department this Thursday.

Public Works Director Mike Errante provided an update on the Dolomite Loop project and reported on the plane that emergency landed on Poleta Road and has been left there by the owner for 28 days.

CAO Quilter reported that the lease holder for the Consolidated Office Building is wrapping up the financing for the project, permit requests have been submitted to the City of Bishop, and the County can expect to see a spring groundbreaking.

Public Comment

Chairperson Pucci reopened the public comment period.

Retiring IMACA Executive Director Charlie Broten introduced to the Board successor as of December, Bob Hughes, who said he looked forward to working with everyone.

Presentation – RCRC Ceremonial Check

Rural County Representatives of California (RCRC) Vice President of External Affairs Justin J. Caporusso presented to the Board a ceremonial check in the amount of \$61,500, which was raised for the County of the RCRC Chair at the Annual RCRC Conference's basket dinner raffle in September. He said more than 225 people were in attendance at the dinner and helped bring in \$180,000 worth of sponsorships. He said he had the opportunity last night at the Inyo Associates meeting to present individual checks to the five organizations selected by the RCRC Chair, Supervisor Kingsley, to benefit from the donations: Southern Inyo Fire Protection District, Health Communities of Southern Inyo County, Southern Inyo Hospital Salvation, Lone Pine Future Farmers of America, and United Methodist Ministries. Supervisor Griffiths noted that the latter organization receives no grant funding and the donation it received will feed community members in need for at least six months. Supervisor Kingsley added that Southern Inyo Fire Protection District will be using their contribution on equipment.

Item Pulled

The Chairperson announced that the following item is being pulled from today's agenda at the request of the department head and will be brought back for approval at a future meeting:

9. Child Support Services – Request Board:

- A) Find consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for the requested position exists in the non-general Child Support fund, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; 2) the position could be filled by internal recruitment; however, an open recruitment would be more appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Child Support Attorney I-III, Range 81-86 (\$5,806 - \$8,302), depending upon qualifications;
- B) Change the authorized strength within the Child Support Department by deleting one (1) Child Support Supervisor, Range 72, and one (1) Child Support Officer I, Range 57; and
- C) Reclassify the Administrative Analyst II, Range 70 (\$4,660 - \$5,668), to a Program Manager, Range 74 (\$5,121 - \$6,225).

Planning – Associate Planner

Moved by Supervisor Griffiths 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) Associate Planner exists in the General Fund, as certified by the Planning 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; C) approve the hiring of one (1) Associate Planner at Range 74 (\$5,121 - \$6,225). Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Public Works – Onion Valley Rd. N.O.C./ Reso # 2019-53

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Resolution No. 2019-53, 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 Onion Valley Road Storm Damage Repair Project," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Road Dept. – Perry Motors Bid Award & Vehicle Purchase

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare Perry Motors, Inc. of Bishop, CA the successful bidder for three (3) mid-sized 5-passenger utility AWD vehicles per Bid No. OCT-2019-SUV; and B) authorize the purchase of

three (3) 2020 Toyota Rav4 LE AWD (model #4432) vehicles from Perry Motors, Inc. of Bishop, CA in an amount not to exceed \$82,009.23. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Sheriff – Office Depot
Purchasing Increase*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to authorize an increase of Sheriff's Office purchasing authority with Office Depot of Los Angeles, CA by \$20,000, to a total not-to-exceed amount of \$30,000, for the purchase of office supplies and furniture. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Water Dept. – 2018-
2019 LORP Annual
Accounting Report*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the 2018-2019 Lower Owens River Project (LORP) Annual Accounting Report. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Sheriff –
BVG Grant Awards
Ratification*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify approval of the Bulletproof Vest Grant for 2018 in the amount of \$12,401.46 and the 2019 grant award for \$5,460.70. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*HHS-Behavioral
Health –
Dr. Goshgarian
Contract Ratification*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths ratify and approve a contract between Inyo County Health and Human Services – Behavioral Health Division and Dr. Goshgarian in the amount of \$20,000 for November 1, 2019 through June 30, 2020, for the purpose of coordinated SUD services between County Substance Use Disorder counseling and the Medication Assisted Treatment Program at the NIHD RHC, and authorize the HHS Director to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*County Counsel –
Urgency
Ordinance 1247
(Renter Evictions)*

