

MINUTES



County of Inyo Board of Supervisors

July 19, 2022

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on July 19, 2022 in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present per California Assembly Bill 361: Chairperson Dan Totheroh, presiding, Jeff Griffiths, Matt Kingsley, and Jennifer Roeser. Also present: County Administrator Leslie Chapman, Assistant Clerk of the Board Darcy Ellis, Office Clerk Hayley Carter, and County Counsel John-Carl Vallejo. Partially absent: Rick Pucci.

- Closed Session* The Chairperson asked for public comment related to Closed Session items and no one requested to speak.
- Public Comment*
- Closed Session* Chairperson Totheroh recessed open session at 8:30 a.m. to convene in closed session with all Board members in attendance except Supervisor Pucci to discuss the following item(s): No. 2. **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 Leslie Chapman, Assistant County Administrators Sue Dishion and Meaghan McCamman, Deputy Personnel Director Keri Oney, County Counsel John-Carl Vallejo, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson; No. 3 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: Water Director; and No. 4 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Government Code §54957** – Title: County Administrator.
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:10 a.m. with all Board members present, including Supervisor Pucci.
- Pledge of Allegiance* Office Clerk Carter led the Pledge of Allegiance.
- Report on Closed Session* County Counsel Vallejo reported that no action was taken during closed session that is required to be reported.
- Public Comment* Chairperson Totheroh asked if there was any public comment pending for items not calendared on the agenda.
- Public comment was made by Lauralynn Hundley and Spencer McNeal.
- County Department Reports* Environmental Health Director Jerry Oser updated the Board on his department's progress with annual retail food operations inspections. He added he'll be giving a presentation on micro-enterprise home kitchens on August 2.
- Public Works Director Mike Errante reported that staff is working to bring some components back online at the Bishop Landfill after a lightning strike last week.
- Assistant HHS Director Anna Scott gave an update on COVID, noting increased case activity that has been impacting the County workforce. She also reviewed prevention recommendations.
- The Assistant Clerk of the Board read aloud an update from Emergency Services Manager Mikaela Torres on the Fairview and Ft. Independence fires.

*Proclamation –
Probation Services
Week 2022*

Moved by Supervisor Griffiths and seconded by Supervisor Roeser to approve a proclamation declaring July 17-23, 2022 as Probation Services Week in Inyo County. Motion carried unanimously.

*PW-Building & Safety
– Fee Waiver/Reso #
2022-25*

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to approve Resolution No. 2022-25, titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Certain Fees to Assist with Recovery from the Fairview Fire" and authorize the Chairperson to sign. Motion carried unanimously.

*Treasurer-Tax
Collector – TOT
Discussion &
Direction*

Treasurer-Tax Collector Alisha McMurtrie presented a PowerPoint slideshow to the Board that featured the results of her recent "road tour" throughout Inyo County to gauge voter interest in supporting an increase of the Transient Occupancy Tax (TOT) from 12% to 14%; and levying the tax on campgrounds and RV parks. Citizens were also asked for their opinions on the Board rescinding the operator allowance, which is within the Board's purview and would not have to go on the ballot. She said public comment and survey results at the public meetings revealed most participants did not support a TOT increase but did support extending TOT collection to campgrounds and RV parks. She said the number 1 comment explaining lack of support for the increase was bad timing due to current COVID-related economic conditions and inflation. The Treasurer-Tax Collector told the Board she does not have a dog in the fight, but does believe imposing the same TOT tax on campgrounds and RV parks that motels have long been paying is a matter of equity. She sought direction from the Board as to whether the TOT increase and campground questions should be placed on the November ballot.

The Chairperson asked for public comment, which was made by Spencer McNeal, opposing the TOT increase and removal of operator allowance; David Tanksley, opposing any tax increase; Doug Brown, opposing the tax increase and extension to campgrounds and RV parks; Doug Thompson, supporting the levy of TOT on campgrounds and RV parks; Jaque Hickman, opposed to the tax proposals; and Ariel Willey, who said she was only willing to support the tax proposals with assurance that the tax revenue be directed back to the tourism industry.

Lengthy Board discussion ensued. Supervisor Kingsley said he was not in favor of increasing the TOT tax, but did think it was fair to levy the TOT on campgrounds and RV parks. He also proposed rescinding the operator allowance and putting that 4% in a trust from which it can be reinvested in the areas where it was collected.

Supervisor Griffiths noted that none of the proposals directly affect his constituents since his district covers the City of Bishop, where there is already a 14% TOT on motels/hotels, but he did agree with Supervisor Kingsley: now is not the time to raise TOT and campground/RV park guests should be paying the tax since they use the same county services that motel/hotel guests do (e.g., law enforcement, Search and Rescue, waste disposal, county roads).

Supervisor Roeser said the timing of any increase is terrible, with unprecedented inflation and Forest Service concessionaires losing business due to fire danger shutdowns. She also noted that a lot of locals stay in campgrounds, and dispersed campers would not be subject to the tax. She said the more visitors have to pay for accommodations and gas, the less they'll spend on various other local products and services. She said she did like the idea of putting the operator allowance in a trust.

