

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 less 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.

November 24, 2015

8:30 a.m. 1. PUBLIC COMMENT

CLOSED SESSION

2. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (three case).
3. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Peace Officers Association (ICPPOA) – Negotiators - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
4. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.

OPEN SESSION

10:00 a.m. PLEDGE OF ALLEGIANCE

5. **REPORT ON CLOSED SESSION AS REQUIRED BY LAW.**
6. **PUBLIC COMMENT**
7. **PRESENTATION** – Mr. John Helm, Executive Director of ESTA, will present the 2014/15 ESTA Annual Report.

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

8. **Information Services** – Request Board approve the renewal of support services for licensed programs referred to as the JALAN Criminal Justice System from Sungard Public Sector, Inc., for the period of December 1, 2015 through November 30, 2016, in an amount not to exceed \$24,375.

9. **Information Services** – Request Board A) award and approve the Contract with GBH Communications, Inc., for implementation and related services for Board Meeting Streaming and Purchase of related technical hardware, in an amount not to exceed \$11,850, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; B) award and approve the Contract with GBH Communications, Inc., for remote configuration services, in an amount not to exceed \$4,995, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and C) authorize a purchase order to GBH Communications, Inc., for the purchase of various technical hardware components (including product warranties) necessary to stream audio and video of Board meetings over the Internet, in an amount not to exceed \$63,500.
10. **Motor Pool** – Request Board A) declare the vehicles recommended by Staff as surplus; B) authorize Motor Pool to offer the vehicles for sale utilizing the Public Surplus auction site; and C) authorize Motor Pool to utilize either the previously approved consignment auction agreement with Enterprise Fleet Management or another auctioneer for the removal and sale of any vehicles remaining unsold after the Public Surplus process.
11. **Recycling and Waste Management** – Request Board A) award the bid for Homewood Canyon Transfer Station hauling services to the Ridgecrest Landfill to Ridgecrest Sanitation; B) approve the Contract between the County of Inyo and Ridgecrest Sanitation for the transport of solid waste from the Homewood Canyon Transfer Station to the Ridgecrest Landfill in Kern County, for the period of December 1, 2015 through June 30, 2016, with two one year options to extend, at the rate of \$1,145.97 per month, with a potential 3% increase or decrease adjustment for subsequent yearly terms if extended; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.

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

12. **CLERK-RECORDER** – Request approval of a resolution titled “A Resolution of the Board of Supervisors of the County of Inyo in Support of the Registrar of Voters Conducting Elections for Central Committees as Required by Law.”
13. **PUBLIC WORKS** – Request Board A) award and approve the Contract for the Inyo County Buildings Painting Project to Astro Painting Company in the amount of \$17,555.50; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) authorize the Public Works Director to sign all other Contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law.
14. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board continue the local emergency, The Death Valley Roadeater Emergency that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32, as recommended by the County Administrator.
15. **COUNTY ADMINISTRATOR – Emergency Services** - Request Board continue the local emergency, The Gully Washer Emergency that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013, as recommended by the County Administrator.
16. **COUNTY ADMINISTRATOR - Emergency Services** - Request Board continue the local emergency, The Canyon Crusher Emergency, that resulted in flooding in the portions of Inyo County during the month of August, 2013, was recommended by the County Administrator.
17. **COUNTY ADMINISTRATOR - Emergency Services** – Request Board continue the local emergency, known as the “Land of EVEN Less Water Emergency” that was proclaimed as a result of extreme drought conditions that exist in the County as recommended by the County Administrator.
18. **COUNTY ADMINISTRATOR – Emergency Services** - Request Board continue the local emergency, known as the “Death Valley Down But Not Out Emergency” that was proclaimed as a result flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.
19. **CLERK OF THE BOARD** - Request approval of the minutes of the Board of Supervisors Meetings as follows: A) the Regular Meeting of November 17, 2015; and B) the Special Meeting of November 16, 2015.

TIMED ITEMS (Items will not be considered before scheduled time)

- 10:30 a.m. 20. **HEALTH AND HUMAN SERVICES** – Request Board conduct a workshop on the impact in Inyo County of California’s Continuum of Care Reform for children and youth in our foster care system.
- 10:45 a.m. 21. **PROBATION – HEALTH AND HUMAN SERVICES – COUNTY ADMINISTRATOR** – Request Board conduct a workshop on status of Juvenile Services, and possible opportunities in Inyo County.
22. **HEALTH AND HUMAN SERVICES** – Request Board approve the Foster and Relative Caregiver Recruitment and Retention and Support Plan for submittal to the California Department of Social Services, requesting \$186,300.
- 11:30 a.m. 23. **HEALTH AND HUMAN SERVICES – Mental Health Services** – Request Board enact an ordinance titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Ordinance No. 1189 and Revising Inyo County Community Mental Health Services Fees;” which will amend the Community Mental Health Services Fees based on the annual certified actual costs.
- 1:30 p.m. 24. **WATER DEPARTMENT** – Request Board receive a presentation on recent proposals by the Los Angeles Department of Water and Power to construct new groundwater wells.

CORRESPONDENCE – ACTION (To be considered at the Board’s convenience)

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

25. **COUNTY DEPARTMENT REPORTS** (*Reports limited to two minutes*)
26. **PUBLIC COMMENT**

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

27. **STATE OF CALIFORNIA – Wildlife Conservation Board** – Agenda for November 19, 2015 meeting.



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
8

- Consent (checked), Departmental, Correspondence Action, Public Hearing, Scheduled Time for, Closed Session, Informational

FROM: County Administrator – Information Services

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Software Maintenance for JALAN Criminal Justice System

DEPARTMENTAL RECOMMENDATION:

Request your Board approve the renewal of a support services for licensed programs referred to as the JALAN Criminal Justice System from Sungard Public Sector Inc., for the period December 1, 2015 through November 30, 2016 in an amount not to exceed \$24,375.

SUMMARY DISCUSSION:

The District Attorney's Office, Sheriff's Office and Probation Department all use and rely upon the JALAN system to conduct daily operations. Continued use of the system is contingent upon annual renewal of the support services.

ALTERNATIVES:

Your Board could choose not to approve the renewal. In such case the County would lose its right to use the software. The alternative is not recommended since the software is critical to the daily public safety operations...

OTHER AGENCY INVOLVEMENT:

The District Attorney's Office, Sheriff's Office and Probation Department all use and rely upon the JALAN system to conduct daily operations.

FINANCING:

The cost of the support service renewal for the period from 12/1/15 – 11/30/16 will be paid from and is budgeted in the Board approved Information Services FY 2013-14 budget [011801-5177] (Maint. of Computer Systems).

Table with 2 columns: Role (County Counsel, Auditor/Controller, Personnel Director) and Description/Approval. Includes handwritten signatures and dates.

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Handwritten signature of the Department Head

Date: 11/5/15

SUNGARD PUBLIC SECTOR

1000 Business Center Drive
 Lake Mary, FL 32746
 800-727-8088
 www.sungardps.com

Invoice

Company	Document No	Date	Page
LG	110042	30/Oct/2015	1 of 1

Bill To: Inyo County
 P.O. Box 477
 INDEPENDENCE, CA 93526
 United States
 Attn: Brad Yonge 760-878-0243

Ship To: Inyo County
 P.O. Box 477
 INDEPENDENCE, CA 93526
 United States
 Attn: Brad Yonge 760-878-0243

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 1655LG	Inyo County		USD	NET30	29/Nov/2015

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 2001612				
4	Secured-BH - Jails Maintenance Start: 01/Dec/2015, End: 30/Nov/2016	1.00	673.06	673.06
Contract No. 9864028				
1	Jails Base Application - Single Facility Maintenance Start: 01/Dec/2015, End: 30/Nov/2016	1.00	6,207.74	6,207.74
2	Prosecutor System Maintenance Start: 01/Dec/2015, End: 30/Nov/2016	1.00	8,344.85	8,344.85
3	Probation System Maintenance Start: 01/Dec/2015, End: 30/Nov/2016	1.00	7,343.25	7,343.25
Contract No.				
5	Tax (Type - MA)	1.00	902.76	902.76
Page Total				23,471.66

CA Tax 1805.51

[Handwritten mark]

Remit Payment To: SunGard Public Sector Inc.
 Bank of America
 12709 Collection Center Drive
 Chicago, IL 60693

Subtotal	22,568.90
<i>1805.51</i> Sales Tax	902.76
<i>24,374.41</i> Invoice Total	23,471.66
Payment Received	0.00
<i>24,374.41</i> Balance Due	23,471.66



**AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO**

For Clerk's Use
Only:
AGENDA NUMBER

9

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator – Information Services

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Contracts for Implementation and Related Services for Board Meeting Streaming and Purchase of Related Technical Hardware

DEPARTMENTAL RECOMMENDATION:

Request your Board: A) approve and award a contract for technical hardware and software implementation services to GBH Communications, Inc. in an amount not to exceed eleven thousand eight hundred and fifty dollars (\$11,850) contingent on appropriate signatures being obtained; B) approve and award a contract for remote configuration services to GBH Communications, Inc. in an amount not to exceed four thousand nine hundred and ninety-five dollars (\$4,995) contingent on appropriate signatures being obtained; C) approve the generating of a purchase order for the purchase of various technical hardware components (including product warranties) necessary to stream audio and video of Board meetings over the Internet from GBH Communications, Inc. and authorize the purchase of the various technical hardware components in an amount not to exceed sixty-three thousand and five hundred dollars (\$63,500); and D) authorize the Chairperson to sign the contracts.

SUMMARY DISCUSSION:

In March 2015, the County of Inyo was awarded a grant from the Great Basin Air Pollution Control District to mitigate pollution generated, in part, by vehicles driving to and from Independence to attend Board meetings.

To provide an alternative to driving to Independence, a project was established with the goal to leverage technology to broadcast Board meetings in real-time over the Internet (webcast) as well as record and archive the Board proceedings for later viewing via the Internet.

In order to achieve the desired goal, the project has been divided into two major tasks: 1) update of the Board Chambers audio-visual hardware and 2) implement an agenda management software system which supports streaming of Board meetings including electronic integration of agendas and related materials.

The County received only one response to its Request for Proposals (“RFP”) and that response was nonresponsive to the requirements set forth under the RFP. As a result, Inyo County Information Services directly solicited proposals from a number of audio/visual companies including GBH Communications, Inc., JCG Technologies, Fluid Sound, and Spinitar. After sustained effort, Information Services chose GBH Communications, Inc., when it satisfactorily documented it could deliver the desired functionality at a cost near that initially estimated by Information Services.

The first year costs, which include implementation, are not to exceed eighty-one thousand three hundred forty-five dollars (\$81,345). The annual recurring maintenance costs could be as much as \$11,000 depending on the level of technical support that may be required for the equipment.

ALTERNATIVES:

Your Board could choose not to approve the request, in which case the Board meeting streaming project would likely be put into jeopardy. Alternatively, your Board could ask for re-evaluation of alternative streaming hardware solutions.

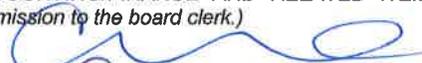
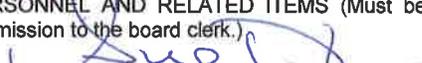
OTHER AGENCY INVOLVEMENT:

Any agency submitting an agenda item to the Inyo County Board of Supervisors is potentially affected.

FINANCING:

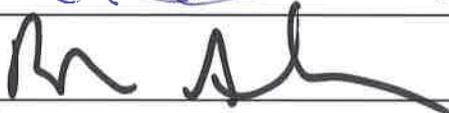
The cost of the project is requested in the Great Basin APC grant FY 2015-16 budget [610189-5265] (Prof. Services).
The cost for continued licensing in future years will be requested through Information Services budget in those years.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>Yes</u> Date <u>11/18/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>11/18/2015</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: <u>✓</u> Date <u>11/18/15</u>

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 11/18/15



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

10

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Motor Pool

FOR THE BOARD MEETING OF: November ²⁴~~19~~, 2015

SUBJECT: Disposal of Surplus Motor Pool Vehicles through Public Surplus

DEPARTMENTAL RECOMMENDATION:

Request that your Board, A) declare the vehicles identified in Exhibit A as surplus, B) authorize Motor Pool to offer the vehicles for sale utilizing the Public Surplus auction site and C) authorize Motor Pool to utilize either the previously approved consignment auction agreement with Enterprise Fleet Management or another auctioneer for the removal and sale of any vehicles remaining unsold after the Public Surplus process.

SUMMARY DISCUSSION:

Earlier this year, your Board approved a comprehensive vehicle acquisition process utilizing Enterprise Fleet Management. County Motor Pool vehicles are now being leased through Enterprise. At the end of their useful life, the vehicles will be auctioned by Enterprise and the proceeds credited to the County. Fully transitioning to the Enterprise model will take several years.

Currently, the County has approximately 30 vehicles which have been removed from service. Traditionally, surplus County vehicles have been offered for sale through a sealed bid auction process. This has allowed County residents to acquire the County's surplus at a reasonable price. Unsold vehicles are then disposed of through an auction house.

Conducting a sealed bid auction for multiple vehicles is labor-intensive and time-consuming for staff, however, it is recognized that local residents appreciate having the opportunity to bid on vehicles. In order to improve the bidding process Motor Pool is requesting that your Board authorize placing 12 vehicles for sale on publics surplus.com.

