

# MINUTES



# County of Inyo Board of Supervisors

**December 11, 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 December 11, 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 8:34 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Water Director; No. 3 **PUBLIC EMPLOYEE EVALUATION [Pursuant to Government Code §54957]** – Title: Health and Human Services Director; and No. 4 **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 Clint Quilter, 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 10:05 a.m. with all Board members present.
- Pledge* Chairperson 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 Totheroh asked for public comment during the second public comment period.
- Cal Rossi, Southern California Edison Government Relations Manager, notified the Board of SCE’s Ivanpah-Control Project planned for Inyo, Mono, and San Bernardino counties, and distributed copies of a Notice of Proposed Project.
- County Department Reports* Chairperson Totheroh opened the floor to department head reports and there was no-one wishing to address the Board.
- Personnel – Aaron Holmberg Risk Manager Contract* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) find consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for one (1) Risk Manager exists in the General Fund, as certified by the County Administrator and concurred with by the Auditor-Controller; and 2) where internal candidates may meet the qualifications for the position, the vacancy could possibly be filled by an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and B) authorize the County Administrator to sign the at-will contract with Aaron Holmberg as Risk Manager at a monthly salary of \$8,139, effective December 18, 2018. Motion carried unanimously.
- Library – Librarian II* Moved by Supervisor Pucci 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) Librarian II exists in the Library budget, as certified by the Library Director and concurred with by the County Administrator and Auditor-Controller; B) where internal

candidates meet the qualifications for the position, the vacancy could be filled by an internal recruitment; C) approve the hiring of one (1) Librarian II, Range 57 (\$3,291 - \$4,006); D) in the event an internal candidate is not selected to fill the position, authorize an open recruitment; and E) if the position is filled by an internal candidate, authorize a recruitment and backfilling of the subsequent vacant position. Motion carried unanimously.

*Public Works –  
Engineer Assistant  
Civil/Engineering  
Assistant I/II*

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) Engineer Assistant Civil or one (1) Engineering Assistant I/II exists in the General Fund, as certified by the Acting Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the positions, the vacancy could be filled by an internal recruitment but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of either an Engineer Assistant Civil at Range 73 (\$4,900 - \$5,960) or an Engineering Assistant I/II at Range 71 (\$4,675 - \$5,683) or Range 75 (\$5,141 - \$6,249), depending on qualifications. Motion carried unanimously.

*Coroner – Michael  
O’leary Contract  
Amendment 1*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 1 to the contract between the County of Inyo and Michael Joseph O’leary for Personal Services as a County Officer, extending the end date of the contract to December 31, 2020 and increasing the contract amount by \$35,000 for a total contract amount not to exceed \$45,000. Motion carried unanimously.

*Emergency Services  
– Federal FY 18  
Homeland Security  
Grant/Reso  
# 2018-51*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) review the proposed Federal Fiscal Year 2018 Homeland Security Grant Program Application and, if deemed acceptable; B) approve the submittal of the Federal Fiscal Year 2018 Homeland Security Grant Program Application and authorize the County Administrator, as the designated Authorized Agent, to sign the grant application, as well as any and all accompanying documents, by approving a resolution titled, “Governing Board Resolution No. 2018-51;” and C) authorize the Chairperson to sign the Resolution Addendum letter. Motion carried unanimously.

*HHS-Behavioral  
Health – MHSA  
Program Participation  
Agreement*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Participation Agreement for the approved Mental Health Services Authority Services Act Innovation Program with the California Mental Health Services Authority (CaMHSA) and the accompanying Business Associates agreement; and authorize the HHS Deputy Director of Behavioral Health to sign. Motion carried unanimously.

*Public Works –  
Statewide Traffic  
Safety & Signs  
Blanket P.O.*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to authorize a blanket purchase order with Statewide Traffic Safety & Signs of Garden Grove, CA in the amount of \$30,000. Motion carried unanimously.

*Public Works – Snow  
Survey Associates  
Sole-Source P.O.*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) declare Snow Survey Associates a sole-source provider of Avalanche Monitoring Services in Inyo County for the 2018-2019 snow season; and B) authorize a purchase order for Snow Survey Associates in the amount of \$10,000. Motion carried unanimously.

