

MINUTES



County of Inyo Board of Supervisors

April 3, 2018

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 April 3, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

Public Comment Chairperson Totheroh asked for public comment during the first public comment period and there was no-one wishing to address the Board.

Closed Session Chairperson Totheroh recessed open session at 8:30 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-61899; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-62064 (Eminent Domain – Independence); Case No. SICVCV 18-62065 (Eminent Domain – Lone Pine); and Case No. 18-62067 (Eminent Domain – Bishop); No. 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Los Angeles Department of Water and Power v. County of Inyo**, Inyo County Superior Court Case No. SICVCV 18-62052; No. 5 **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. 6 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6] – 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. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.**

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:07 a.m. with all Board members present.

Pledge Supervisor Tillemans 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 but the Board would be returning to closed session to continue discussions at some point.

Public Comment Chairperson Totheroh 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 reported that April is Child Abuse Prevention Month and HHS with other agency partners is hosting several awareness events in addition to encouraging residents to wear blue. She also distributed Child Abuse Prevention Month pins to the Board, and reported that the Eastern Sierra Area Agency on Aging will be receiving a larger allocation for the first time in several years.

Assessor David Stottlemire provided an update on his office, including the news that as of April 19 he will be fully staffed according to the Fiscal Year 2017-2018 Budget. He said it was his goal to have everyone sufficiently trained by the close of next year's tax rolls.

Child Support Services Director Susanne Rizo updated the Board on possible changes to Inyo-Mono's allocation, and reported that the State would be auditing the program's Fiscal Year 2015-2016 expenditures in the coming week.

Planning Director Cathreen Richards announced a draft Environmental Assessment has been released for the West Mojave Route Network Project and staff is reviewing the analysis along with the County's previous comments. She said several open houses have been scheduled by the BLM, including one for Lone Pine.

Chief Probation Officer Jeff Thomson publicly recognized and thanked Vicki Simpson of Juvenile Probation and the Salvation Army for the successful Easter Egg hunt held over the weekend, which included participation from individuals in the Community Work Program.

Introduction

HHS Director Marilyn Mann introduced new employee Catherine Grisham, HHS Addictions Counselor, to the Board.

HHS-Behavioral Health – MHSA 3-Year Plan

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Mental Health Services Act (MHSA) Integrated Three Year Plan (Fiscal Year 2017-2018 – Fiscal Year 2019-2020) in order to access funds under the approved MHSA Agreement, and authorize the HHS Deputy Director Behavioral Health Division to sign as the Mental Health Director. Motion carried unanimously.

Public Works – Progress House Flooring Project Plans & Specs

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the plans and specifications for the Progress House Flooring Project and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.

Parks & Rec – Presentation – Indy Creek Campground Star-gazing Proposal

April Zrelak of Independence gave a short presentation on a proposal to dedicate a portion of Independence Creek Campground as a star-gazing area, noting she has been working in some iteration of the plan for 20 years. Assistant County Administrator Rick Benson said staff has reviewed the proposal and has no concerns, as star-gazing is in line with acceptable campground activities. Supervisor Kingsley asked about potential conflicts between campers and star-gazers. Benson said staff did examine the proposed project area with that concern in mind and noted two campsites are close to the star-gazing area and they would be flagged, and could be promoted for their proximity, on the campground reservation website. He also said the proposed project area has its own entryway so star-gazers would not be disturbing campers. Supervisor Pucci said the proposed concrete pads for telescopes are a good idea. Dan Duriscoe, retired National Park Service employee, said for the last 10 years of his career he promoted astronomy and dark skies activities, which are a successful way to draw visitors to the parks. He said Zrelak's proposal is a great start to promoting dark skies in Inyo County. Benson said the County will be obtaining permission from the property owner, but did want to receive the Board's approval for the project in concept, which the Board gave. Supervisor Griffiths said the project is a great idea.

Water Dept. – Direction for Standing Committee Members

Water Director Dr. Bob Harrington had scheduled a discussion for the Board to provide direction to the County's Inyo-Los Angeles Standing Committee representatives for the Standing Committee meeting scheduled for April 9, 2018 in Los Angeles. He reported, however, that as of last Friday, LADWP appears amenable to postponing the meeting until sometime in May, at the County's request so that staff can align the currently percolating Five Bridges disputes into a package that can be dealt with the Standing Committee all at once. He noted that the postponement of the meeting has not been confirmed in writing. Supervisor Pucci wanted to make sure the public was notified because he believed a lot of people planned to travel for the meeting and Supervisor Tillemans wanted to make sure the Board had a chance to discuss the issues before the meeting, whenever it was rescheduled. The Chairperson opened the floor to public comment. Daris Moxley of Bishop said the County needs to make LADWP answer to the disputes. She said LADWP obtained the Owens Valley and its water through lies, manipulation and deceit and it's time Inyo County stands up to the bullies. CAO Carunchio asked whether the two LADWP representatives in the audience had

any indication the April 9 meeting was officially rescheduled. Laury Dermody of LADWP said it is her understanding the meeting has been delayed but is not sure whether a date has been selected.

*Public Works – Office
Tech I/II*

Public Works Director Clint Quilter requested permission to backfill a position. Moved by Supervisor Griffiths 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/II position exists in Public Works/Road Department budgets, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Technician I at Range 55 (\$3,150 - \$3,830) or Office Technician II at Range 59 (\$3,457 - \$4,201), depending on qualifications. Motion carried unanimously.