Public Surplus is an online auction site, similar to eBay, specializing in liquidating vehicles and other equipment for government entities. The proposed process would include advertising the vehicles for sale through the Inyo Register as has been done previously. A minimum bid price would be set for each vehicle. Potential buyers would still be given the opportunity to inspect the vehicles where they are currently being stored. The major change in the process is that instead of submitting a sealed bid, the vehicles would be offered on the Public Surplus website and bids would be submitted electronically. During the course of the auction all bidders would have the opportunity to see what bids have been submitted which could potentially lead to a greater return for the County.

The cost of using the service is a 7% premium above the bid price which is charged to the buyer. As is our past practice, the surplus vehicles will be sold in "as is" condition with no guarantee or warranty whatsoever and the winning bidder will be responsible for obtaining a compliance certificate (smog).

It is further recommended that at the conclusion of the auction any vehicle which did not sell at the minimum bid price be consigned to an auction house for sale. Utilizing an auctioneer will maximize the County cost recovery. The company will transport all of the remaining vehicles to Southern California where they will be detailed and smogged. The County will receive a full accounting of the final auction results proceeds within 20 days of the auction.

ALTERNATIVES:

Your Board may select to use the sealed bid process. This alternative is not recommended as it is very time-consuming and does not maximize cost recovery.

The vehicles could be placed directly into a vehicle auction either through Enterprise or another auction house. This would limit the ability of local residents to bid on the vehicles but is much less staff intensive and generally produces significant cost recovery.

OTHER AGENCY INVOLVEMENT:

Auditor

FINANCING:

The proceeds received as a result of the auction sale will dictate the amount received by the County. The funds received will be allocated to the Motor Pool Internal Service Fund.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.) Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>11-10-2015</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)

 Date: 11/6/15

EXHIBIT A
2015/2016 SURPLUS LIST

VEH #	DESCRIPTION	DEPT	Mileage	VIN
1	1996 JEEP CHEROKEE	SALT	203117	1J4FJ28S8TL232965
2	1998 GMC SIERRA	SALT	176208	1GDGK24J1WZ541226
3	1998 JEEP CHEROKEE	HHS	90960	1J4FJ28S6WL263829
4	1999 JEEP CHEROKEE	HHS	168513	1J4FF28S7XL604819
5	2000 JEEP CHEROKEE	S/O	184050	1J4FF48S8YL248586
6	2002 FORD CROWN VIC	S/O	135809	2FAFP71W12X145592
7	2003 FORD CROWN VIC	S/O	126208	2FAHP71W43X211420
8	2003 FORD F250	S/O	136102	1FDNF20LX3ED28698
9	2004 CHEVY MALIBU	MP	98288	1G1ZS52824F156540
10	2007 FORD CROWN VIC	S/O	201202	2FAFP71W97X105803
11	2007 FORD ESCAPE	MP	118125	1FMCU93167KA65052
12	2008 FORD ESCAPE	MP	127209	1FMCU93108KA62729

11/2/2015



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

11

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Recycling and Waste Management

FOR THE BOARD MEETING OF: November 24th 2015

SUBJECT: Contract between the County of Inyo and Ridgecrest Sanitation for Waste Hauling Services at Homewood Canyon Transfer Station

DEPARTMENTAL RECOMMENDATION : Request that your Board 1) award the bid to Ridgecrest Sanitation for Waste Hauling Services at Homewood Canyon Transfer Station to Ridgecrest Landfill, ; 2) approve the contract between the County of Inyo and Ridgecrest Sanitation for the transport of solid waste from the Homewood Canyon Transfer Station to the Ridgecrest Landfill, in Kern County, for the period of December 1, 2015 through June 30, 2016 at a cost of \$1,145.97 per month (\$13,751.64 annually) with two (2) one (1) year options to extend on July 1, 2016 and July 1, 2017 each subject to a potential 3% adjustment up or down subject to Board approval and adoption of future County budgets, and 3) authorize the Chairperson to sign the contract contingent upon obtaining appropriate signatures.

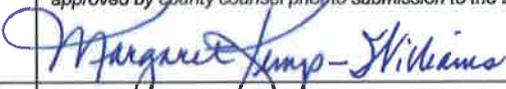
SUMMARY DISCUSSION: This agreement provides for the transfer of solid waste from the Homewood Canyon Transfer Station to the Ridgecrest landfill in Kern County. Transferring this waste to Kern County is economically advantageous. Kern County charges Inyo County for waste disposal pursuant to established Kern County rates based upon the number of residential users that utilize the transfer station. Inyo County currently has an agreement in place to allow for the transferring of waste. Ridgecrest Sanitation was the only waste hauler to respond to the request for bids, and is currently the only waste hauler permitted to work in Permit Area C.

The services contract is scheduled for a seven month term with two one year options to extend on July 1, 2016 and July 1, 2018. . If the options to extend are exercised then the contract amount for fiscal years 2016/2017 and 2017/2018 will be adjusted by not more than 3%, up or down, from the previous year based upon the Southern California Consumer Price Index as determined by the United States Department of Labor, Bureau of Labor Statistics.

ALTERNATIVES: Your Board could choose not to award this bid, but that would require the residents of Homewood Canyon to self-haul their trash, possibly to the Lone Pine Landfill due to the agreement between Inyo County and Kern County for use of the Ridgecrest Landfill.

OTHER AGENCY INVOLVEMENT: County Counsel, Auditor/Controller

FINANCING: These services are included in the Solid Waste Budget 045700, Object Code 5265 Professional Services.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>Yes</u> Date <u>11/10/15</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>Yes</u> Date <u>11/10/2015</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 11/19/15

ATTACHMENT A

AGREEMENT BETWEEN COUNTY OF INYO

AND RIDGECREST SANITATION

FOR THE PROVISION OF WASTE HAULING HOMEWOOD CANYON **SERVICES**

TERM:

FROM: 12/1/2015 **TO:** 6/30/2018

SCOPE OF WORK:

Provide once per week pick-up of seven (7) - three (3) cubic yard containers for solid waste located in Homewood Canyon Transfer Station and transport waste to the Ridgecrest Landfill in Kern County. All permits and fees required by the State of California are the responsibility of the waste hauler.

Provide once per week pick-up of two (2) - 96 gallon recycling receptacles for recycling of aluminum cans, tin/metal and foil, plastic #1-7 glass, cardboard and newspaper.

Contractor shall furnish, at Contractor's sole expens, all bins, vehicles and other equipment and supplies necessary to perform such services. The bins and equipment must be maintained in good working order and in sanitary condition.

In the event Contractor knows or reasonably believes that the refuse includes materials which are hazardous wastes or toxic materials in such amounts as may be transported or disposed of only pursuant ot lawfully issued permits and/or licenses, Contractorshal promptly notify the Admistrator of Recylcing & Waste Management for Inyo County and shall not transport such materials.

Pursuant to section 2021.1(a) of the Diesel Particulate Matter Regulations, your company must be in compliance with all applicable air pollution control laws.

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF INYO
RIDGECREST SANITATION**

AND _____
WASTE HAULING HOMEWOOD CANYON

FOR THE PROVISION OF _____ SERVICES

TERM:
12/1/2015 6/30/16
FROM: _____ **TO:** _____

SCHEDULE OF FEES:

County will pay contractor \$13,751.64 annually, in monthly payments of \$1,145.97 for all work in Attachment A for the period from December 1, 2015 through June 30, 2016. There are two (2) one year options to extend which can be exercised at the County's discretion on July 1, 2016 and on July 1, 2017 with a contract amount adjustment equal to the Southern California CPI either up or down, provided that no increase shall exceed 3.0%.

County of Inyo Standard Contract - No. 116(A)
(Independent Contractor – Term/Options)
Page 11

08192015



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk=s Use Only:
AGENDA NUMBER

12

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kammi Foote, Clerk-Recorder and Registrar of Voters

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Approval of A Resolution of the Board of Supervisors of the County of Inyo in support of the Registrar of Voters conducting elections for County Central Committees as required by law.

DEPARTMENTAL RECOMMENDATION:

Request your Board (a) approve the attached Resolution and (b) Authorize the Chair to sign the Resolution.

SUMMARY DISCUSSION:

County Central Committees are non-public offices made up of members of political parties whose elections are held by County Registrars and paid for from the County General Fund. This has been the practice for in excess of 100 years.

It is estimated that elections can exceed \$7.5 million statewide for each election. However, in Inyo County there is currently only one organized County Central Committee and the cost to conduct this election is estimated to be under \$500.

Recently, the Inyo County Elections Office received a letter from the Independent Voter Project (IVP) requesting that our office bill for election related services for County Central Committees. In this letter attached as Attachment "A", IVP suggests that continuing to conduct these elections at taxpayers' expense is a gift of public funds.

In the attached 15 page letter [Attachment "B"] the Republican and Democratic State Central Committees countered IVP's assertion and advised Napa County that if the Board of Supervisors votes to charge Central Committees for the costs of an election there will be potential litigation. The basis of their joint claims are as follows:

- (1) Article II, section 5(c) of the California Constitution and the Election Code provides for partisan elections for party central committees; and
- (2) California appellate court decisions unanimously have held that government *may* expend public funds on election-related activities as long as the government is not "conducting an election campaign" or "promoting a partisan position in an election campaign;" and
- (3) Charging Central Committees would be an unconstitutional infringement on the associational rights of the political parties and their voters.

Historical context

During the early 1900s, the Progressive Movement advanced several substantive changes to California's political system, including state-level initiative, referendum and recall, as well as publicly elected County Central Committees and Primaries.

Over the years there have been many constitutional challenges to state law that regulates the affairs of County Central Committees. Recently, in 2009, the Court of Appeals, Second District, heard the case of *Wilson V San Luis Obispo County Democratic Central Committee*. (2009) 175 Cal. App. 4th 489. The question before the court was whether the County Central Committee could adopt bylaws that were contrary to the election code. The courts ruled in favor of the County Central Committee finding that certain provisions of the California election code were unconstitutional and violated the First Amendment rights of political parties.

In 2010, subsequent to this ruling, California voters adopted the Top-Two Open Primary Act, which stated in Article II, Section 5 (c) that the "Legislature shall provide for partisan elections for party central committees."

In December 2011, the California Secretary of State issued an advisory instructing County Registrars that they were required to allow County Central Committee members to be elected by a public ballot, but that the State could not mandate that the County Central Committees use the elective process in lieu, for example, of a caucus process.

Subsequently in 2012, the California Legislature adopted AB 1200 (Ma) and SB 1272 (Kehoe), further changing the process of County Central Committee elections by declaring that they were only entitled to a public election that would coincide with the Presidential Primary, in addition to other comprehensive changes. During floor discussions in both chambers, it was recognized there would be "significant" monetary savings to counties by changing central committee elections to every four years, as opposed to every two.

There has not been a public County Central Committee election in California since 2012. The current statute mandates that Registrars must allow for the public election process for County Central Committees. The next election is scheduled for June 7, 2016 with Nomination documents to be made available on January 4, 2016.

It is recommended that the Inyo County Board of Supervisors adopt the attached Resolution finding that there is a public purpose in continuing to continue to conduct County Central Committee elections as prescribed by law until such time as the law is changed by the State Legislature or the courts.

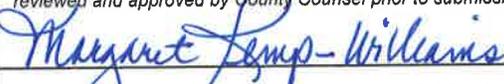
ALTERNATIVES:

- The County can continue to conduct elections for County Central Committees without passing a resolution and demand payment for services rendered.
- The County can pass a resolution and declare that County Central Committees DO NOT serve a public purpose, conduct the election and send an invoice for services rendered.

FINANCING:

Funds are available within the FY2015-2016 Budget 011000-5316 to provide for County Central Committee elections.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i>  Approved: <input checked="" type="checkbox"/> Date: 11/18/15
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i>  Approved: <u>yes</u> Date: 11/18/2015
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)



Date: 11/18/2015

RESOLUTION No. 2015_____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
INYO IN SUPPORT OF THE REGISTRAR OF VOTERS CONDUCTING ELECTIONS FOR
CENTRAL COMMITTEES AS REQUIRED BY LAW**

WHEREAS for in excess of 100 years, the California Elections Code has contained processes by which county central committees would elect and appoint their members at public expense. See Elections Code sections 7200, 7400, 7650, 7850.

WHEREAS the court in *Wilson v. San Luis Obispo County Democratic Committee* (2009) 175 Cal.App. 4th 489 (Wilson) held that San Luis Obispo Central Democratic Committee had the right to adopt specific bylaws conflicting in part with Election Code section 7200 prescribing the composition of the Central Committee.

WHEREAS the California voters adopted Article II, Section 5(c) of the California Constitution requiring the Legislature to provide partisan elections for political parties and party central committees.

WHEREAS the Secretary of State, in Memorandum Number 11138 to County Clerks and Registrars of Voters on December 12, 2011, concluded that elections for central committee members would be conducted pursuant to the relevant Elections Code sections "as they have been conducted for years" subject to the following interpretations:

- A. The Wilson opinion applies across the Board to all Central Committees; and
- B. The Wilson opinion combined with the 2010 Constitutional Amendment indicates the Legislature "is required to allow county central committee members to be elected, it cannot mandate that the county central committees use the elective process;" and
- C. The Wilson opinion does not question nor overturn the Legislature's ability to regulate the election process under the Elections Code for those central committees that opt to elect committee members pursuant to the Elections Code provisions for the party.

