

# MINUTES



# County of Inyo Board of Supervisors

**October 9, 2018**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on October 9, 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 8:32 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS [Pursuant to Government Code §54956.8]** – Property: APN 010-490-12, Bishop, California. Agency Negotiators: Clint Quilter, Acting County Administrator, and Marshall Rudolph, County Counsel. Negotiating parties: Inyo County and Wolverine/Inyo LLC. Under negotiations: price and terms of payment; No. 3 **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: Acting County Administrative Officer Clint Quilter, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; No. 4 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: County Administrator; and No. 5 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Public Information Officer.

*Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present.

*Pledge* Supervisor Pucci 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 Totheroh asked for public comment during the second public comment period. Linda Chaplin of Independence informed the Board of a Dark Sky Festival in Joshua Tree in November, and said it would be good for the local economy if someone locally organized a similar event.

*County Department Reports* HHS Director Marilyn Mann reported that the annual HHS volunteer dinner was a success and noted that October is National Residents’ Rights Month.

Sheriff Hollowell offered a public thank you to the Bishop and Lone Pine McDonald’s restaurants and owners Lis and Kevin Mazzu hosting another Coffee with a Cop event at both locations. He also reminded the Board about the upcoming media training in coordination with CSAC.

Clerk-Recorder-Registrar of Voters Kammi Foote offered an update on preparations for the upcoming election and said she anticipated a high voter turnout based on voters actively requesting materials in advance of the election.

Planning Director Cathreen Richards noted upcoming Dark Skies workshops.

Chief Probation Officer Jeff Thomson reported on two upcoming events, a Moral Reconciliation Training graduation and pumpkin decorating in conjunction with HHS, 4-H and Healthy Communities, and also provided an update on bail reform legislation.

*HHS-Public Health –  
Prevention Specialist*

Moved by Supervisor Griffiths 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) Prevention Specialist exists in non-General Fund budgets, as certified by the HHS Director and concurred with by the Acting 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 candidates apply; and C) approve the hiring of one (1) Prevention Specialist at Range 60 (\$3,612 - \$4,387). Motion carried unanimously.

*Public Works/  
Planning – Project  
Coordinator*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Project Coordinator exists in the Planning and Public Works budgets, as certified by the Acting Public Works Director and Planning Director and concurred with by the Acting 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 candidates apply; and C) approve the hiring of one (1) Project Coordinator at Range 66 (\$4,148 - \$5,050). Motion carried unanimously.

*Road Department –  
Mechanic Operator  
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 for one (1) Mechanic Operator I/II exists in the Road Budget, as certified by the Acting Public Works Director and concurred with by the Acting 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 candidates apply; and C) approve the hiring of one (1) Mechanic Operator I/II, Range 58 (\$3,444 - \$4,190 plus 2.5% tool allowance) to Range 60 (\$3,612 - \$4,387 plus 2.5% tool allowance), depending on qualifications. Motion carried unanimously.

*Ag Comm.-OVMAP –  
Polaris Surplus  
Auction*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) declare the 2006 Polaris Sportsman 500 EFI all-terrain vehicle, asset number 8409, vehicle identification number 4XAMH50A46A658625, as surplus; B) authorize Motor Pool to offer the all-terrain vehicle for sale using the Public Surplus auction site; and C) authorize Motor Pool to utilize an auctioneer for the removal and sale of the all-terrain vehicle if it remains unsold following the Public Surplus process. Motion carried unanimously.

*Public Works – M  
Allen Construction &  
Tree Service  
Contract*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the contract between the County of Inyo and M Allen Construction & Tree Service of Bishop, CA for tree trimming services to remove hazardous and dead limbs from trees within the County Right-of-Way, with a not-to-exceed amount of \$75,000; and B) authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Sheriff – Idemia  
Identity Sole Source  
Maintenance  
Agreement*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to A) declare Idemia Identity & Security a sole-source provider; B) approve the annual maintenance agreement with Idemia Identity & Security for maintenance services for the two LiveScan fingerprint machines located at the Jail Facility and the one located at the Bishop Police Department; and B) authorize payment to Idemia Identity & Security for the annual maintenance agreement for the LiveScan fingerprint machines at the Jail Facility and Bishop PD, in the amount of \$16,000. Motion carried unanimously.