*Public Works –  
Connie & Michael  
Lane Trust Contract  
Amendment 1*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 1 to Standard Lease Contract No. 010 with Connie and Michael Lane Trust for the property at 162 Grove St., Bishop, increasing the monthly rent to \$6,928.38, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Public Works –  
Progress House  
Flooring N.O.C./Reso  
# 2018-52*

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 the Recording of a Notice of Completion for the Progress House Flooring Project,” and authorize the Chairperson to sign. Motion carried unanimously.

*HHS – First 5  
Commission  
Appointments*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to appoint and/or reappoint the following individuals to the First 5 Children and Families Commission:

- Reappoint Eileen Jackson to a three-year Parent Commissioner term ending December 5, 2021 to be filled by a community member who is a recipient of project services included

- in the First 5 Inyo County Strategic Plan;
- Reappoint Amanda Miloradich to a three-year Early Child Health Commissioner term ending December 5, 2021 to be filled by a specialist in early child health and development;
- Appoint Barry Simpson to a three-year Education Commissioner term ending December 5, 2021 to be filled by a specialist in education; and
- Appoint Heather Carr to an unexpired three-year Early Education Commissioner term ending December 5, 2020 to be filled by a specialist in early childhood development.

*(Notices of Vacancy resulted in responses from the above-named individuals.)*  
 Motion carried unanimously.

*Water Department –  
 ROI Anderson  
 Contract  
 Amendment 2*

Deputy Water Director Aaron Steinwand presented for approval an amendment to the contract with RO Anderson for the Recycled Water Project in Big Pine, citing delays outside the control of the County and contractor which now require an extension of the contract term. Supervisor Tillemans asked Steinwand to elaborate, and was told that LADWP had refused the consultant access to an irrigation site, and also raised objections to the feasibility study. Discussion ensued in which Supervisor Tillemans expressed continued dismay with LADWP’s lack of cooperation with the project, which he said would only benefit the City of L.A. in the long run. Supervisor Kingsley said he also wanted to go on record as saying he didn’t understand LADWP’s hesitance to support the project. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment No. 2 to the contract between the County of Inyo and RO Anderson for the Recycled Water for Conservation and Community Projects Feasibility Study, extending the term of the contract from December 31, 2018 to June 30, 2019. Motion carried unanimously.

*Personnel –  
 Proposed Ordinance  
 Increasing Elected  
 Officials’ Salary*

CAO Quilter presented for Board consideration a proposed ordinance changing the salaries of two elected officials, noting the ordinance is the completing detail on action the Board initiated in December 2017 when it undertook a review of elected officials’ salaries per County policy. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to waive the first reading of an ordinance titled, “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for Increases in the Salary for Certain Elected County Officials, Excluding Members of the Board of Supervisors,” and set enactment for Tuesday, December 18, Board of Supervisors Room, Independence. Motion carried unanimously.

*Board Member and  
 Staff Reports*

Supervisor Kingsley reported he will be installed as the Rural County Representatives of California Chairperson on January 16 and hoped fellow elected officials and other department heads could attend. He noted that the assignment would require additional travel and work, but hoped it would not cause him to miss any Board meetings.

Chairperson Totheroh reported that Supervisor Griffiths will be attending Thursday’s Owens Valley Groundwater Authority Board meeting in his stead, and he would be attending a Continuum of Care meeting tomorrow.

Supervisor Griffiths said he attended the final Sierra Nevada Conservancy Board meeting of his term last week, noting the SNC is developing a strategic plan regarding expenditure of water bond funding on areas like forest health, fuel reduction and sustainable recreation. He said Mono County Supervisor Stacey Corless is now the regional representative.

CAO Quilter reminded the Board that the County’s annual Holiday Feast has returned after a brief hiatus and will be held next Tuesday.