WHEREAS in 2012 the Legislature passed SB1272 which changed the law to permit, rather than require, Central Committees to elect members during presidential primary elections only, not at every statewide primary, recognized the permitted use of internal methods of selecting members, and made other law changes related to participation by Central Committees to select members by election. During floor discussions in both chambers, it was recognized there would be "significant" monetary savings to counties by changing Central Committee elections to every four years, as opposed to every two.

WHEREAS the Legislature indicates by statute when payment is expected for inclusion on the UDEL ballot, no such provision is included for Central Committees. See by way of example, Elections Code sections 10002 (Cities) and 10520 (Districts).

WHEREAS a dispute has arisen regarding whether conducting Central Committee elections at the public's expense serves a public purpose despite the direction from the Legislature to conduct such elections in the Elections Code and the State Constitution. One side of the current debate says the County should charge Central Committees for conducting elections, another side says the Legislature has not authorized such charges.

WHEREAS the Clerk Recorder has no discretion to refuse to follow the Elections Code, her sole duty is to follow the law as it is written absent the Legislature acting to change the law or a court determination that the law as written does not serve a public purpose and is unconstitutional.

RESOLUTION No. 2015 _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
INYO IN SUPPORT OF THE REGISTRAR OF VOTERS CONDUCTING ELECTIONS FOR
CENTRAL COMMITTEES AS REQUIRED BY LAW**

WHEREAS for in excess of 100 years, the California Elections Code has contained processes by which county central committees would elect and appoint their members at public expense. See Elections Code sections 7200, 7400, 7650, 7850.

WHEREAS the court in *Wilson v. San Luis Obispo County Democratic Committee* (2009) 175 Cal.App. 4th 489 (Wilson) held that San Luis Obispo Central Democratic Committee had the right to adopt specific bylaws conflicting in part with Election Code section 7200 prescribing the composition of the Central Committee.

WHEREAS the California voters adopted Article II, Section 5(c) of the California Constitution requiring the Legislature to provide partisan elections for political parties and party central committees.

WHEREAS the Secretary of State, in Memorandum Number 11138 to County Clerks and Registrars of Voters on December 12, 2011, concluded that elections for central committee members would be conducted pursuant to the relevant Elections Code sections “as they have been conducted for years” subject to the following interpretations:

- A. The Wilson opinion applies across the Board to all Central Committees; and
- B. The Wilson opinion combined with the 2010 Constitutional Amendment indicates the Legislature “is required to allow county central committee members to be elected, it cannot mandate that the county central committees use the elective process;” and
- C. The Wilson opinion does not question nor overturn the Legislature’s ability to regulate the election process under the Elections Code for those central committees that opt to elect committee members pursuant to the Elections Code provisions for the party.

WHEREAS in 2012 the Legislature passed SB1272 which changed the law to permit, rather than require, Central Committees to elect members during presidential primary elections only, not at every statewide primary, recognized the permitted use of internal methods of selecting members, and made other law changes related to participation by Central Committees to select members by election. During floor discussions in both chambers, it was recognized there would be “significant” monetary savings to counties by changing Central Committee elections to every four years, as opposed to every two.

WHEREAS the Legislature indicates by statute when payment is expected for inclusion on the UDEL ballot, no such provision is included for Central Committees. See by way of example, Elections Code sections 10002 (Cities) and 10520 (Districts).

WHEREAS a dispute has arisen regarding whether conducting Central Committee elections at the public’s expense serves a public purpose despite the direction from the Legislature to conduct such elections in the Elections Code and the State Constitution. One side of the current debate says the County should charge Central Committees for conducting elections, another side says the Legislature has not authorized such charges.

WHEREAS the Clerk Recorder has no discretion to refuse to follow the Elections Code, her sole duty is to follow the law as it is written absent the Legislature acting to change the law or a court determination that the law as written does not serve a public purpose and is unconstitutional.

NOW THEREFORE THE INYO COUNTY BOARD OF SUPERVISORS DETERMINES AND ORDERS IN THE EXERCISE OF ITS DISCRETION THAT:

1. There is a clear nexus between the Clerk's fulfillment of statutorily mandated services, and the County continuing to conduct Central Committee elections as it has for 100 years without charge; and
2. There is a public purpose served in continuing to conduct Central Committee elections as prescribed by law until such time as the law is changed by the State Legislature or the courts.

PASSED AND ADOPTED on this 24th day of November 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the
Board of Supervisors of Inyo County,
State of California

ATTEST: Kevin Carunchio, Clerk of the Board

By _____
Patricia Gunsolley
Assistant Clerk of the Board



California Election Officials

October 20, 2015

RE: Use of Public Funds for Private Central Committee Elections

Dear County Registrar,

This letter is written on behalf of the Independent Voter Project and the individual voters it represents, several of whom have added their names as signatories below.

State law provides that a county registrar shall conduct party central committee elections at the request of any qualified political party (see e.g., California Elections Code sections 7230 and 7425).

However, a political party's county central committee does not perform any governmental functions and membership in the committee is not a public office (see, *Wilson v. San Luis Obispo County Democratic Central Committee* 175 Cal. App. 4th 489, 500 (2009), holding that California Election Code provisions that seek to govern the composition of a party central committee violate the First Amendment rights of political parties and their members).

The California Supreme Court has observed that taxpayer funds shall not be disbursed unless "a direct and substantial public purpose is served and non-state entities are benefited only as an incident to the public purpose." *California Housing Finance Authority v. Elliot* 17 Cal. 3d 575, 583 (1976).

We respectfully request that your office refrain from expending any public resources for the administration of party central committee elections unless each political party requesting administration of its private central committee elections agrees to reimburse your office for the full and fair public costs related thereto.

Sincerely,

Jeff Marston
Co-chair, Independent Voter Project

Name	Zip	Voter#	Name	Zip	Voter#
David Adair	95382	223243	Michael Leonard	92027	2935514
David Alvarado	95963	22855	Dianne Long	92242	205195
Ernest Baker	94521	345662	Rick Lopez	94541	
Ed Bedwell	95747	45032	Anthony Luera	91007	
Jon Braden	92620		Ana Maus	92122	94452
Josh Burch	92831		Jeff Meyer	93023	264469
Samuel Capuyan	95035	660941	Barbara Morris	95928	87019
Julia Case	92626	1904043	Alex Padick	92262	1795578
Thomas Clapper	90019		Rigoberto Perez	92805	1205390
Chris Doody	93063	353789	Ken Peters	95503	
Norma Duckworth	94043	645881	Daniel Rausch	95203	
John Ewins	94526	382030	Deana Rickard	92530	
Tim Francis	93446	36279	Robert Schue	92683	
Kenneth Franck	93657	24934	Gil Sery	92126	3405498
Kim Frandsen	91784	84022	Paul Shiras	92308	118680
Robert Garvin	91910	1831643	Mary Spadoni	92627	548821
Ralph Gonzales	92584	48207	Ron Tippitt	90034	525679635
Terri Harel	92101	3049472	Jeremy Vculek	95631	
Robert Harrell	95351	162852	Michael Waggoner	95948	
Richard Hightman	95926	6327	Brent Walsh	90247	525151401
Franciscus Huijbregts	91387	522942801	Victoria Whiles	92109	880235
Tyler Jensen	91790		Roger Wilhelm	95666	43480
Roy Johnson	93308	207902	Richard Winger	94147	206902
Thomas Jordan	95677		David Wright	92115	318827
Hal Keenan	94501	261475	Kim Yang	94541	1516099
Gayle Kirma	90277	483359876	Alfred Yeager	92110	466582
Shari Lander	92020	2452209			
Bonnie Larson	95423	86599			

November 3, 2015

Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
1195 Third Street, Suite 310
Napa, CA 94559

Re: Referral from John Tuteur, Napa County Assessor-Recorder-County Clerk,
Concerning Independent Voters Project Demand to Charge Costs of Access to
County Central Committees That Choose to Participate in the June 2016 Primary
Election

Dear Ms. Coil:

On behalf of the California Republican Party and the California Democratic Party, and their Napa County and Contra Costa County central committees, please transmit this letter to the members of the Board of Supervisors, to whom John Tuteur, Napa County Assessor-Recorder-County Clerk referred his own letter of October 30, 2015 to Mr. Jeff Marston, Chair, Independent Voters Project ("IVP"), and Mr. Marston's October 20, 2015 letter to Mr. Tuteur, to the Board for decision about whether to charge political party county central committees for election costs for the June 2016 primary election, including costs for each contested central committee election that appears on the ballot, if the political parties exercise their statutory right to choose to have the county conduct such elections.

Mr. Marston's IVP group objects to the County of Napa conducting contested elections for members of the county central committee of "ballot qualified" political parties (Calif. Elec. Code § 5100), on the grounds that these political party county central committees are private associations and, Marston asserts, the subvention of such private association elections with public funds is unlawful.

For a variety of reasons discussed below, these contentions are wrong as a matter of law. Unfortunately, this issue has brewed among the state election official community since this past summer, when Mr. Tuteur proposed to Napa's political party central committees to impose on them the cost of conducting their elections in June 2016. After receiving some negative input from interested persons around the state other than IVP, Mr. Tuteur has put this question to the Board of Supervisors, stating to IVP and interested persons that the Board will make a decision about charging county central committees to appear on the ballot. We respectfully urge you to decline to adopt Mr. Tuteur's recommendation.

Reasons The Proposed Charge Is Not Appropriate

The following reasons underline why the Board of Supervisors is without legal authority to charge county central committees for ballot access for “contested” elections of county central committee members:

- (1) Article II, section 5(c) of the California Constitution provides in part that “the Legislature shall provide for partisan elections for presidential candidates, and political party and party central committees...” The Legislature has authorized county central committee elections to appear on the ballot if they are “contested,” i.e., more candidates file nomination papers for the offices to be elected than the number of seats to be filled by election. (See, e.g., Calif. Elec. Code §§ 7227, 7423.) If a county central committee requests the election be held publicly, rather than by caucus, convention or other non-public elective means, the Legislature has made clear they are to be conducted publicly at the primary election in Presidential election years. (See, e.g., Calif. Elec. Code § 7420(a) [Republican Party central committees]; EC § 7225 [Democratic Party central committees].)
- (2) California appellate court decisions on this subject are unanimous and unambiguous in holding that government *may* expend public funds on election-related activities as long as the government is not “conducting an election campaign” or “promoting a partisan position in an election campaign.” (*Stanson v. Mott* (1976) 17 Cal.3d 206, 217 [“partisan election campaign”]; *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 36; *Keller v. State Bar of California* (1989) 47 Cal.3d 1152, 1172, reversed on other grounds, 49 U.S. 1 (1990); *Kunde v. Seiler* (2011) 197 Cal. App. 4th 518, 533.) By conducting contested central committee elections for any political party that chooses such an avenue – an over one-hundred year old, content-neutral practice in California that was mandated by law before 2012, but affirmed as an optional choice of the political parties by the Legislature in 2012 when it passed SB 1272 (Ch. 507, Stats. 2012) – county government is not promoting a partisan position in an election campaign.
- (3) Were the Board of Supervisors actually to authorize the County Clerk/Registrar of Voters to charge county central committees to participate in public elections that the State Constitution mandates the Legislature to provide, the practice would subject the County to potential legal exposure on several statutory grounds including those set forth in the preceding paragraphs (which of course the courts would examine and decide first), and also as an unconstitutional infringement on the associational rights of the political parties and their voters. (*Republican Party of Arkansas v. Faulkner County, Arkansas* (8th Cir. 2003) 49 F.3d 1289.)

- (4) Furthermore, the Legislature has not authorized local government agencies to charge county central committees for the cost of conducting these elections, in the manner that it has explicitly authorized local government agencies to charge other governmental agencies for the costs of conducting their elections. (See, e.g., Elec. Code § 10520 [applicable to “districts” in UDEL elections].)

Background

When Mr. Tuteur first raised this issue of charging political party central committees to participate in the June 2016 primary election earlier this summer, a number of interested persons including political parties commented on a proposed resolution he had drafted to charge central committees for costs associated with the conduct of the 2016 Presidential Primary election at which contested central committee races might appear on the ballot. We challenged this position on a number of the grounds set forth in this letter. This letter contains a more detailed analysis of the reasons his position and IVP’s is untenable.

Mr. Tuteur’s grounds for seeking approval to do this were that (1) a five-year old state appellate court decision, *Wilson v. San Luis Obispo County Democratic Central Committee* (2nd Dist. 2009) 175 Cal.App.4th 489, held that central committees are essentially private associations; and (2) subventions of public funds on behalf of such private associations for defraying the cost of contested central committee member elections’ appearance on the ballot would constitute an illegal gift of public funds. From these premises, he proposed to charge a fee to the political parties or their candidates for a determinate cost of processing their nomination papers, putting their names on the ballot, and conducting the election for contested central committee offices that will be on the Presidential primary ballot in June 2016.

In his letter of October 30, 2015 to the Board of Supervisors, he specified the cost to a county central committee would be from \$1,000 to 1,500 even if no contested election for that county central committee appears on the ballot, and from \$5,000 to 10,000 for each contested office that does appear on the ballot.¹ That letter is not specific as to why a central committee would be charged any amount in the former instance, or why in the latter instance the central committee should pay the costs if it makes a statutory-permitted decision to have its contested elections on the ballot.