*BOS – Alabama Hills  
Legislation Letter*

Supervisor Kingsley announced movement on the Alabama Hills legislation being sponsored by Senator Feinstein and Congressman Cook, but noted some language changes that are problematic, particularly the dropping of the word “National” from the proposed National Scenic Area designation. He said it is an important time to engage the legislators on the bills. Kevin Mazzu of the Alabama Hills Stewardship Group thanked the Board for its continued support

and noted a big hurdle was passed last week when the legislation was moved out of committee, but not all the edits requested were made, and the National Scenic Area designation was changed. He said the legislators' staff is now in the information editing process to resolve some of the issues but the Stewardship Group is still asking stakeholders to send letters of support for reinstatement of the full designation as requested. Supervisor Kingsley noted it has been a very long process – Mazzu confirmed 11 years – and was supportive of sending a letter drafted by staff. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a letter in response to Congressional mark-ups to the proposed Alabama Hills National Scenic Area legislation, and authorize the Chairperson to sign. Motion carried unanimously.

*Treasurer-Tax  
Collector – Public  
Tax Auction*

Assistant Treasurer-Tax Collector Joey Peterson presented a request to hold an online public tax auction for 66 tax-defaulted properties. She said an off-line option would be presented for those without Internet access. She also noted that many of the parcels are vacant lots and they anticipated interest from the cannabis community. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) authorize the Treasurer-Tax Collector to conduct a public auction, via the Internet, offering for sale to the highest bidder tax-defaulted parcels of land that are subject to the Tax Collector's Power to Sell; and B) in the event a parcel does not sell, authorize the Treasurer-Tax Collector to re-offer those parcels for sale within 90 days at a reduced minimum price deemed appropriate by the Treasurer-Tax Collector. Motion carried unanimously.

*Sheriff – Sun Ridge  
Sole Source*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) declare Sun Ridge Systems, Inc. a sole-source provider; and B) ratify and approve the purchase order and payment to Sun Ridge Systems, Inc. for RIMS annual support services in the amount of \$23,143 for the period of July 1, 2018 to June 30, 2019. Motion carried unanimously.

*Public Works – Jail  
Sprinkler Emergency  
Repairs &  
Replacement/Reso #  
2018-43*

Deputy Public Works Director Chris Cash informed the Board the County that a recall notice about fire suppression sprinkler heads in the jail has resulted in the need to replace 175 sprinkler heads, including ones not under the recall notice because they failed testing. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing Emergency Repairs and Replacements of Certain Fire Suppression Sprinklers at the County Jail in Order to Permit the Continued Conduct of County Operations and Services at that Facility" (4/5ths vote required). Motion carried unanimously.

*Public Works –  
Wadell Engineering  
Amendment 17*

Acting CAO Quilter explained the need to amend the existing on-call contract with Wadell Engineering to accommodate a new project, and to also amend the budget to account for related grant funding. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) approve Amendment No. 17 to County of Inyo Standard Contract 156 between the County of Inyo and Wadell Engineering Corporation to increase the amount of the contract \$192,785 for a total not-to-exceed amount of \$2,458,693 and extend the contract to June 30, 2019, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; B) amend the Fiscal Year 2018-2019 Lone Pine Airport Operating Transfer Out (Object Code 5801) by \$11,412; and C) amend the Fiscal Year 2018-2019 Lone Pine/Death Valley Airport Pavement Rehabilitation Budget (Budget To Be Determined By Auditor) as follows (4/5ths vote required):

1. Increase estimated revenue in Federal Grants (Revenue Code 4555) by \$186,750;
2. Increase estimated revenue in State Grants (Revenue Code 4498) by \$9,338;
3. Increase estimated revenue in Lone Pine Airport Operating Transfer In (Revenue Code 4998) by \$11,412, which will come from the Lone Pine Airport Operating Budget (150500);
4. Increase appropriations in Professional Services (Object Code 5265) by \$192,785; and
5. Increase appropriations in External Charges (Object Code 5124) by \$14,715.