County Counsel Rudolph introduced for the Board's consideration two ordinances to address concerns about evictions of local renters in advance of the Tenant Protection Act going into effect January 1: an urgency ordinance that would immediately apply the exact same provisions outlined in the state law until January 1; and a regular ordinance with the same provisions that won't take effect until December 26. He said an urgency ordinance can be adopted by 4/5th vote if there is a need to protect public peace, health, and safety. He noted the recommendation is for the Board to also adopt the regular ordinance if it chooses to adopt the urgency ordinance, in case the urgency ordinance is ever challenged. He said whether the regular ordinance will help anyone in the community during the six days it is in effect is unknown, and the Board could decide to adopt neither, both, or just one.

Deputy County Counsel Grace Chuchla reviewed the ordinance provisions and the Tenant Protection Act. She said the proposed ordinance(s) do not address the issue of rent control, only tenant evictions, and neither the ordinance(s) nor state law bar all evictions, only those found to be without cause. She said the proposed ordinance(s) could be invoked by any tenant, depending on the circumstances of their situation, who has received a Notice to Vacate but is still in possession of tenancy. Regarding the issue of urgency, she said there is a documented unmet need for affordable housing in the Bishop area, with IMACA reporting wait lists for its two affordable housing units of 23 households and 32 disabled/senior residents. For the record, County Counsel Rudolph noted two corrections to the ordinance(s), on page 5 and on the last page.

Supervisor Griffiths explained the County is not considering rent control but specifically addressing an unintended consequence of state law that has people being evicted from their homes the week before Christmas with very few housing options available. He said in terms of addressing only eviction and those landlords who are trying to get around the Tenant Protection Act, he believes adopting the urgency ordinance is fair, and does not see a need for the regular ordinance. Supervisor Kingsley said the state has put the County in this position with the law's unintended consequences and any unintended consequences of the urgency ordinance itself are unknown, but he would reluctantly support its adoption. Charles Broten, outgoing executive director of IMACA, and his predecessor, Bob Hughes, confirmed that they have been working with tenants from one of the apartment buildings doing evictions and have been able to find housing for 5-6 people but there are still 37 individuals with no place to go. They said the urgency ordinance would help give IMACA extra time to find alternative housing for them. Supervisor Griffiths said he hoped it was clear that even if the Board adopted the urgency ordinance, it won't solve everyone's problems or provide long-term solutions. Supervisor Totheroh said he wasn't sure the non-urgency ordinance would provide any relief, and supported the urgency ordinance as a way of delaying evictions in the cold winter and/or

providing relocation fees. Chairperson Pucci said lack of affordable housing is a huge issue, but the matter at hand is providing a stop gap for renters until the state law takes effect – not rent control. He said he supported the urgency ordinance only in order to get the state regulations in place prior to Jan. 1.

Additional discussion followed about the work IMACA and Health and Human Services are doing to provide housing assistance, and where and how residents can find this assistance. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to introduce, read title, waive further reading, and enact a proposed ordinance titled “An Urgency Ordinance of the Board of Supervisors, County of Inyo, State of California, adding Chapter 7.72 to the Inyo County Code, Pertaining to the Eviction of Tenants from Residential Real Property” (4/5th vote required). Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the minutes of the regular Board of Supervisors meeting of November 5, 2019. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Ag Commissioner –
Ordinance 1246
(Cannabis Delivery
Licenses)*