The IVP is an organization devoted to limiting the role of political parties in the political process in California. IVP apparently rejects the will and determination of the Legislature, as it is authorized to do by the California Constitution, about political parties’ right to have contested central committee elections on the ballot every four years. Taking its leave from court decisions discussed below that rejected state control of political parties internal governance on

¹ These proposed charges greatly exceed the statutorily-mandated candidate filing fees for statewide offices.

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 4

constitutional grounds, IVP concludes that the political parties may not accept a choice the Legislature offered them to have their central committee elections appear on the ballot every four years, rather than every two years.²

Analysis

A. There Is No Legislative Authority to Charge Central Committees for Elections, Including Contested Elections

First, the central holding of the *Wilson* case allowed central committees considerable latitude in conducting their affairs, in accordance with the U.S. Supreme Court's decision *Eu v. San Francisco County Demo. Central Committee* (1989) 489 U.S. 214, including the right to decide whether to conduct their elections according to Elections Code rules. However, the *Wilson* case did not address the central committee ballot access issue. The Secretary of State advised county election officials in County Clerk/Registrar of Voters (CC/ROV) Memorandum #11138, dated December 12, 2011 (copy attached), that Article II, section 5(c), adopted by voters in 2010 after the *Wilson* case was decided, did not affect central committee ballot access in the manner that Mr. Tuteur and IVP contend.

In 2012, after *Wilson* and the adoption of Article II, section 5(c) by the voters in 2010, with considerable consultation between the Legislature, county election officials, and the political parties, the Legislature passed and the Governor signed SB 1272 (Ch. 507, Stats. 2012), which among several things reduced the requirement that contested county central committee membership elections appear on the ballot every two years at gubernatorial and Presidential primary elections, to appearing only on Presidential primary elections. (See, e.g., Elec. Code § 7420(a) [Republican Party central committees]; Elec. Code § 7225 [Democratic Party central committees].) The bill acknowledged that Republican and Democratic central committees could choose their own manner of election of the central committees. (See, e.g., Elec. Code § 7425(a) [Republican Party central committees can choose to elect members at any time by caucus, convention or other bylaw-specified means]; EC § 7230 [Democratic central committees may select members at any time by caucus, convention or other committee-specified means].)

Clearly, the statutory changes allowed party committees, consistent with *Wilson*, to decide what method of election to use, but allowed them to retain their right to have contested elections, as provided in Article II, section 5(c), to be held at the Presidential primary election

² Ironically, IVP and its founding member, former legislator Steve Peace, supported previous legislation enacted after the U.S. Supreme Court declared Proposition 198, the blanket primary law of 1996, unconstitutional, to permit political parties to choose whether to allow decline to state voters participate in the parties closed partisan primary elections. (SB 7 § 3, Ch. 925, Stats. 2002.)

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 5

every four years. Thus, consistent with state law, these elections are entitled to remain on the ballot.

Second, the legislative discussions were clear that a principal purpose of reducing election opportunities for central committees to once every four years, rather than every two years, was to reduce costs to counties, not to authorize the counties to shift the costs of publicly conducted elections to the candidates or the political parties. This is clear in the Assembly Committee and Floor analyses, and the Senate Appropriations Committee analysis and the Senate Floor Analysis of SB 1272. For example, the Senate Appropriations Committee analysis of SB 1272, which changed the every two year requirement to every four years, stated:

“FISCAL EFFECT Changing central committee elections, through the primary election system, to every four instead of every two years *will provide significant savings to counties*. (According to a survey conducted by the San Diego County Registrar of Voters, in the June 2008 primary election, county central committee/county council costs reported by 20 of the 58 counties totaled \$2.8 million statewide.)

“COMMENTS 1) Background. County central committees of the American Independent, Democratic, Green, Libertarian, Republican, and Peace and Freedom parties are elected every two years at statewide direct primary elections. According to the California Association of Clerks and Elections Officials (CACEO), a significant proportion of all candidates who file to run for any office are county central committee candidates. For example, in the June 2010 statewide direct primary, for 25 of the 53 counties that provided data, county central committee candidates represented 50% or more of the total number of candidates that filed for office. According to county representatives, many county central committee candidates are first time candidates and usually less experienced with the process, thus requiring more time and assistance from county elections staff. Additionally, staff time is also spent on, among other tasks, checking signatures and translating and proofing materials for county central committee contests, which typically do not end up on the ballot as there often are fewer candidates than the number of open offices. Unlike other candidates, county central committee candidates do not pay filing fees, and the cost of their elections is completely subsidized by county government. 2) Purpose. According to the author, ‘*This bill reduces county expenses by holding central committee elections every four years – not every two years – during direct presidential primaries. Political parties that need to hold elections more often would retain authority to have as many elections as deemed necessary using by holding elections outside of the state process using internal party means.*’” (Italics added.)

Also from the bill analysis:

“In *Wilson v. San Luis Obispo County Democratic Central Committee* (2009), the Second District California Court of Appeal affirmed that political parties *have the right* to select

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 6

central committee members using internal machinations that do not involve publicly funded ballot elections. *This bill is a measure that seeks to provide counties with fiscal relief by reducing the taxpayer funded costs associated with political party central committee elections. Although the inclusive amount of cost savings to taxpayers is unknown, any measure that seeks to provide fiscal relief to cash strapped local governments is timely and necessary.*" (Italics added.)

Third, it is clear that the Legislature intended to reduce the cost to counties of conducting central committee elections but did not eliminate access to the ballot for such elections or authorize county election officials to collect user fees for such ballot access. In fact, Elections Code § 8104(a) specifically provides that a candidate for an office for which pays no compensation is not to be charged any filing fee. The office of county central committee member is not an office for which any compensation is available, public or private.

Fourth, an alternative theory of charging a central committee as if it were a governmental agency that is requesting consolidation of an election is without any legal basis also, for several reasons:

(a) The Elections Code provisions concerning central committee elections do not consider central committees as governmental agencies.

(b) Where the Elections Code does authorize one agency to conduct elections, such as in the consolidated elections provisions of Elec. Code § 1300 et seq. and § 10400 et seq., or the UDEL provisions of Elec. Code § 10500 et seq., the Legislature has provided guidance or specified the authority of one agency to charge the other agency/agencies for costs. (See, e.g., Elec. Code § 10520 [applicable to "districts" in UDEL elections].)

(c) Numerous provisions of the Government Code relating to one agency conducting elections for another agency also authorize or specify whether and how costs may be charged to the benefitting agency.

(d) Even assuming there were legislative authority for a county to consider a central committee a public agency, the decision of a county to charge a central committee for the costs of central committee elections lacks the specific legislative authorization necessary to support such a charge, or to obligate a central committee to pay.

(e) Moreover, such a local decision to charge the central committee with a share of the costs of election undercuts the legislative consensus reached in SB 1272, which was to reduce the frequency of central committee public elections in order to reduce costs to the counties that conduct such elections, not to impose such costs on the central committees.

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 7

B. Government May Spend Public Funds to Conduct Central Committee Elections

The concept of charging the central committee as a private association under a theory of avoiding an illegal gift of public funds lacks any legal basis. IVP contends that election officials providing public elections for county central committee elections is an illegal gift of public funds to political parties under the case of *California Housing Fin. Agency v. Elliott* (1976) 17 Cal. 3d 575, 582-84. Actually, that case affirms that legislative authorization of the expenditure of public funds for a “public purpose” is an exception to the constitutional prohibition on such use of public funds. (Id. at 582-84.)

The public purpose authorizing the Legislature to provide for such elections is founded on Article II, section 5(c) of the California Constitution, which provides in part that “the Legislature shall provide for partisan elections for presidential candidates, and political party and party central committees. . . .” The Legislature has authorized county central committee elections to appear on the ballot if they are “contested,” i.e., more candidates file nomination papers for the offices to be elected than the number of seats to be filled by election. (See, e.g., Calif. Elec. Code §§ 7228, 7423.) If a county central committee requests the election be held publicly, rather than by caucus, convention or other non-public elective means, the Legislature has made clear they are to be conducted publicly at the primary election in Presidential election years. (See, e.g., Calif. Elec. Code § 7420(a) [Republican Party central committees]; EC § 7225 [Democratic Party central committees].) The Legislature has explicitly authorized the use of public funds for the conduct of these elections. SB 1272, discussed above, constitutes such authorization.

Moreover, California appellate court decisions on this subject are unanimous and unambiguous in holding that government *may* expend public funds on election-related activities as long as the government is not “conducting an election campaign” or “promoting a partisan position in an election campaign.” (*Stanson v. Mott* (1976) 17 Cal.3d 206, 217 [“partisan election campaign”]; *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 36; *Keller v. State Bar of California* (1989) 47 Cal.3d 1152, 1172, reversed on other grounds, 49 U.S. 1 (1990); *Kunde v. Seiler* (2011) 197 Cal. App. 4th 518, 533.)

Stanson v. Mott, supra, is California’s seminal case on the issue of the expenditure of public funds in connection with election campaigns. The appellate court for the Second Appellate District in *League of Women Voters v. Countywide Crim. Justice Coordination Comm.* (2nd Dist. 1988) 203 Cal. App. 3d 529, described *Stanson*’s holding as follows:

“The California Supreme Court next addressed the [expenditure of public funds for campaigns] issue in *Stanson v. Mott* (1976) 17 Cal.3d 206. In *Stanson*, the California Department of Parks and Recreation printed materials which promoted approval of an initiative bond measure appearing on the next ballot, as well as sending to plaintiff at the department’s expense privately printed materials favoring its passage. In addition, the department spent state funds on speaking engagements and travel expenses to promote

passage and a three-person staff worked exclusively on promoting passage. (Id. at pp. 210–211.) *Stanson* begins its discussion “with the general principle that expenditures by an administrative official are proper only insofar as they are authorized, explicitly or implicitly, by legislative enactment. Contrary to defendant's contention below, such executive officials are not free to spend public funds for any ‘public purpose’ they may choose, but must utilize appropriated funds in accordance with the legislatively designated purpose. ‘It is the policy of the law in the absence of a clearly negated intention to have ... funds authorized for a particular purpose expended for such purpose.’ [Citations.]” (Id., at p. 213, emphasis added.) (203 Cal. App. 3d at p. 542.)

Kunde v. Seiler, supra, is particularly on point in this matter. In *Kunde*, a voter challenged the San Diego County Registrar of Voters’ decision to insert a Republican central committee’s endorsement card in the voter information guide, as permitted by former Elections Code section 13305. The voter contended this was an illegal expenditure of public funds to benefit the Republican central committee. The appellate court for the Fourth Appellate District, Division 1, affirmed the trial court’s decision that the Registrar of Voters’ action was consistent with the statute, rejecting the illegal expenditure of public funds claim. The trial court found that in fact no expenditure of public funds was involved, and the appellate court sustained that finding. But the appellate court went further to analyze the activity in question under *Stanson v. Mott*. The court said:

“*Stanson* recited both the ‘general principle that expenditures by an administrative official are proper only insofar as they are authorized, explicitly or implicitly, by legislative enactment; (id. at p. 213), and the more specific principle that an agency may not expend funds for ‘partisan campaign purposes’ (id. at p. 217) unless such authorization is given ‘in clear and unmistakable language’ ‘ (id. at p. 216). *Stanson* found no such clear and unmistakable language in any of the statutory provisions authorizing the Department of Parks and Recreation to spend funds, and thus it concluded that the agency could not ‘spend public funds to campaign for the passage of the bond issue.’ (Id. at p. 220) As we will explain, *Stanson* does not apply because the Registrar neither (1) expended public funds; nor (2) promoted a partisan position in allowing the proposed insert in the sample ballot.” (197 Cal.App.4th at p. 532.)

Further, the court made clear the line of reasoning in the California cases following *Stanson*:

“... the Registrar did not promote a partisan position by allowing the Party to include the proposed insert in the sample ballot mailing. As our Supreme Court has explained, ‘[a] full reading of the *Stanson* decision reveals ... that our opinion's statement that the government ‘may not “take sides” in election contests ... properly must be understood as singling out a public entity’s ‘use of the public treasury to mount an election campaign’ ‘ (*Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 36.) It further explained that ‘the

threat to the fairness of the electoral process to which *Stanson* referred arises when a public entity or public official is able to devote funds from the public treasury, or the publicly financed services of public employees, to campaign activities favoring or opposing a pending ballot measure. (*Vargas*, at p. 36.) Our inquiry is whether the public agency engaged in ‘a form of prohibited election campaigning,’ the purpose of which was to ‘to assist in the election campaign.’ (*Keller, supra*, 47 Cal.3d at p. 1172.) The Registrar’s inclusion of the proposed insert in the sample ballot mailing does not amount to the Registrar ‘mount [ing] an election campaign’ (*Vargas, supra*, 46 Cal.4th at p. 36), and there is no indication that the Registrar intended to “assist in the election campaign.” (*Keller, supra*, 47 Cal.3d at p. 1172.) Instead, section 13305 operates on a nonpartisan and neutral basis. The Registrar has no involvement in selecting the message contained in the communications made by the political parties to their registered voters, and the proposed insert at issue here states multiple times that it is from the Party, and that it was paid for by the Party. Under these circumstances, the Registrar does not ‘promote a partisan position in an election campaign’ (*Stanson, supra*, 17 Cal.3d at pp. 209–210) by allowing a political party, pursuant to section 13305, to include a one-page letter or contributor envelope containing electioneering material in a sample ballot mailing.” (197 Cal.App.4th at p. 533.)