Motion carried unanimously.

*Public Works –  
Wadell Engineering  
Amendment 18*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve Amendment No. 18 to County of Inyo Standard Contract 156 between the County of Inyo and Wadell Engineering Corporation to increase the amount of the contract \$302,500 for a total not-to-exceed amount of \$2,761,193 and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; B) amend the Fiscal Year 2018-2019 Bishop Airport Operating Transfer Out (Object Code 5801) by \$18,333; and C) amend the Fiscal Year 2018-2019 Bishop Airport-Taxiway Rehabilitation Budget (Budget To Be Determined By Auditor) as

follows (4/5ths vote required):

1. Increase estimated revenue in Federal Grants (Revenue Code 4555) by \$300,000;
2. Increase estimated revenue in State Grants (Revenue Code 4498) by \$15,000;
3. Increase estimated revenue in Bishop Airport Operating Transfer In (Revenue Code 4998) by \$18,333, which will come from the Bishop Airport Operating Budget (150100);
4. Increase appropriations in Professional Services (Object Code 5265) by \$302,500; and
5. Increase appropriations in External Charges (Object Code 5124) by \$30,833.

Motion carried unanimously.

*Clerk of the Board –  
Bishop Fire District  
Commissioner  
Appointment*

The Assistant Clerk of the Board offered background information on the vacancy up for Board consideration, as well as the advertisement and recruitment process that resulted in three letters of interest for the single position on the Bishop Rural Fire Protection District Board of Commissioners, pointing out that the staff report mistakenly refers to retired Commissioner Lloyd Wilson when it should say Lloyd Anderson. She noted multiple candidates for a single vacancy is rare for the County, and is unique for the Bishop Rural Fire Protection District, whose board submitted an endorsement letter for candidate Suzanne Butler. She said the district board was careful to point out its endorsement was not intended as any reflection on the other two applicants. Supervisor Griffiths commended all three individuals for stepping up to serve and said in conversations with some of the district board members, he agreed the endorsement was not a negative reflection on the other candidates and that Ms. Butler would offer some welcome diversity on the district board. Supervisor Pucci agreed that all three individuals were fine candidates, but Ms. Butler would bring some new blood and added benefit with her medical experience. Supervisor Kingsley was happy to have three highly qualified candidates to choose from and said that while such an endorsement may be a little unusual, he appreciates this district board providing them some direction. Chairperson Totheroh said he spoke with two of the candidates and also some of the district board members and agreed. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to appoint Suzanne Butler to fill one (1) unexpired four-year term on the Bishop Rural Fire Protection District Board of Commissioners ending July 1, 2022. Motion carried unanimously.

*CAO – Annual  
ESCOG Contribution/  
Possible JPA*

Acting CAO Quilter presented two requests at the behest of the Eastern Sierra Council of Governments: A) consideration of contribution of \$10,000 annually towards administrative support for the ESCOG; and B) consideration of support for an effort to create a Joint Powers Authority for the ESCOG, at no cost to ESCOG members, for review by the ESCOG Board of Directors. Acting CAO Quilter provided background information on both requests. Supervisor Griffiths noted the additional administrative tasks required of the member agencies have become burdensome and the JPA would allow the ESCOG to operate more nimbly on a regional level. The Board discussed both requests, with Supervisors expressing support for the \$10,000 contribution but questioning the nature of the work the staff person would actually be doing and expressing reservations about a JPA. Supervisor Kingsley said he was concerned about creating another governmental agency. He said JPAs have clear missions and the ESCOG mission seems somewhat vague beyond cooperating with neighboring agencies and getting more grants for recreation projects, and he would want to know more about the mission. Supervisor Griffiths discussed the current issues of importance to the ESCOG – sustainable recreation, housing, reliable regional broadband, solid waste disposal, air service – as well as its general mission and asked whether the Board was interested in giving the ESCOG more authority to carry out that mission. He offered the Eastern Sierra Transit Authority as an example of a good regional JPA now operating as a seamless, robust regional entity. He said legal staff for ESCOG's member agencies will be developing JPA options for members to consider, but he sees two realistic options: reduce the role of the ESCOG to what it was eight years ago when it met quarterly and merely provided updates on local issues or give it the operational authority it needs to tackle issues at the regional level in the most effective manner. Supervisor Tillemans said he was a member of the ESCOG during its growth spurt. He said the \$10,000 contribution was the easy piece of the puzzle and had no real reservations about the JPA but still wanted to proceed with caution. He added that he had confidence in Inyo County's ESCOG representatives to get it done. Acting CAO Quilter reiterated that a JPA will be crafted and returned to the Board for its review and approval or denial. After additional discussion, the Board reached consensus that it was not opposed to a JPA but wanted more information in order to better understand what was being proposed. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to contribute \$10,000 annually towards administrative support for the ESCOG. Motion carried unanimously.