Ag Commissioner Nate Reade brought forward for approval a proposed ordinance to add non-storefront delivery retail cannabis licenses to certain zones in the County. He noted that last week the Board allocated a certain number of licenses to the zones where delivery is allowed by the zoning code, and also waived the first reading of the ordinance. Chairperson Pucci asked if there was anyone from the public who wished to speak on the matter. Steve Foster of Bishop said he has been waiting for delivery-only licenses to be approved in Inyo County and added they will be a benefit for people who are not willing or able to go to a dispensary. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) find exempt from CEQA, pursuant to the common-sense exemption and Business and Professions Code Section 26055, amendments and additions to the Inyo County Code to add "non-storefront retail" as a type of licensed commercial cannabis activity; and B) approve an ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 5.40.070 of the Inyo County Code," that authorizes "non-storefront retail" as a type of licensed commercial cannabis activity. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Ag Commissioner –
Cannabis Business
License Fee/
Reso # 2019-54*

Ag Commissioner Nate Reade brought forward for approval a resolution to set the business license application fees for all commercial cannabis license types at \$2,700. He said a second analysis determined the cost to the County to process the applications is pretty much the same amount for all licenses and staff determined it would be better to set a flat fee than to keep adding license types and corresponding fees to the County Code. Chairperson Pucci said Inyo County's fees were and still are extremely reasonable when compared to other counties. The Chairperson opened the public hearing at 11:34 a.m. and, with nobody wishing to speak on the matter, closed the public hearing at 11:34 a.m. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve Resolution No. 2019-54, titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California Adopting Commercial Cannabis Business License Application Fees," and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Planning – Ordinance
1248 (Cannabis
Delivery Licenses)*

Planning Director Cathreen Richards brought forward for approval a proposed ordinance to amend the Inyo County zoning code to allow for non-storefront commercial cannabis delivery as a conditional use in the General Commercial, Heavy Commercial and Light Industrial zones in the county. She said the Planning Commission reviewed the proposed ordinance and held a public hearing, with no substantive issues being raised. The Chairperson opened the public hearing at 11:40 a.m. Roger Derryberry, owner of commercial property in the Bishop area, said the ordinance is appropriate, since there are people interested in opening non-storefront retail businesses and would appreciate customers not coming to their property, as well as people who might not be comfortable buying cannabis at a storefront. The Chairperson closed the public hearing at 11:42 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) approve Resolution No. 2019-55, titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Finding the Proposed Project Zone Text Amending No. 2019-02 Inyo County Exempt from the Requirements of the California Environmental Quality Act;” and B) introduce, waive further reading of and enact a propose ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 18.06.182, 18.78.360, 18.45.030, 18.49.040, and 18.56.040 of the Inyo County Code." Motion carried unanimously 4-0, with Supervisor Tillemans absent.

Board Member and Staff Reports

Supervisor Kingsley reported attending the Inyo Associates meeting last night, and attending an RCRC Executive Committee meeting last week.

Supervisor Totheroh reported attending last week's Owens Valley Groundwater Association meeting.

Supervisor Griffiths said he attended last week's City Council meeting; participated in the Blood Drive in Bishop; was the speaker at the Bishop Chamber of Commerce's monthly luncheon; attended meetings of the Child Care Planning Council, CSAC homelessness task force, Owens Valley Groundwater Association, and Local Agency Formation Commission; and participated in a conference call with the California Cannabis Authority.

County Counsel Rudolph reported he had been summoned for jury duty tomorrow.

Recess/Reconvene for Lunch

The Chairperson recessed the meeting for lunch at 11:53 a.m. and reconvened the meeting at 1:30 p.m. with all Board members present except Supervisor Tillemans, who was absent.

Recess/Reconvene – Board of Equalization

The Chairperson recessed the Board of Supervisors meeting at 1:30 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 1:54 p.m. and reconvened the meeting of the Board of Supervisors.

Public Comment

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

Adjournment

Chairperson Pucci adjourned the meeting at 1:55 p.m. to 8:30 a.m. Tuesday, November 26, 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