

# Agenda



## County of Inyo Board of Supervisors

Board of Supervisors Room  
County Administrative Center  
224 North Edwards  
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

**Public Notices:** (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed fewer than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

**Note:** Historically the Board does break for lunch; the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

### December 18, 2018

**8:30 a.m. 1. PUBLIC COMMENT**

#### **CLOSED SESSION**

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Bishop Paiute Tribe v. Inyo County; William Lutze, Inyo County Sheriff; Thomas Hardy, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT**
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Norman Coffman, v. County of Inyo, et al., Inyo County Superior Court Case No. SICVCV-17 61470**
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Julia Langley, v. County of Inyo, et al., United States District Court Eastern District of California Case No. 1:16-CV-01133-DAD-JLT**
5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Prominent Systems, Inc., a California Corporation, v. Eastern Sierra Engineering, P.C., a Nevada Corporation; County of Inyo, a political subdivision of the State of California, Superior Court of the State of California for the County of Kern Case No. S-1500-CV-279959-DR; Court of Appeal 5<sup>th</sup> Appellate District, Division P Case No. F077475**
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 Clint Quilter, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.**

**OPEN SESSION** (With the exception of timed items, all open-session items may be considered at any time and in any order during the meeting in the Board's discretion.)

**10:00 a.m. PLEDGE OF ALLEGIANCE**

**7. REPORT ON CLOSED SESSION**

8. **PUBLIC COMMENT**
9. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)
10. **INTRODUCTIONS** – The following new Health & Human Services employees will be introduced to the Board: Mikaela Torres, Administrative Analyst II; Marjie Chapman, Office Technician II; Christina Bonanno, Social Worker II; and Michael D. Heinlein, Licensed Addictions Program Supervisor.

#### **DEPARTMENTAL – PERSONNEL ACTIONS**

11. **AGRICULTURAL COMMISSIONER** – Request Board: A) approve the job description for the Agriculture/Weights and Measures/Cannabis Inspector I, II, and III; and B) find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for an Agriculture/Weights and Measures/Cannabis Inspector I and Agriculture/Weights and Measures/Cannabis Inspector II exists in the General Fund, as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; 2) where due to the nature of the positions, it is unlikely that they could be filled by internal candidates meeting the qualifications for the positions and an open recruitment is appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Agriculture/Weights and Measures/Cannabis Inspector I, Range 60 (\$3,612 - \$4,387) and one (1) Agriculture/Weights and Measures/Cannabis Inspector II, Range 65 (\$4,052 - \$4,929).
12. **PUBLIC WORKS** – Request Board find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I/II/III exists in the Building & Maintenance and Road budgets, 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 position, the vacancy could be filled through an internal recruitment, but an open recruitment is most appropriate to ensure qualified applicants apply; and C) authorize the hiring of one (1) Office Technician I/II/III at Range 55 (\$3,213 - \$3,907), Range 59 (\$3,526 - \$4,285), or Range 63 (\$3,867 - \$4,705), depending on qualifications.

#### **CONSENT AGENDA** (Approval recommended by the County Administrator)

##### **COUNTY ADMINISTRATOR**

13. Request Board approve the agreement between the County of Inyo and Gerard B. Harvey for the provision of Professional Services as a Public Defender (Misdemeanors – North County) for the period of January 1, 2019 through June 30, 2019, in an amount not to exceed \$66,000 and authorize the Chairperson to sign.
14. **Clerk of the Board** – Request Board make the following appointments to the Child Care Planning Council: A) reappoint Raquel Dietrich to an unexpired three-year term for a Public Agency Representative, ending November 4, 2021; and B) appoint Kathleen Duncan to an unexpired three-year term in the Discretionary Category, ending December 1, 2021. (*Notices of Vacancy resulted in requests for appointment being received from Ms. Dietrich and Ms. Duncan.*)
15. **Risk Management** – Request Board, pursuant to Article 7 of the CSAC Excess Insurance Authority Joint Powers Agreement, appoint the Risk Manager as Director and County Administrator as the Alternate Director to the CSAC Excess Insurance Authority Board of Directors.