*HHS-Behavioral
Health – Office
Tech III*

HHS Director Marilyn Mann requested permission to fill a vacancy. Moved by Supervisor Griffiths 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 III position exists in the Behavioral Health Budget, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) as there are internal candidates meeting qualifications for the position, an internal recruitment would be appropriate; and C) approve the hiring of one (1) Office Technician III at Range 63 (\$3,716 - \$4,522). Motion carried unanimously.

*HHS-Behavioral
Health – Addictions
Counselor I, II, III*

HHS Director Marilyn Mann presented a hiring request that she said would provide the department flexibility in finding a qualified candidate. Moved by Supervisor Tillemans and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Addictions Counselor I, II, or III position exists in various Non-General Fund HHS budgets, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) whereas it is unlikely the position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be more appropriate to ensure qualified applicants apply for the specialized position; and C) approve the hiring of one (1) Addictions Counselor I at Range 57 (\$3,297 - \$4,006), Addictions Counselor II at Range 60 (\$3,541 - \$4,301) or Addictions Counselor III at Range 64 (\$3,886 - \$4,723). Motion carried unanimously.

*HHS – CDPH AIDS
Drug Assistance
Program Agreement
Amendment 1*

HHS Director Marilyn Mann presented for ratification and approval an amendment to an existing contract with the State that allows HHS to be an enrollment site for accessing critical drugs for people who might be HIV positive. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to ratify and approve Amendment A01 to the Standard Agreement No. 16-10337 between the County of Inyo and California Department of Public Health, AIDS Drug Assistance Program, Office of AIDS to continue Inyo County HHS/Public Health as an enrollment site, for the period of July 1, 2016 through June 30, 2020 and authorize the HHS Director to sign the Standard Agreement Amendment, the Contractor Certification CCC 04-2017 and the Darfur Contracting Act Form. Motion carried unanimously.

*Parks & Rec –
Proposed
Campground Rental
Fee Ordinance*

Assistant County Administrator Rick Benson presented the Board with a proposed ordinance to create fees and set a procedure for renting out entire campgrounds, based on a discussion with the Board earlier this year. The ordinance would also change the eligibility age for a senior pass from 55 to 62. He noted that entire campgrounds were already being rented out on occasion, but with a lot of discretion by staff. Supervisor Griffiths asked what the fee included, in addition to the rental cost of each site. Benson explained an additional fee was added to cover the costs of the extra work for staff. Supervisor Kingsley asked for and received confirmation that the campgrounds themselves will still be open to the public and in the case of Diaz Lake, the public can still access the lake. The Chairperson opened the public hearing at 11:06 a.m. and, with no-one wishing to provide comment, closed the public hearing at 11:06 a.m. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) introduce, read title, and waive further reading of a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 12.16.180, 12.18.010, 12.18.020, 12.18.030 and 12.18.150 of the Inyo County Code, Pertaining to the Use of County Campgrounds;" and B) set enactment for 11 a.m. April 10, 2018. Motion carried unanimously.

*Planning/Co.
Counsel – Ordinance
1228 (Repeal Section
18.75.020)*

Assistant County Counsel John Vallejo introduced a proposed ordinance drafted in response to an issue that has been on counsel's radar since the U.S. Supreme Court ruled that regulations pertaining to signs cannot be based on their content, because that would be restricting free speech. Vallejo said the County currently has in its Code regulations restricting the placement of temporary political signs to certain time periods, although the Code does not appear to have been enforced. Vallejo said staff recommended the Board take the regulations off the books and if it wanted to address sign proliferation, which is perhaps what the regulations were intended to regulate, then staff could draft new regulations from scratch. Supervisor Kingsley said the complaint he hears most often about campaign signs is residents not taking them down after elections. He suggested if the County were to have an ordinance related to the issue, it would have to be about temporary signs in general without mentioning their content. The Chairperson opened the hearing at 11:15 a.m. and, with no-one wishing to provide comment, closed the public hearing at 11:15 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to introduce, read title, and waive further reading of a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Section 18.75.020 of the Inyo County Code, Pertaining to Temporary Political Signs," and enact proposed ordinance. Motion carried unanimously.

*Recycling & Waste
Management –
Waste Tire Amnesty
Days*

Assistant County Counsel Rick Benson presented a request to offer waste tire amnesty days at County landfills, noting that Board approval is needed in order to waive the fees. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to waive all gate and disposal fees associated with the Tire Amnesty events to be conducted in late April. Motion carried unanimously.

*CAO- Personnel –
Child Support
Director Contract
Amendment 3*

CAO Carunchio presented a change in a personal services contract requested by the Child Support Services Director and directed by the Board. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Amendment No. 3 to the agreement between the County of Inyo and Susanne Rizo for personal services as a County Officer effective April 5, 2018, and authorize the Chairperson to sign.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of March 13, 2018. Motion carried unanimously. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of March 20, 2018. Motion carried unanimously 4-0, with Supervisor Tillemans abstaining.

Public Comment

The Chairperson 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 Pucci reported he will be out of the country April 9-27.

Supervisor Totheroh reported he attended a Behavioral Health Advisory Board meeting last Monday and will be attended a meeting of the Eastern Sierra Area Agency on Aging Advisory Board tomorrow.

Closed Session

Chairperson Totheroh recessed open session at 11:21 a.m. to convene in closed session with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items.

Open Session

Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 11:51 a.m. with all Board members present except Supervisor Tillemans. No action was taken during closed session that is required to be reported.

*Report on Closed
Session*

County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

Adjournment

Chairperson Totheroh adjourned the meeting at 11:51 a.m. to 8:30 a.m. Tuesday, April 10, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: KEVIN D. CARUNCHIO
Clerk of the Board*

*by: _____
Darcy Ellis, Assistant*