*Road Department –  
 Proposed Ordinance  
 Setting Weight Ton  
 Limits*

Road Superintendent Chris Cash presented for Board consideration a proposed ordinance to set weight ton limits on Old Spanish Trail. He said the ordinance is a response to an increase in commercial truck traffic putting undue stress on the road, which is not equipped to handle that type of traffic. Supervisor Kingsley said he has received a lot of complaints over the past two years regarding road damage and increased truck traffic through Tecopa, so he supports the ordinance. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) waive the first reading of an ordinance titled, “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Sections 10.56.010, 10.56.020, and 10.56.030, and Repealing Section 10.56.040, of the Inyo County Code, Pertaining to Weight Limitations on Certain County Highways and Bridges” and set enactment for 11 a.m. Tuesday, December 18,

Board of Supervisors Room, Independence; and B) authorize the Public Works Department Head, or his designee, to apply for and negotiate terms for proper advance warning signage and encroachment permits and placement with the California Department of Transportation, Nevada Department of Transportation, and Nye County, NV Public Works Department. Motion carried unanimously.

*Public Works –  
Adventure Trails  
Report/Public  
Hearing*

Acting Public Works Director Michael Errante introduced the agenda item and Transportation Planner John Pinckney summarized the report to the Legislature on the Eastern Sierra ATV Adventure Trails System Pilot Project. Pinckney confirmed that letters received from the public in the three weeks since the draft report was compiled, including letters sent to both the Public Works Department and to the Board of Supervisors via the Clerk of the Board, would be added to the report in an additional appendix.

Chairperson Totheroh opened the public hearing at 11 :08 a.m. to take public comment on the Eastern Sierra ATV Adventure Trails System Pilot Project, with a reminder that the project (not ATV/OHV use in general) was the focus of today's hearing:

- Randy Gillespie of Eastern Sierra Adventure Trails System, LLC expressed continued support for the project but also disappointment that it was limited to only 7 combined-use routes. He said the County of Inyo was able to reap economic benefits in the form of \$1 million-plus in grant funding, but local businesses - aside from campgrounds - have not benefited as much financially because the 7 designated routes do not take riders into towns for goods and services as envisioned. He encouraged the County to continue with the program, which he said is working quite well otherwise, and hopefully be able to add the remaining 31 routes into the program.
- Earl Wilson of Lone Pine said there are quite a few unlicensed off-highway vehicles that use Lone Pine's residential streets, and there is still a problem with unregulated, uncovered ATV light bars being operated on paved roads. In reference to some agencies' reports of no complaints from the public, he said that is more of an issue of the public not being aware of where and to whom complaints should be filed. Wilson also noted that ATV riders are also entering areas that are not being monitored and would like to see more funding available for agencies like the BLM to be able to keep up with enforcement or at least data collection efforts.
- Margaret Marshall of Bishop expressed concern about Adventure Trails signs cropping up in the Buttermilk and Round Valley areas in October that identified routes for ATV use. In reference to the report, she said more than half of the 24 complaints submitted are about ATV use but are not being counted because the incidents did not occur on any of the 7 designated combined-use routes. She said it should still be obvious residents are taking issue with elements of the activity. She also questioned why continuance or expansion of the combined-use program is under consideration if monitoring data shows usage is low. Quinn also said the majority of her interactions with ATV riders while hiking on multi-use trails on BLM land are positive, with the riders exhibiting proper etiquette, however the wear and tear on the trails is evident, and is forcing equestrians to make new trails adjacent to existing ones.
- Linda Arcularius, Round Valley resident and former First District Inyo County Supervisor, offered context on the history and intent of the Eastern Sierra ATV Adventure Trails System Pilot Project, which was ultimately to assist riders in getting from Point A to Point B over long distances, while looking over a long period of time at what the possible economic benefits and negative impacts might be. She said she hoped the 7 combined-use routes would be considered in the context of what the monitoring and legislative reporting was designed for and how the program was intentionally limited at the start. She said she believes the program still has great potential to keep riders on legal trails and to reduce the amount of truck and trailer traffic at trailheads.
- Doug Brown, operator of Bishop area campgrounds, said the Adventure Trails project has just started to gain traction with campers, who are excited about being able to access Forest Service and other public lands on either combined-use or other multi-use trails directly from the campsite without having to travel with an extra vehicle. He said it's a great program and believes the county will see a marked increase in revenue

by expanding it.