The central committee ballot access issue here is of the same species as the endorsement card insert issue presented in *Kunde*.

C. The County Would Violate the California and Federal Constitutions If In Imposing Costs on County Central Committees for Central Committee Elections It Chills or Suppresses Their Choice and Right of Access to the Ballot Without Charge

In the face of the California Constitution’s authorization of public central committee elections (Article II, section 5(c)), the Legislature’s specific authorization of central committee access to the ballot (Elec. Code §§ 7225, 7420), the Legislature’s acknowledgment that local government would bear the cost, albeit reduced, of quadrennial ballot access for county central committee elections (SB 1272), and the absence of any legislative authorization for local governments to impose costs of such elections on county central committees, the county would violate the California Constitution by imposing costs on county central committee’s exercise of their legislatively affirmed right of ballot access.

Moreover, should the decision to impose such costs cause county central committees to avoid such costs by forgoing their right of ballot access, the chilling or suppression of their constitutional rights of association and speech would violate the First and Fourteenth Amendments to the United States Constitution. (*Republican Party of Arkansas v. Faulkner County, Arkansas* (8th Cir. 2003) 49 F.3d 1289 [“*Arkansas*”].)

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 10

In the *Arkansas* case, the U.S. Court of Appeals, Eighth Appellate District, found an Arkansas statute that imposed on political parties costs to conduct public primary elections, was a direct restraint and imposed a substantial burden on the parties and their voters' rights of association and speech. Noting that Arkansas' cost shifting statutes disparately impacted the number of polling stations the Republican Party could afford, as compared with the number the Democratic Party could afford, the court reversed the trial court that had upheld the statute, saying:

“By analyzing only the party funding requirement in isolation, the district court asked the wrong question and produced the wrong answer. The salient issue before us is not whether Arkansas must pay for the primary elections it requires, but whether its current statutory scheme impermissibly burdens the First and Fourteenth Amendment rights of voters and parties. (Id. at p. 1299.)

“The fact that no other state imposes the full costs of primary elections on political parties as a condition of ballot access further undermines Arkansas's contention that the dual requirements serve a state interest of compelling importance. Because Arkansas has failed to identify any compelling state interest which necessitates the imposition of such heavy burdens on the associational rights of parties and voters, we conclude that the requirements that parties conduct and pay for primary elections are unconstitutional in combination.” (Id. at p. 1301.)

Under the circumstances presented here, the County will be unable to justify the imposition of a fee on county central committees under the “strict scrutiny” standard set forth in *Eu v. San Francisco Dem. Central Comm., supra*, 489 U.S. at p. 222, i.e., that the proposed regulation serves a “compelling governmental interest” and is the “least restrictive means” of accomplishing that objective. Accord, *Arkansas, supra*, 49 F.3d at p. 1301. Even if the County could establish a legal basis for imposition of costs on the county central committees, which it cannot, there is little dispute that the imposition of such costs would burden the rights of Republican and Democratic voters to participate in choosing their county central committee memberships in contested elections if the central committees chose to participate in the public election process. Moreover, the differential costs of participation could vary substantially, and impose substantially different costs on participation depending on the financial capability of the central committees to fund such ballot access. Furthermore, the proposed cost scheme established by the Napa County Assessor-Recorder- County Clerk would penalize the opportunity of challengers to contest incumbent central committee members, and could, in the event such challengers prevailed at the election, leave them in control of a central committee rendered insolvent by the escalating cost of participation to a central committee that faced across-the-board contested elections.

Letter to Ms. Gladys Coil, Secretary
Board of Supervisors
County of Napa
November 3, 2015
Page 11

Conclusion

Napa County stands alone at the moment among California's 58 counties in proposing to charge county central committees for ballot access in June 2016. Should Napa cross the Rubicon, in spite of the substantial legal reasons it cannot do so without the Constitution's and the Legislature's authorization, it is likely to face costly litigation by the State's political parties seeking to protect their county central committees' right of access to the June 2016 ballot. We urge you to reject Mr. Tuteur's referral and the IVP's demand.

Very truly yours,



Charles H. Bell, Jr.
General Counsel
California Republican Party



Thomas A. Willis
General Counsel
California Democratic Party

cc: Minh C. Tran, County Counsel
Steven Reyes, Chief Counsel, Secretary of State
John C. Tuteur, Assessor-Recorder-County Clerk
Joe Canciamilla, Registrar of Voters, Contra Costa County
Jeff Marston, Independent Voter Project

Enclosure: California Secretary of State (CC/ROV) Memorandum #11138



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

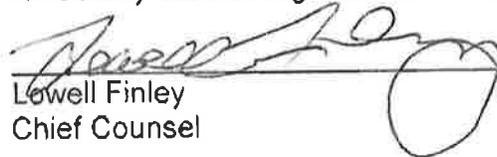
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

December 12, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 11138

TO: All County Clerks/Registrars of Voters

FROM:


Lowell Finley
Chief Counsel

RE: Elections: County Central Committees

The California Elections Code sets forth the process by which the county central committees shall elect and appoint their members:

- o Section 7200¹, et seq. applies to the Democratic Party
- o Section 7400, et seq. applies to the Republican Party
- o Section 7650, et seq. applies to the American Independent Party
- o Section 7850, et seq. applies to the Peace and Freedom Party
- o The Libertarian Party adheres to the Peace and Freedom Party rules set forth in Section 7850, et seq.
- o The Green Party adheres to some of the Peace and Freedom Party rules and its own adopted bylaws.

In 2009, the Court of Appeals, Second District, heard the case of *Wilson v. San Luis Obispo County Democratic Central Committee* (2009) 175 Cal. App. 4th 489. The question before the court was whether the San Luis Obispo County Democratic Central Committee had the right to adopt specific bylaws that conflicted with portions of Section 7200, et seq. that govern Democratic Party county central committee affairs.

The court in *Wilson* ruled in favor of the San Luis Obispo Democratic Central Committee Party, finding that it did have the right to adopt specific bylaws that conflicted with portions of Section 7200, et seq., writing in part:

The controlling authority is *Eu v. San Francisco Democratic Committee* (1989) 489 U.S. 214 [secondary citations omitted] (*Eu*). In *Eu* the Supreme Court concluded that certain provisions of the Elections Code are unconstitutional because they "burden the First Amendment rights of political parties and their members without serving a compelling state interest." [Citation omitted.] The unconstitutional provisions "prescribe the composition of state central

¹ All code citations within this document are to the California Elections Code, unless otherwise noted.

committees, limit the committee chairs' term of office, and designate that the chair rotate between residents of northern and southern California ..." [Citation omitted.] (*Wilson* at p. 497.)

...
In sum, the [*Eu*] court declared, "a State cannot justify regulating a party's internal affairs without showing that such regulation is necessary to ensure an election that is orderly and fair. Because California has made no such showing here, the challenged laws cannot be upheld." [Citation omitted.] (*Wilson* at p. 498.)

...
Thus, to the extent that Elections Code provisions prescribe the composition of Democratic Party county central committees, they cannot be upheld because they "burden the First Amendment rights of political parties and their members without serving a compelling state interest." [Citation omitted.] (*Wilson* at pp. 504-505.)

While the *Wilson* decision applied directly to specific sections of the Elections Code regarding the Democratic Party, the Secretary of State's office believes the decision should be read to apply to all other qualified political parties whose county central committee functions are set forth in the Elections Code as well. Reading the decision narrowly to apply only to the Democratic Party central committees would lead to an absurd result, affording more rights and options to that group of county central committees than are afforded to any other group of county central committees.

In 2010, subsequent to the rulings in both *Eu* and *Wilson*, California voters adopted Article II, Section 5(c) of the California Constitution, which requires the Legislature to provide for partisan elections for political party and party central committees. Article II, Section 5(c) reads in relevant part:

(c) The Legislature shall provide for partisan elections for ... political party and party central committees ...

The combination of the *Eu* and *Wilson* decisions along with the 2010 amendment to the California Constitution means that while the Legislature is required to allow county central committee members to be elected, it cannot mandate that the county central committees use the elective process in lieu of, for example, a caucus process.

The *Wilson* decision did not, however, question or overturn the Legislature's ability to, for example, establish the maximum number of seats that may be filled at an election should a county central committee opt to use the applicable Elections Code process to elect county central committee members.

It is the position of the Secretary of State's office that a county central committee is not required to elect its members by placing its contests on a statewide direct primary election ballot. However, if a county central committee chooses to have the elections official place the contest on the ballot, the elections official must do so in accordance with the procedures set forth in the Elections Code for that particular party.

The Secretary of State's office recommends that in order to comply with the California Constitution and the court decisions in *Eu* and *Wilson*, each county elections official should:

- Contact the Democratic, Republican, Peace & Freedom, American Independent, Libertarian, and Green Party county central committees in your county.
- Inform each county central committee that it must let your office know by Monday, January 23, 2012 (E-134), whether it will be making any changes to the process by which it elects county central committee membership. Sunday, January 22, 2012 (E-135), is the date by which, under Section 7770, the Peace and Freedom Party county central committees must notify the Secretary of State and their respective county elections officials if they wish to have county central committee contests on the June 5, 2012, Presidential Primary Election ballot. Pursuant to Section 15, that date rolls forward to Monday, January 23, 2012, which is why the Secretary of State's office is recommending that all county central committees respond by this date.
- Verify the number of members to be elected to each central committee.
- Inform each county central committee that absent a response by January 23, 2012, you will continue to conduct county central committee elections as set forth in the relevant code sections as they have been conducted in prior years.

Attached is a sample letter that you may wish to use to contact the county central committees in your area.

If you have any questions, please feel free to contact me at Lowell.Finley@sos.ca.gov or (916) 654-4666. Thank you.

Sample Letter

Dear _____:

Pursuant to a recent court decision, a voter-approved initiative, and guidance from the Secretary of State's office available at www.sos.ca.gov/elections/ccrov/pdf/2011/december/11138lf.pdf, county central committees now have the option of not having the election of members appear on the June 5, 2012, Presidential Primary Election ballot. Instead, you are free to remove the selection of central committee members from the ballot entirely and develop an alternate method to elect your membership.

Please let my office know by 5:00 p.m. on Monday, January 23, 2012, if you would like us to continue to conduct your elections for you as we have in the past, or if you would like to remove them from the ballot so you can develop an alternate method.

If I do not hear from you by that time, then I will open candidate filing for your Party's county central committee contests as scheduled on February 13, 2012, and the candidates will be required to complete the nomination process as they have been in prior years. If there are more candidates than the number of seats to be filled, I will conduct an election pursuant to the applicable Elections Code requirements for the June 5, 2012, Presidential Primary Election.

Thank you for your attention to this matter.

If you have any questions, please feel free to contact me at (xxx) xxx-xxxx.

Sincerely,



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:

AGENDA NUMBER

13

- Consent Departmental Correspondence Action Public Hearing
 Schedule time for Closed Session Informational

FROM: Public Works Department

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Award of contract for the Inyo County Buildings Painting Project.

DEPARTMENTAL RECOMMENDATIONS:

1. Award the Contract for the Inyo County Buildings Painting Project to Astro Painting Company, Inc. 2988 S. Citrus St., West Covina, CA 91791 in the amount of \$17,555.50.
2. Authorize the Board Chairperson to sign the contract, contingent upon Board approval of future budgets and appropriate signatures being obtained; and,
3. Authorize the Public Works Director to sign all other contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law.

CAO RECOMMENDATIONS:

SUMMARY DISCUSSION:

On October 6, 2015 your Board approved plans and specifications for the Inyo County Buildings Painting Project and authorized the Public Works Department to advertise and receive bids for the project. This project was originally identified in the 2014-15 Board adopted Deferred Maintenance Project list and will be funded through the 2014-2015 Board adopted Deferred Maintenance Budget.

This project will install new interior painting in the following County buildings: Big Pine Town Hall, American Legion Hall (Independence), and the Inyo County Courthouse (Independence).

On November 4, 2015, six (6) bids were received and opened by the Assistant Board Clerk. Those bidders and their respective bids, from highest to lowest, are as follows: 1) Prime Painting Contractors, Inc. at \$92,624.00; 2) Painting & Decor, Inc. at \$73,579.95; 3) Troy Cauldwell Painting & Stucco at \$26,851.00; 4) Tony Painting, Inc. at \$21, 992.00; 5) Astro Painting Co., Inc. at \$17,500.00; and 6) Polychrome Construction, Inc. at \$14,000.00. This list is also found in the bid tabulation sheet, which is attached for your review.

The Office of County Counsel reviewed each of these bidders and found Prime Painting Contractors, Inc., Troy Cauldwell Paint & Stucco, and Polychrome Construction, Inc. to be nonresponsive bidders due to their failure to submit bid documents in conformity with the bid instructions. The Office of County Counsel found that of the remaining responsive bidders, (Painting & Decor, Inc., Tony Painting, Inc., and Astro Painting Co.) Astro Painting Co. submitted the lowest bid at \$17,500.