##### **PLANNING**

16. Request Board: A) certify that \$29,784.77 in funds provided to Inyo County as an Affected Unit of Local Government under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425, and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); and B) authorize the Chairperson to sign the certification and staff to submit the certification to the U.S. Department of Energy.

**PUBLIC WORKS**

17. Request Board approve the plans for Cottonwood Creek Charcoal Kiln Roof.
18. Request Board approve Parcel Map No. 409.
19. Request Board approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Accepting the Work of Improvement Known as the Lone Pine VFW Parking Lot Project and Authorizing the Recording of a Notice of Completion with Respect to Said Work," and authorize the Chairperson to sign.
20. Request Board approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Accepting the Work of Improvement Known as the Bishop Senior Center Improvement Project and Authorizing the Recording of a Notice of Completion with Respect to Said Work," and authorize the Chairperson to sign.
21. Request Board: A) declare the bids submitted by Bowman Asphalt, Inc. and Clair Concrete, Inc. for the South Street Parking Lot Paving Project as not in the County's best interest; and B) reject all bids received.

**DEPARTMENTAL** (To be considered at the Board's convenience)

22. **COUNTY ADMINISTRATOR** – ***Inyo Film Commission*** – Request Board receive Inyo County Film Commissioner's 2018-2019 Mid-Year Written Report.
23. **BOARD OF SUPERVISORS** – ***Chairperson Totheroh*** – Request Board appoint a Planning Commissioner to represent the First Supervisorial District.
24. **BOARD OF SUPERVISORS** – ***Supervisor Pucci*** – Request Board appoint a Planning Commissioner to represent the Third Supervisorial District.
25. **PLANNING** – Request Board authorize the County Administrator to sign a maximum 12-month extension to the Memorandum of Understanding (MOU) with the U.S. Forest Service regarding the Inyo National Forest Plan Update/Revision, assuming no changes or additions will be made.
26. **COUNTY ADMINISTRATOR** – ***Information Services*** – Request Board ratify and approve the renewal of a Software Maintenance Agreement between CivicPlus, Inc. and the County of Inyo for the County's Board meeting streaming and agenda automation system for the period of December 1, 2018 through November 30, 2019 in an amount not to exceed \$10,685.
27. **COUNTY ADMINISTRATOR** – ***Personnel*** – Request Board enact 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."
28. **COUNTY ADMINISTRATOR** – ***Emergency Services*** – Request Board discuss and consider staff's recommendation regarding continuation of 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.
29. **COUNTY ADMINISTRATOR** – ***Emergency Services*** – Request Board discuss and consider staff's recommendation regarding continuation of 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.
30. **COUNTY ADMINISTRATOR** – ***Emergency Services*** – Request Board discuss and consider staff's recommendation 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.

31. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff’s recommendation regarding continuation of 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.
32. **COUNTY ADMINISTRATOR – Emergency Services** – Request Board discuss and consider staff’s recommendation regarding continuation of 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.

**TIMED ITEMS** (Items will not be considered before scheduled time but may be considered any time after the scheduled time)

- 11 a.m.
33. **PUBLIC WORKS** – Request Board enact 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.”
  34. **AG COMMISSIONER** – Request Board: A) conduct a public hearing on the consideration of County commercial cannabis licenses for manufacturing classification licenses in cannabis Zone 5F, cultivation above 5,000 sq. ft. classification licenses in Zone 5F, and cultivation less than 5,000 sq. ft. classification licenses in Zone 5G; and B) conditionally approve those applications that exceeded the 80% minimum threshold as set forth in Inyo County code section 5.40.090(H) and authorize issuance of licenses contingent on the applicant paying the fees established, and applicants obtaining all applicable permits and licenses required by the county and the state of California including payment of all required fees and taxes.

**Note: The agenda items listed below may be considered by the Board at any time during the meeting in the Board’s discretion, including before scheduled timed items.**

**COMMENT** (Portion of the Agenda when the Board takes comment from the public and County staff)

35. **PUBLIC COMMENT**

**BOARD MEMBER AND STAFF REPORTS**