- Glenn Clark of Bishop said he is really glad to see the program in Inyo County and said it is good for the County, the people, and the State. He said usage data has so far been low but believes that is because the program has not been advertised much outside of the area. He said otherwise, data shows that the program is working as intended and believes with more route implementation and more time, it will work really well.
- Sydney Quinn of Big Pine said she believed the Adventure Trails program has resulted in unintended consequences, citing ATV riders who use Birch Creek Road to and from Tinnemaha Campground as an example. She said 50-60 percent of the riders are respectful but her main concern is people not knowing where to ride, and the lack of a promised educational component to the program. Quinn made additional comments about abuse to the landscape in areas near Poverty Hills, Red Mountain, and Fish Springs Hill, and suggested a required 10-foot buffer zone between riders and horses, bicycles, and pedestrians. Quinn also encouraged the Board to read the letter submitted by Denise Waterbury, as she has witnessed numerous violations on East Line Street in Bishop.
- George MacDougall of the California State Parks Off-Road Division said the 10-mile combined use limit on Inyo County's routes offers a significant benefit over the 3-mile limits found in the rest of the state. He said he has heard and read mostly positive comments about the program and with regard to the negative, noted that grant funding opportunities, such as for restoration, can mitigate a lot of concerns.

Supervisor Griffiths took the opportunity to try to clear up some confusion about the Adventure Trails program authorized by AB 628 and the efforts being undertaken by Eastern Sierra Adventure Trails System, LLC, which the group also refers to as "Adventure Trails." CAO Quilter noted that the new signs going up in the Bishop and Lone Pine areas pointing riders to Adventure Trails routes are a grant-funded project of the Adventure Trails System, LLC, and do not refer to combined-use routes. Supervisor Kingsley suggested Gillespie and his group work with local communities to be sure not to direct riders to areas that, while legal to ride in, might be over-used nonetheless. Gillespie said maps with zones marked on them can be attached to the signs.

The Chairperson closed the public hearing at 11 :45 a.m.

Supervisor Griffiths stressed the need for the proponents to engage in more educational efforts because of the confusion over combined-use routes versus normal ATV routes, and the fact that very little complaints have been received about combined-use routes themselves. He said staffs report to the Legislature is fine as is, with no need to include complaints on OHV use in general.

Supervisor Pucci concurred there were two separate issues.

Chairperson Totheroh said he received several phone calls questioning the Adventure Trail signs that went up in the Buttermilk area, and said the agency that awarded the grant for the project should have ensured there was more follow-up with the land management agency prior to those signs being erected.

Supervisor Kingsley lamented the fact that combined-use routes could not be designated in the Lone Pine area and suggested that people actually drive slower through neighborhoods where the routes are designated. He also said the County has a responsibility to provide educational materials at any of its campgrounds that ATV riders are using as starting points.

Supervisor Tillemans said monitoring data shows the program is working from an enforcement standpoint and it's unfortunate the County was not able to implement the entire program, in order to study it in full and to realize some true economic benefits.

Moved by Supervisor Pucci and seconded by Supervisor Kingsley to approve the submittal of a report to the Legislature summarizing the Assembly Bill 628/SB 1345 project known as the Eastern Sierra ATV Adventure Trails System Project. Motion carried unanimously.

- Recess/Reconvene* Chairperson Totheroh recessed the meeting for lunch at 12:12 p.m. and reconvened the meeting at 1:05 p.m. with all members present.
- Public Works – Workshop – Town Water Systems* Acting Public Works Director Mike Errante introduced a workshop on the current state of the Laws, Independence, and Lone Pine Town Water Systems. Deputy Public Works Director Chris Cash presented a slide presentation to the Board that included an abbreviated history of the water systems and a recommendation for the County to bring the operation of the systems in-house when the current outside contract expires on December 31. Cash listed various benefits to the in-house operation, including faster response times when emergency repairs are needed, the ability to control costs more effectively, and considerable savings in maintenance costs. He also presented proposed personnel changes that would make the operation more feasible. After additional discussion, the Board concurred with staff's recommendation, and directed staff to begin preparations for taking over operations of the Town Water Systems on January 1, 2019, and to return with hiring requests in the future.
- Board of Equalization* The Board of Supervisors recessed at 1:51 p.m. and reconvened as the Board of Equalization (separate minutes to be approved by the Board of Equalization at its next meeting). Chairperson Totheroh adjourned the BOE meeting at 1:59 p.m. and reconvened the meeting of the Board of Supervisors.
- Adjournment* Chairperson Totheroh adjourned the meeting at 2 p.m. to 8:30 a.m. Tuesday, December 18, 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*