Supervisor Pucci said he also didn't like the timing of this, and was not in favor of raising the TOT or levying it on campgrounds and RV parks. He said the County should at least have a plan in place for fixing its campground facilities first.

Chairperson Totheroh said he is not convinced an extra \$1 or \$2 in campground fees would deter visitors, but said the County should also be careful not to encourage dispersed camping. He noted the County is maintaining a lot of roads that used to be maintained by the Forest Service, and its costs are increasing along with everyone else's. He said he wanted to hear more about the benefits and drawbacks of putting the operator allowance in a trust.

CAO Chapman clarified that the questions before the Board are not whether to increase the TOT tax or extend it to campgrounds and RV parks, but rather whether to put them on the

November ballot for voters to decide.

After additional comment, Supervisor Kingsley made a motion to not put the TOT increase on the ballot, to put the campgrounds and RV parks question on the ballot, and direct staff to explore how to use the 4% operator allowance through a trust and direct it back to where it came from. He rescinded the motion so that each question could be addressed individually.

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to direct staff to return to the Board with a workshop on rescinding the 4% operator allowance and putting it in a trust, with the ability to direct it to specific areas. Supervisor Kingsley added he would like this addressed ahead of the November election. Motion carried unanimously 5-0.

Moved by Supervisor Roeser and seconded by Supervisor Pucci to not place a proposed TOT increase on the November ballot. Motion carried unanimously 5-0.

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to add the levying of TOT to campgrounds and RV parks to the November ballot. Motion carried 3-2, with Supervisors Roeser and Pucci voting no.

Change in Attendance

Supervisor Pucci left the meeting at 12:17 p.m.

Planning – Outdoor Seating Ordinance 1281

Planning Director Cathreen Richards presented a proposed ordinance to allow for continued outdoor seating at local businesses.

The Chairperson opened the public hearing, and, without anyone wishing to comment on the ordinance, closed it at 12:28 p.m.

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) Make the requested findings and certify that the proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 18.44.030(G) of and Adding Sections 18.44.040(C), 18.48.040(D), 18.45.040(D), and 18.54.030(F) to the Inyo County Code Pertaining to Zoning" is exempt from CEQA; and B) waiver further reading of and enact said ordinance. Motion carried unanimously 4-0 with Supervisor Pucci absent.

Public Comment

At the request of Supervisor Kingsley, the Chairperson opened another public comment period. Public comment was made by Spencer McNeal.

Risk Management – Insurance Requirements Ordinance

Moved by Supervisor Griffiths and seconded by Supervisor Roeser to waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 12.18.100 of the Inyo County Code Pertaining to Insurance Requirements," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously 4-0 with Supervisor Pucci absent.

County Counsel – Mobilehome Foundation Ordinance

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to waive further reading of the proposed ordinance titled, "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Repealing Section 18.78.350 of the Inyo County Code," and schedule enactment for August 2, 2022 in the Board of Supervisors Chambers, County Administrative Center, Independence. Motion carried unanimously 4-0 with Supervisor Pucci absent.

Road Department – Equipment Operator I-II Strength Change

Moved by Supervisor Kingsley and seconded by Supervisor Roeser to change the authorized strength in the Road Department by deleting one (1) Equipment Operator Lead at Range 66 (\$4,669 - \$5,683) and adding one (1) Equipment Operator I at Range 58 (\$3,875 - \$4,714) or Equipment Operator II at Range 60 (\$4,064 - \$4,937). Motion carried unanimously 4-0 with Supervisor Pucci absent.

Public Works/HHS – Letters Supporting Caltrans Grant

Moved by Supervisor Roeser and seconded by Supervisor Kingsley to: A) approve and authorize the Chairperson to sign a letter of support for Caltrans to pursue funding for the Reconnecting Communities Pilot (RCP) grant program to conduct planning efforts addressing historical community impacts resulting from four-lane highway expansions; and B) authorize the HHS Assistant Director to sign an identical letter of support on behalf of the Health and

Human Services Department. Motion carried unanimously 4-0 with Supervisor Pucci 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 July 12, 2022. Motion carried unanimously 4-0 with Supervisor Pucci absent.

Public Comment Chairperson Totheroh asked if there was any public comment pending for items not calendared on the agenda.

No public comment was heard.

Board Member and Staff Reports Supervisor Kingsley reported he is headed to the NACo Conference in Colorado on Thursday and then the Western Governors Association meeting in Idaho.

The Assistant Clerk of the Board announced that there will be no meeting next week.

Adjournment Chairperson Totheroh adjourned the meeting at 12:49 p.m. to 8:30 a.m. Tuesday, August 2, 2022 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: LESLIE L. CHAPMAN
Clerk of the Board*

by: _____
Darcy Ellis, Assistant