Astro Painting Co.'s bid submission reported a miscalculation on its base project bid form – unit price bid. Astro Painting Co. miscalculated its total price based on its reported unit price multiplied by the set quantity. This discrepancy led to a miscalculation of \$55.50. Under paragraph 23 of Section 20 of Division 1 of the Inyo County Standard Specifications (1997), where such discrepancy exists, the reported unit price is used to correct the total amount bid. In this instance, Astro Painting Co.'s original bid of \$17,500 was corrected to \$17,555.50, or a difference of \$55.50.

Currently, the budget amount for the project is \$28,500.00. Per CA Public Contract Code Section 10126(c)(1), the lowest responsive base bid amount shall be used to determine the low bidder. Therefore, the Public Works

Department is recommending that the Board award the construction contract to Astro Painting, Co.'s in a total bid contract amount of \$17,555.50.

ALTERNATIVES:

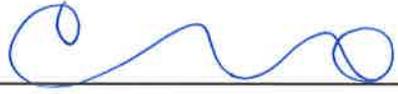
Your Board could choose to not award the contract to Astro Painting, Co., and re-bid the project. This is not recommended as the bid price for the project has been deemed to be competitive by the Public Works Department.

OTHER AGENCY INVOLVEMENT:

County Counsel's Office for review of the bid documents and approval of the contract.
The Auditor's Office for approval of the contract and payments to the contractor.
The Public Works Department for contract administration.

FINANCING:

The project's construction funding is provided for in the County's Deferred Maintenance Budget Unit 011501, Object Code 5191 Maintenance of Structures.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)  Approved: <u>Yes</u> Date <u>11/17/15</u>
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>11/19/2015</u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received) Clint Quitten Date: 11-19-15
By Hayden

COUNTY OF INYO BID TABULATION

Project Title & Bid No. County Buildings Painting Project

Bid Opening Date: 11-4-15 Location: County Admin

	BIDDER NAME	Bid Amount A	Bid Amount B	Bid Amount C	Bond
1.	Astro Painting Co. Inc.	\$17,500.00			✓
2.	Prime Painting Contractors	\$92,624.00			✓
3.	Sony Painting, Inc.	\$21,992.00			✓
4.	Troy Caldwell Paint & Studio	\$26,851.00			✓
5.	Painting & Decor, Inc.	\$73,579.95			✓
6.	Polychrome Const. Inc.	\$14,000.00			✓
7.					
8.					
9.					
10.					

Opened By: Pat Danally

Present: Sony Sellenius



C O N T R A C T
For the
INYO COUNTY BUILDINGS PAINTING PROJECT

THIS CONTRACT is awarded by the COUNTY to CONTRACTOR on, and made and entered into effective as of, November 24, 2015, by and between the COUNTY OF INYO, a political subdivision of the State of California, (herein "COUNTY"), and Astro Painting Co., Inc. (herein "CONTRACTOR"), for the construction of the **INYO COUNTY BUILDINGS PAINTING PROJECT** (herein also "Project"), which parties agree, for and in consideration of the mutual promises, as follows:

1. CONTRACTOR shall furnish all labor, materials, methods, processes, implements, tools, machinery, equipment, transportation, permits, services, utilities, and all other items, and related functions and otherwise shall perform all work necessary or appurtenant to construct the Project in accordance with the Contract Documents and within the Time for Completion set forth in the Contract Documents, for:

Title: **INYO COUNTY BUILDINGS PAINTING PROJECT**

2. For the performance of all such work, COUNTY shall pay to CONTRACTOR the following amount, which constitutes the total bid by CONTRACTOR for said Work:

Seventeen Thousand Five Hundred Fifty-Five and 50/100 dollars (\$17,555.50)

adjusted by such increases or decreases as authorized in accordance with the Contract Documents, and payable at such times and upon such conditions as otherwise set forth in the Contract Documents.

3. CONTRACTOR and COUNTY agree that this Contract shall include and consist of (a) all of the provisions set forth expressly herein; (b) the Bid Proposal Form, the Faithful Performance Bond, and the Labor and Materials Payment Bond, all of which are incorporated herein and made a part hereof by this reference; and (c) all of the other Contract Documents as described in **Section 1070.04 "Definitions"** of the Standard Specifications of the Inyo County Public Works Department, March, 1997, all of which are incorporated herein and made a part of this Contract by this reference, including without limitation, the Bid Package, the applicable Standard Specifications of the Inyo County Public Works Department, March, 1997 and the Special Provisions concerning this Project, including the Appendices, the Plans, any and all amendments or changes to any of the above listed documents, including without limitation, contract change orders, and any and all documents incorporated by reference into any of the above listed documents.

4. The definition and meaning of the words used in this Contract are the same as set forth in **Section 1070 Abbreviations, Symbols and Definitions** of the Standard Specifications of the Inyo County Public Works Department, March, 1997.

5. This Contract, including the Contract Documents and all other documents, which are incorporated herein by reference, constitutes the entire agreement between CONTRACTOR and COUNTY with respect to the subject matter hereof.

6. Pursuant to **Section 1773 of the Labor Code**, to which this Contract is subject, the prevailing wage per diem rates in Inyo County have been determined by the Director of the State Department of Industrial Relations. These wage rates appear in the Department publication entitled "General Prevailing Wage Rates," in effect at the time the project is advertised. Future effective wage rates, which have been predetermined and are on file with the State Department of Industrial Relations are referenced but not printed in said publication. Such rates of wages are also on file with the State Department of Industrial Relations and the offices of the Public Works Department of the County of Inyo and are available to any interested party upon request.

C O N T R A C T
for
INYO COUNTY BUILDINGS PAINTING PROJECT

IN WITNESS WHEREOF, COUNTY and CONTRACTOR have each caused this Contract to be executed on its behalf by its duly authorized representative, effective as of the day and year first above written.

COUNTY

COUNTY OF INYO

By: _____

Name: _____

Title: _____

Dated: _____

APPROVED AS TO FORM AND
LEGALITY:

County Counsel

CONTRACTOR

Astro Painting Co., Inc.

By: _____

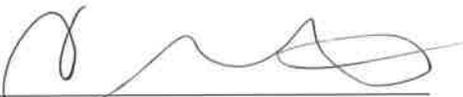
Name: _____

Title: _____

Dated: _____

Taxpayer's Identification or
Social Security Number:

APPROVED AS TO ACCOUNTING
FORM:



County Auditor

APPROVED AS TO INSURANCE
REQUIREMENTS:

County Risk Manager



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 14

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF November 24, 2015

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32.

SUMMARY DISCUSSION: - During your August 28, 2012 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Death Valley Roadeater Emergency, which was a result of flooding in the southeastern portion of Inyo County during the month of August. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 15

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING November 24, 2015

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Gully Washer Emergency, that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.

SUMMARY DISCUSSION: - During your August 6, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Gully Washer Emergency, which was a result of flooding in the central, southern and southeastern portion of Inyo County during the month of July. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

 _____ Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

16

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF November 24, 2015

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Canyon Crusher Emergency, that resulted in flooding in the portions of Inyo County during the month of August, 2013.

SUMMARY DISCUSSION: - During your September 17, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Canyon Crusher Emergency, which was a result of flooding in the portions of Inyo County during the month of August. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
(The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 17

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF November 24, 2015

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County.

SUMMARY DISCUSSION: - During your January 28, 2014 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Land of EVEN Less Water Emergency, that is a result of severe and extreme drought conditions that exist in the County. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the resolution be considered on a by-weekly basis.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 18

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF November 24, 2015

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: - 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 flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

SUMMARY DISCUSSION: - During your October 27, 2015 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Death Valley Down But Not Out Emergency that is a result of flooding in the central, south and southeastern portion of Inyo County. Since the circumstances and conditions relating to this emergency persist, the recommendation is that the emergency be continued on a bi-weekly basis, until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/A

FINANCING: N/A

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
 BOARD OF SUPERVISORS
 COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 19

- Consent
 Departmental
 Correspondence Action
 Public Hearing
 Scheduled Time for
 Closed Session
 Informational

FROM: CLERK OF THE BOARD
 By: Patricia Gunsolley, Assistant Clerk of the Board

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Approval of Minutes

DEPARTMENTAL RECOMMENDATION: - **CLERK OF THE BOARD** - Request approval of the minutes of the Board of Supervisors Meetings as follows: A) the Regular Meeting of November 10, 2015; and B). Special Meeting of November 16, 2015.

SUMMARY DISCUSSION: - The Board is required to keep minutes of its proceedings. Once the Board has approved the minutes as requested, the minutes will be made available to the public via the County's web page at www.inyocounty.us.

ALTERNATIVES: - Staff awaits your Board's changes and/or corrections.

OTHER AGENCY INVOLVEMENT: - n/a

FINANCING: n/a

APPROVALS	
BUDGET OFFICER:	BUDGET AMENDMENTS <i>(Must be reviewed and approved by Budget Officer prior to being approved by others, as needed, and submission to the Assistant Clerk of the Board.)</i>
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)
 (The Original plus 20 copies of this document are required)

Date: _____



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
 20

- Consent Hearing
 Departmental
 Correspondence Action
 Public
 Scheduled Time for 10:30 a.m.
 Closed Session
 Informational

FROM: HEALTH & HUMAN SERVICES/PROBATION – Foster Care

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Changes to the Foster Care System in California

DEPARTMENTAL RECOMMENDATION:

Request Board conduct a workshop on the impact in Inyo County of California's Continuum of Care Reform for children and youth in our foster care system.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

ALTERNATIVES:

none

OTHER AGENCY INVOLVEMENT:

FINANCING:

none

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
BUDGET OFFICER:	BUDGET AND RELATED ITEMS <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE: Jean Turner Date: 11-19-15
(Not to be signed until all approvals are received)



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
22

- Consent Hearing
 Scheduled Time for
 Departmental
 Correspondence Action
 Closed Session
 Public
 Informational

FROM: HEALTH & HUMAN SERVICES – Foster Care

FOR THE BOARD MEETING OF: November 24, 2015

SUBJECT: Approval of the Caregiver Recruitment and Retention Plan

DEPARTMENTAL RECOMMENDATION:

Request the Board approve the Foster and Relative Caregiver Recruitment and Retention and Support Plan for submittal to the California Department of Social Services requesting \$186,300.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

California's Continuum of Care Reform, as outlined in Assembly Bill 403, is a comprehensive effort that builds upon many years of policy changes designed to improve outcomes for youth in the foster care system. "Continuum of care" refers to the spectrum of care settings for youth in foster care in both the child welfare and in the juvenile justice systems, and includes settings from the least restrictive and least service-intensive to the most restrictive and most service-intensive. Counties have communicated to the State that counties need more State support to strengthen and enhance local placement options for our youth. To that end, the California Department of Social Services (CDSS) who licenses facilities that care for our children and youth, or licenses counties to license their own foster homes, provided a funding opportunity in October 2015 whereby a county could apply for additional State funding to develop plans for recruiting, retaining and supporting foster parents and other caregivers for children and youth. Such plans must use the required State template, must include county stakeholders in the development, must use best practice models, and are due by December 1, 2015.

In the short window of opportunity provided, a hastily-gathered stakeholder group included a local, experienced foster father, Juvenile Probation managers, and Child Welfare managers, with input also provided by Toiyabe Indian Health Services. Additionally, this was a topic of discussion at the most recent monthly social gathering of foster parents and other caregivers; their input was recorded for use in this Plan. As both groups conceptualized what else might be needed in Inyo, CDSS was also sending out samples of model programs from other states. One popular model program used in the State of Washington closely mirrored what our local stakeholders and caregivers designed. Therefore, the proposed plan before you for approval follows a "best practices" model and meets the design of our local stakeholder and caregiver groups.

Our Inyo Plan proposes to request \$186,300 total, for three distinct prioritized programs. The bulk of the funding, almost an exact replica of Washington's *Mockingbird Family Model*, proposes to provide a stipend to a north county experienced caregiver home and a south county experienced caregiver home to be a 24/7 hub of support for other resource family caregivers.

ALTERNATIVES:

Board could deny approval of this Plan, causing Inyo to miss a new funding opportunity to implement the AB 403 legislated continuum of care reform for placing children and youth through our local Child Welfare and Juvenile Justice systems.

OTHER AGENCY INVOLVEMENT:

Juvenile Probation, Toiyabe Indian Health Project, CA Department of Social Services, Juvenile Court, local foster/other caregivers

FINANCING:

No funding is involved in this requested Plan approval, but the Department is seeking \$186,300 in new State money being made available to counties with Board of Supervisors' approved Plans.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____
BUDGET OFFICER:	BUDGET AND RELATED ITEMS <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i> Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE:

(Not to be signed until all approvals are received)

Jean Turner Date: 11-14-15

**2015 FOSTER AND RELATIVE CAREGIVER
RECRUITMENT, RETENTION AND SUPPORT PLAN
Inyo County**

PART I – COUNTY CONTACT INFORMATION

Child Welfare Director's Name: (Interim) Marilyn Mann	Phone Number: (760) 873-3305
E-Mail Address: mmann@inyocounty.us	FAX Number: (760) 873-6505
Street Address or P.O. Box: 163 May Street	City, State, ZIP Code: Bishop, CA 93514

Program Contact Name: Casey Jasaitas	Phone Number: (760) 872-1727
E-Mail Address: cjasaitas@inyocounty.us	FAX Number: (760) 872-1749
Street Address or P.O. Box: 162 Grove Street	City, State, ZIP Code: Bishop, CA 93514

PART II – CAPACITY NEEDS

NOTE FOR CONTEXT: *Inyo County has no Foster Family Agencies (FFAs) currently. Two former FFAs came and went (in the last two decades) after difficulties recruiting and retaining foster homes. In spite of our challenges, the County licensing program has sustained more effective recruitment and retention in our sparsely populated communities than former FFAs.*

GROUP HOME/SHORT-TERM RESIDENTIAL TREATMENT CENTERS (STRTC) IMPACT:

How many children are currently residing in group homes placed by your county (include both in-county and out-of-county placements)? 0

Local trends have indicated periodic spikes in placements, both in Child Welfare Services and in Juvenile Probation. A current-only snapshot of placements can be deceptive.