*Planning – Munro Valley Solar Addendum/ Amendment 3 Request Tabled*

The Board heard from Planning staff on Munro Valley Solar LLC's application for a third addendum to its Mitigated Negative Declaration and third amendment to its Renewable Energy Permit. The request would delete a mitigation measure requiring a wildlife exclusion fence and add 21 new mitigation measures in its place. Planning Director Cathreen Richards said the California Department of Fish and Wildlife does not agree with the proposed changes and recommends Munro Valley Solar obtains an Incidental Take Permit for the Mojave ground squirrel.

The Chairperson opened the public hearing at 11:53 a.m. Chris Little spoke on behalf of Munro Valley Solar, noting that the exclusion fence really only made sense during construction and is now doing more harm than good. He said the company has expended considerable resources already to ensure protection of the squirrel and cannot afford to go back through the environmental process. He said that if the CDFW threatened litigation, they would not pursue the matter. Greg James, Inyo County Special Legal Counsel, explained that the question is really whether removal of the fence will create enough risk to the Mojave ground squirrel that the proposed action must be further analyzed through the CEQA process. He said the applicant is requesting an addendum on the basis that there would be no significant change and no need for CEQA. If the County approved the addendum, the CDFW could always challenge through litigation and the County could rescind its action or defend it in court with the applicant paying the County's legal fees. James noted that without an Incidental Take Permit, the applicant would be at risk for prosecution if it accidentally killed one of the squirrels. Supervisor Kingsley said he understood Little's argument but wasn't keen on the idea of sparking controversy with the CDFW. Chairperson Totheroh said it seemed like there ought to be a solution to the fence issue that hasn't been explored yet. Little asked the Board if it would be willing to table the issue until Munro Valley Solar could explore some of those options and the Board agreed. The public hearing was closed at 12:38 p.m.

*Here It Comes Emergency*

Acting CAO Clint Quilter said the County is working to close out the Here it Comes Emergency and Emergency Services Manager Kelley Williams provided other updates from her office. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously.

*Rocky Road Emergency*

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to continue the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously.

*Land of EVEN Less Water Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously.

*Gully Washer Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Gully Washer Emergency" that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously.

*DV Down But Not Out Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously.

*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 Kingsley said he attended a Dark Skies Ordinance workshop in Lone Pine and proposed referring to a Lighting Ordinance instead as the discussion seems to encompass more than just dark skies issues. He commended the Planning Department's performance. He also said he met with the CHP in an attempt to advocate for ways to slow drivers down as they travel through Inyo County's small communities. He said he attended the HHS volunteer dinner

and noted the Lone Pine Film Festival tours were well attended last weekend.

Supervisor Pucci said he met with INF Supervisor Tammy Randall-Parker about streamlining the permit system and said she seems receptive. He said he also attended the HHS volunteer dinner, as well as the car show and swap meet in Bishop.

Chairperson Totheroh said he also attended the HHS volunteer dinner and planned to attend one of the Dark Skies workshops and concurred with the suggestion of a general lighting ordinance.

Supervisor Griffiths said he attended a meeting on opportunity zones initiated through ESCOG and is interested in having someone from the State visit to provide direction on utilizing available grants.

*Adjournment*

Chairperson Totheroh adjourned the meeting at 12:41 p.m. to 8:30 a.m. Tuesday, October 16, 2018 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*