Assume that most or all of these children will be transitioning to home-based family settings in the near future and that relative, non-relative extended family member (NREFM) caregivers will need to be located for them.

LONG-TERM CAPACITY NEED:

Based on historical trends (past three years), approximately how many children have been placed in group homes in the county each year under your county jurisdiction? 3

Assume that most or all of these children will either be placed in a home-based family setting immediately, or placed in an STRTC and subsequently transition to a home-based family setting, and that relative, NREFM or non-related caregivers will need to be located for them.

MAGNITUDE OF ANTICIPATED CAPACITY INCREASE:

Number of children under county's **Child Welfare Services (CWS)** jurisdiction 27
Number of children under county's **Juvenile Probation** jurisdiction 22

Anticipated growth or decline in children under CWS jurisdiction based on current trends in the next three years

(especially with very young children) 10%-20%/yr

Anticipated growth or decline in children under Juvenile Probation Jurisdiction

*Inyo County – 2015 Foster & Relative Caregiver
Recruitment, Retention & Support Plan*

Based on current trends in the next three years 84% decline since 2000, although spikes can occur in some years

Number of children under county jurisdiction in all types of home-based foster care (relative, NREFM, licensed non-related caregiver or resource family, foster family Agencies). **CWS** 21
Juvenile Probation 1

Number of non-related, licensed foster home in the county 7

Number and percent of children in the care of the non-related licensed foster homes 3/14%

Number and percent of children in the care of relatives/NREFMs 18

Number and percent of first placements with relative caregivers (average/year) **CWS: 40-50%/yr**
Juvenile Probation: 2/17%

Number and percent of children/youth placed in county (avg/year) 10/75%with relative/NFRM

Number and percent of youth placed out of county (avg/year) 16/25%

Placement stability (avg/year) 80% in CWS remain stable for at least 1st 12 months, experiencing no more than one move

Juvenile Probation averages 2 moves/year

Retention: Does your county track turnover of licensed foster parents?
If so, what is the current turnover rate? 1/yr

TARGET INCREASES: Based on the aforementioned data, how does the county plan to focus its efforts?

Target increase for new licensed foster homes (number and percent)
3 homes (minimally 6 beds) for short-term emergency placement/85%

Target increase in percent placements with relatives	<u>20%</u>
Target increase in first placement with relatives (percent)	<u>20%</u>
Target decrease in foster parent turnover (percent)	<u>10%</u>

There are approximately 8,049 households in the county (according to the latest census data) from which non-relative caregivers may be founds.

Has your county identified avoidable causes of turnover and strategies to reduce the rate? If yes, please describe strategies.

Local stakeholder discussion with relative and foster caregivers provides consistent information and suggested strategies:

1. Continuation of -- and enhancement of -- monthly social gatherings of foster and other caregivers.
2. Invite new potential caregivers to the monthly socials.
3. Add family activities to monthly social time (such as family bowling, etc.).
4. Strengthen relationships between Child Welfare/Juvenile Probation staff with foster/relative caregivers through ideas such as including staff in the monthly family activities with the placed youth and their caregivers.
5. Continue the faith-based strategy of building a network within specific churches, which is a currently effective retention strategy. Those caregivers rely both on each other and their faith to keep them going.
6. Target strategies to reduce County staff turnover, thus allowing for building and sustaining those supportive relationships.
7. Develop strategies for keeping caregivers more informed throughout the duration of care, about a variety of significant issues affecting the child/youth, their legal status, their care, etc.
8. Create a liaison for caregivers to do #7 above and to be the “switchboard operator” of information flow between a group of caregivers and the placement staff at the County.
9. Ensure that placement staff in both systems return their calls.
10. Find a way to provide funding for care during the first 90 days of care, pending new caregiver background clearance window.
11. Ensure payment for damage to caregiver property by foster child.

12. Provide more Wraparound/FIRST (Families Intensive Response and Strengthening Team) support, including a Probation Officer as case manager, to guide the caregiver through every step in higher care cases.
13. Provide scholarships for more education for foster parents/caregivers.
14. Provide child care and mileage reimbursement to allow for travel distances for caregivers to participate in increased mandated training.

PART III – PROPOSED PRACTICES AND EXPECTED OUTCOMES

PRIORITY ONE: Activity/Program Name/Title

Quality Parenting Hub (QP Hub)

Activity/Program Description (limit to 250 words)

This innovative program, based on the *Mockingbird Family Model*, is family-centered, relationship-based, and located in the very communities that care for their own kids. It also incorporates the principles and values of California's Quality Parenting Initiative (QPI). The priorities are

- foster parent retention, recruitment and improved satisfaction
- reduce/mitigate isolation of caregiver homes
- improved foster/ relative/other care delivery
- improved parenting quality
- safety, stability and improved well-being in care

QP Hub proposes to use a hub home in each geographical end of Inyo County that helps take good care of the families who are taking care of the county's children and youth in placement. The Hub Home connects to the other foster care homes, kinship homes, the child welfare system and juvenile probation system.

The philosophy of the program is

- caregiver support
- unconditional community-based care
- cultural relevancy

*Inyo County – 2015 Foster & Relative Caregiver
Recruitment, Retention & Support Plan*

- normalization for children and youth
- continuity of care
- active child protection
- active community safety
- stabilization to permanency for children and youth
- enhanced caregiver voice in the issues that affect the children they care for
- appropriate support and training for caregivers

This program will close system gaps as follows

- reduces caregiver isolation
- decreases instability in care
- reduces child's loss of community and home school
- increases sibling and birth family connections
- simultaneously promotes permanent homes, if needed
- improving communication between placement staff and caregivers
- improving quality of care in home-based settings

Specifically two QP Hub homes will be created, **contingent upon continuation of new State funding for such**, to provide 24/7 support for resource families. QP Hubs will be experienced current or former foster parents or relative caregivers. The primary recruitment and retention tasks of the QP Hubs will include the following.

- Provide targeted recruitment outreach in specific communities around Inyo's 10,000 square miles, at least quarterly each year:
 - A northern Inyo County QP Hub would cover maximum distances of up to one-hour of non-traffic-related geography, each way, and would target the more populated communities of Inyo County (12,000 of the total 18,000 County population). The majority of families would be located within 10-15 minutes of the QP Hub.
 - A southern Inyo County QP Hub would cover maximum distances of up to three hours of non-traffic-related geography, each way, and would target the multiple, but sparsely-populated communities, two-to-four times per year. The majority of families would be located within 10-20 minutes of the QP Hub.

**Inyo County – 2015 Foster & Relative Caregiver
Recruitment, Retention & Support Plan**

- Facilitate effective recruitment, provide one-on-one follow-up with potential new resource families to assist in navigating the initial paperwork and county/state systems to become a resource family.
- Maintain at least two respite and/or emergency placement beds within the QP Hub Homes for children/youth placed through Child Welfare Services or through Juvenile Probation.
- Support retention of resource families by “taking good care of those who take good care of our children and youth”, participate in on-going monthly meetings that include both training and social networking for all resource families.
- Encourage both recruitment and retention, develop and implement new special events for resource families to receive recognition and support.
- Support retention, provide on-going troubleshooting and system navigation for all resource families, in coordination with County placement workers, around placement issues as they arise and at the time the resource family needs help.
- Encourage, support and participate in the strengthening of working relationships between Juvenile Probation Officers/Child Welfare Social Workers and resource families.

Is this a new activity or expansion of a current activity? New XX yes ___no
If an expansion, describe current population that is served and expansion population.

N.A. (new activity)

Approximate Anticipated Cost of This Activity/Program

2 stipends for two QP Hub Homes @ \$1800/month each, for a total of \$ 3,600/month	\$ 43,200
6 stipends for resource families for each high-need child or youth placed, as determined by the Inyo County Placement at Risk Review Team (ICPARRT), @ \$1500/month each, for a total of \$ 9,000/month	108,000
2 insurance augmentations for the two QP Hub Homes to cover additional homeowners/auto insurance, @\$400/month	

*Inyo County – 2015 Foster & Relative Caregiver
Recruitment, Retention & Support Plan*

each, for a total of \$ 800/month 9,600

Activity funds for each of the resource family constellations
within each QP Hub's geographical area, @\$300/month,
for a total of \$ 600/month 7,200

TOTAL COSTS \$168,000

Describe any planned partnerships or funding to support this activity (e.g. with County Mental Health, local agencies, foster caregivers, foundations, etc.)

Training for resource families will include partnerships with:

- Toiyabe Indian Health Services – to address relevant cultural needs of local Native American youth in care
- County Mental Health – to provide Parent-Child Interaction Therapy (PCIT) both in clinic settings and in care homes with coaches; also to provide training to QP Hubs and Resource Families on emotional/mental health needs of youth, symptoms of more serious problems, as well as other intervention strategies
- County Substance Use Disorders – to provide training on adolescent substance use and dependence, as well as treatment assessment and intervention with youth and their families
- County Public Health – will continue to ensure Foster Care Nursing is available to QP Hubs and Resource Families and the youth placed with them, along with training on adolescent health
- First 5 services – to provide evidence-based Positive Parenting classes for caregivers and biological families, along with training on child development/ages and stages
- Juvenile Probation and Child Welfare staff will provide training on specific topics relevant children moving through their systems and other issues relevant to their expertise

Goal(s) and Desired Outcomes (mark all that apply)

(Inyo County NOTE: Percentages are not valid when numbers are so small.)

Increase # of county licensed foster parents/resource families by 7/100% number and percent

Increase # of placements with relatives by _____ number and percent

Improve placement stability 2 number and percent

Reduce use of congregate care 2 number and percent

Other: (list any others): _____ number and percent

Rationale for choosing this activity to meet the aforementioned goal(s):

The need for two QP Hubs in Inyo County is in direct response to feedback both from individual foster parents, and from those resource families who participate in monthly training and social events. This continues to be their number one request with an expectation of performing the tasks as outlined above. Using this concept, and matching it with best practices, our local foster caregivers identified a model that closely mirrors the Mockingbird Family Model used in the State of Washington. The model is ideal for a county with such expansive geography, as Inyo County is.

In the first six months of implementation, Inyo County would propose to develop the first QP Hub in northern Inyo County and establish the constellation of resource family homes to be supported by that QP Hub. In the following twelve months, Inyo County would propose to develop a second QP Hub in southern Inyo County, approximately 60 miles away, with a smaller constellation of resource family homes than in northern Inyo.

Priority Rank of This Activity/Program in Relation to Other County Activities/Programs
Number 1 of 2 .

PRIORITY TWO: Activity/Program Name/Title:

First 90 Days Care Program

Activity/Program Description (limit to 250 words)

Is this a new activity or expansion of a current activity? New XX yes no
If an expansion, describe current population that is served and expansion population.

Relative caregivers and non-relative extended family member (NREFM) who become licensed for a specific child are not immediately eligible for foster care

funds because of the approximate 90-day duration required for background clearances before they can become official. That 90 days is a long time to provide care for any child – whether an infant or toddler in need of diapers, formula and child care, or whether an older child in need of food, clothes, child care and school supplies. The lack of funding for the first 90 days clearly is a barrier for most families to be willing to take in a child. The First 90 Days Care Program envisions paying a flat \$600 per month stipend (lower than the lowest current foster care rate) for up to six children a year in new placements not otherwise eligible for foster care funding during the first 90 days. This Program would be **contingent upon continuation of new State funding for such.**

Approximate Anticipated Cost of This Activity/Program

90 days X \$600/month = \$1800 per child X 6 children
TOTAL COSTS \$ 10,800

Describe any planned partnerships or funding to support this activity (e.g. with County Mental Health, local agencies, foster caregivers, foundations, etc.)

None

Goal(s) and Desired Outcomes (mark all that apply)

- Increase # of county licensed foster parents/resource families by 4/50% number and percent
 - Increase # of placements with relatives by 4/25% number and percent
 - Improve placement stability _____ number and percent
 - Reduce use of congregate care _____ number and percent
 - Other: (list any others): _____ number and percent
-

Rationale for choosing this activity to meet the aforementioned goal(s):

This issue was cited by relative caregivers and non-relative extended family members (NREFM) as a barrier to care.

Priority Rank of This Activity/Program in Relation to Other County Activities/Programs
Number 2 of 3.

PRIORITY THREE: Activity/Program Name/Title:

Resource Family Support for Required Training

Activity/Program Description (limit to 250 words)

As the training requirement increases for Resource Families, and given the expansive geography and small population base (average 1.8 people per square mile), it is most cost-effective to provide child care and mileage reimbursement for Resource Families to participate in required trainings. In our most remote areas of the County (a 4-hour one-way drive from the main population base), some videoconferencing is available for participation from those tiny communities. This Resource Family Support would be **contingent upon continuation of new State funding for such.**

Is this a new activity or expansion of a current activity? New ___yes ___XX___no
If an expansion, describe current population that is served and expansion population.

Currently, monthly trainings and social activities occur for licensed foster families and relative caregivers, and are conducted by County staff in both licensing and child welfare.

An expansion of this current activity would

- include broadening the participant group to include QP Hub Homes as well as those who are considering becoming a resource family
- provide child care for resource families to reduce barriers to participation
- pay mileage at the current IRS rate for resource families to travel to training and networking activities at least monthly, from various communities spread out across Inyo County's 10,000 square miles
- enhance the County's ability to provide food and other participant support enhancements

Approximate Anticipated Cost of This Activity/Program

Child care stipends @ \$25/month for resource families to be able to participate
in required training

\$25 X 25 caregivers X 12 months

TOTAL COSTS \$ 7,500

**Describe any planned partnerships or funding to support this activity (e.g. with County
Mental Health, local agencies, foster caregivers, foundations, etc.)**

None

Goal(s) and Desired Outcomes (mark all that apply)

- Increase # of county licensed foster parents/resource families by _____ number and percent
- Increase # of placements with relatives by 3/75% number and percent
- Improve placement stability 3/75% number and percent
- Reduce use of congregate care _____ number and percent
- Other: (list any others): _____ number and percent

Rationale for choosing this activity to meet the aforementioned goal(s):

Child care has been identified by NREFMs and relative caregivers as a barrier to participating in required training, and thus to be able to take in children known to them.

Priority Rank of This Activity/Program in Relation to Other County Activities/Programs
Number 3 of 3.

~~~~~  
**Likelihood of Success**

We know that the Hub Home model has been a successful model used in the State of Washington's *Mockingbird Family Homes*. Conceptually, this is a model that mirrors the feedback from local foster care providers and NREFMs and

relative caregivers. Additionally, reducing other identified barriers, in Programs 2 and 3, would address long-standing concerns in Inyo from our caregiver homes. Lastly, California's Quality Parenting Initiative supports the training and relative activities that are necessary to stabilize placements for youth, and to retain quality caregivers.

**Sustainability**

While these are models believed to have a high likelihood of success, they have not previously been offered because of a lack of funding. Continuation of State funding for these services will be paramount to re-defining care in Inyo County for our most vulnerable children.



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

|                                                         |
|---------------------------------------------------------|
| For Clerk's Use Only:<br><b>AGENDA NUMBER</b><br><br>23 |
|---------------------------------------------------------|

- Consent Hearing     Departmental     Correspondence Action     Public  
 Scheduled Time for 11:30a.m.     Closed Session     Informational

**FROM:** HEALTH & HUMAN SERVICES – Mental Health

**FOR THE BOARD MEETING OF:** November 24, 2015

**SUBJECT: Enactment of Ordinance establishing fees for the Inyo County Mental Health Program**

**DEPARTMENTAL RECOMMENDATION:**

Request Board adopt an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Ordinance No. 1189, and Revising Inyo County Community Mental Health Services Fees."

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:**

At your November 17, 2015 Board Meeting your Board conducted a public hearing for the purpose of adopting the above referenced ordinance, waived the first reading, and scheduled the adoption of the ordinance for November 24, 2015. The ordinance will take affect (30) thirty days following Board adoption.

**ALTERNATIVES:**

Your board could deny this request, and the result would be lower cash flow this fiscal year, which would be recouped a few years later via cost report settlement. Inyo County Mental Health would continue to claim SDMC FFP at its 2014 - board approved rates.

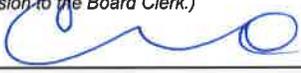
**OTHER AGENCY INVOLVEMENT:**

Department of Health Care Services

**FINANCING:**

Short Doyle Medi-Cal - Federal Financial Participation; Realignment & MHSA matching funds. Revenues will be deposited in Mental Health (045200), object code Mental Health Medi-Cal (4748).

**APPROVALS**

|                            |                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>COUNTY COUNSEL:</b>     | <b>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS</b> <i>(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)</i><br> Approved: <input checked="" type="checkbox"/> Date: <u>11/3/15</u> |
| <b>AUDITOR/CONTROLLER:</b> | <b>ACCOUNTING/FINANCE AND RELATED ITEMS</b> <i>(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)</i><br> Approved: <u>yes</u> Date: <u>11/5/2015</u>                                                     |
| <b>PERSONNEL DIRECTOR:</b> | <b>PERSONNEL AND RELATED ITEMS</b> <i>(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)</i><br>Approved: _____ Date: _____                                                                                                                                                    |
| <b>BUDGET OFFICER:</b>     | <b>BUDGET AND RELATED ITEMS</b> <i>(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)</i><br>Approved: _____ Date: _____                                                                                                                                                                       |

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)



Date: 11-9-15

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF INYO, STATE OF CALIFORNIA,  
REVISING INYO COUNTY COMMUNITY  
MENTAL HEALTH SERVICE FEES

The Board of Supervisors of Inyo County ordains as follows:

Section I: INTENT

Inyo County currently charges mental health fees for mental health services provided by the County. These fees are only charged to those who are able to pay them. These fees were last adopted on October 14, 2014. The intent of this ordinance is to adjust those fees in accordance with Assembly Bill (AB) 1297, which directs the California Department of Health Care Services (DHCS) to reimburse Mental Health Plans (MHP) based upon an approximation of their actual costs. DHCS has determined that a reasonable approximation of the MHP's cost is the calculation of costs using its prior year's certified cost report. DHCS has released an Interim Rate table for Fiscal Year 2015/16 using Fiscal Year 2013/14 cost report. Inyo County Mental Health intends to charge fees in keeping with the designated rates that are set forth by DHCS.

Section II: PURPOSE

The purpose of this ordinance is to adjust fees, based on the rates set forth by DHCS for the provision of mental health services to recover the costs of providing the program.

Section III: AUTHORITY

Welfare and Institutions Code (W&I), Sections 5709 and 5710 authorize the County to charge for mental health services in accordance with W&I section 14708. DHCS considers the rates in the most recently filed certified cost reports as a reasonable means of approximating the County's certified public expenditures. DHCS will claim federal reimbursement for each MHP based upon an approximation of its actual cost of providing the services without exceeding the contract upper payment limit that is applied to each MHP.

Section IV: FEES

The County of Inyo Community Mental Health Program fees are hereby established as follows:

## INYO COUNTY MENTAL HEALTH SERVICES SCHEDULE OF FEES

| <b>MODE OF SERVICE</b> | <b>SERVICE DESCRIPTION</b>      | <b>FEE</b><br>(per minute of service) |
|------------------------|---------------------------------|---------------------------------------|
| Outpatient Services    | Mental Health Services          | 3.61                                  |
| Outpatient Services    | Intensive Home Based Services   | 3.61                                  |
| Outpatient Services    | Therapeutic Behavioral Services | 3.24                                  |
| Outpatient Services    | Medication Support              | 6.06                                  |
| Outpatient Services    | Crisis Intervention             | 3.95                                  |
| Outpatient Services    | Case Management Brokerage       | 4.98                                  |
| Outpatient Services    | Intensive Care Coordination     | 4.98                                  |

Section V:           SERVICE

The activities included within the Service Description are defined in Title 9, California Code of Regulations (CCR), Section 543: Title 22, CCR, Section 51341.

Section VI:           UNITS OF SERVICE

The fee for each Service shall be the exact number of minutes used by staff providing a reimbursable services, pursuant to Title 9, CCR, Section 1840.316, and such amendments thereto and superseding documents as promulgated from time to time by the State of California, Department of Health Care Services.

Section VII:         DETERMINATION OF FEE FOR INDIVIDUAL

The exact amount of the fee charged to each individual for a Service may be less than the maximum fee established pursuant to Section IV and VI herein, subject to the minimum annual fee for service set forth in this Section VII. Such exact fee for an individual shall be determined based upon ability to pay in accordance with the "Uniform Method of Determining Ability to Pay" pursuant to W&I Section 14711 and set forth in MHSD Information Notice 12-06, and such amendments and/or superseding documents as are promulgated from time to time by the State of California, Department of Health Care Services.

Section VIII:       APPLICATION TO DEFINED SERVICES ONLY

This Ordinance shall apply only to the Services expressly designated and defined herein, and not to any other services and associated rates, fees, or charges which the County of Inyo is authorized to charge or collect pursuant to other applicable law.

Section IX:         COUNTY ORDINANCE 1189 REPEALED

On the effective date of this Ordinance, Ordinance No. 1189, Revising Inyo County Community Mental Health Service Fees is repealed.

Section X: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect, except as herein limited, thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124 (b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Matt Kingsley, Chair  
Inyo County Board of Supervisors

ATTEST: Kevin Carunchio  
Clerk of the Board

By: \_\_\_\_\_  
Patricia Gunsolley, Assistant Clerk of the Board



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**

24

Consent    X Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM: Water Department**

**FOR THE BOARD MEETING OF: November 24, 2015**

**SUBJECT: Workshop – LADWP's proposals for new wells in Owens Valley**

**DEPARTMENTAL RECOMMENDATION:**

The Water Department requests your Board receive a presentation on recent proposals by the Los Angeles Department of Water and Power to construct new groundwater wells.

**SUMMARY DISCUSSION:**

This presentation will cover (1) Water Agreement provisions and requirements for construction of new wells, (2) LADWP's proposals for new well construction, and (3) LADWP's proposals to test existing wells that have recently been modified to possibly reduce their impact on the shallow aquifer. See attached staff report and presentation slides.

Attached:

1. Staff report.
2. Workshop presentation.

**FINANCING:**

N/A

| <b><u>APPROVALS</u></b>               |                                                                                                                                                                                                               |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COUNTY COUNSEL:<br><br><b>N/A</b>     | AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i><br><br>Approved: _____ Date: _____ |
| AUDITOR/CONTROLLER:<br><br><b>N/A</b> | ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i><br><br>Approved: _____ Date: _____                              |

|                                       |                                                                                                                                                                              |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PERSONNEL DIRECTOR:<br><br><b>N/A</b> | PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)<br><br>Approved: _____ Date: _____ |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**DEPARTMENT HEAD SIGNATURE:**  
(Not to be signed until all approvals are received)



Date: 11/18/2015



(760) 878-0001  
FAX: (760) 878-2552

EMAIL: [mail@inyowater.org](mailto:mail@inyowater.org)  
WEB: <http://www.inyowater.org>

P.O. Box 337  
135 South Jackson Street  
Independence, CA 93526

**COUNTY OF INYO  
WATER DEPARTMENT**

November 17, 2015

TO: Board of Supervisors  
Water Commission

FROM: Bob Harrington, Water Director

SUBJECT: LADWP new well construction and modifications to existing wells

---

In a letter dated March 9, 2015, LADWP notified the Water Department of their plans to construct four new wells, and in a letter dated February 6, 2015, LADWP notified the Water Department of their plans to test four additional wells that have recently been modified. The locations of these wells are shown in Figure 1. The Water Commission has discussed these wells and received considerable public comment concerning them, and is considering a recommendation to the Board of Supervisors concerning new well construction. This memo provides background on the provisions of the Inyo/LA Long Term Water Agreement ("Water Agreement") relevant to construction of new wells and identifies specific issues posed by LADWP's plans.

**Water Agreement provisions for new wells.** Water Agreement Section VI (New Wells and Production Capacity) and Green Book Section IV.B (Guidelines for Drilling and Activating new Production Wells) provide that LADWP may construct new wells and replace existing wells with certain constraints. Water Agreement Section VI provides that:

*The Department's current groundwater pumping capacity may be increased to provide increased operational flexibility and to facilitate rotational pumping. The Department may replace existing wells and construct new wells in areas where hydrogeologic conditions are favorable, and where the operation of that well will not cause a change in vegetation that would be inconsistent with these goals and principles.*

*Prior to the Department's construction of new wells, the location of each well shall be jointly evaluated by the Technical Group as to the potential impact of its operation on the valley's vegetation and environment. The evaluation shall include the drilling of one or more test holes, if needed, to develop information on the hydrogeologic conditions at the site, an inventory and classification of vegetation that could be affected by the operation*

*of the well, and the assessment of any other potential significant effects on the environment.*

The Water Agreement provides that an aquifer test of up to 72 hours will be conducted on any new well, and data from the construction and testing will be provided to the County. Also, the County “*shall make application for and obtain any well construction permits required by the County or any subdivision thereof.*” Recognizing that new wells may affect areas that have not previously been affected by pumping, the Water Agreement provides that additional monitoring of hydrology and vegetation may be necessary and the Technical Group will designate new monitoring sites and alter or create new monitoring requirements as necessary. Only one well will be initially operated for at least six months at full intended capacity in any “*new area.*” During this initial operation, the Technical Group is required to monitor water levels and vegetation according to a jointly developed monitoring program. Additional wells may be installed in a new area if operation of the initial well has no impacts that are inconsistent with the Water Agreement’s goals. Monitoring wells may need to be installed to evaluate any potential effects of operation of new wells on wells not owned by LADWP.

The 1991 Final Environmental Impact Report (FEIR) describes the construction and operation of 15 new wells, and provides that the construction and operation of any new wells not described in the 1991 FEIR will be subject to subsequent CEQA review. Of these 15 new wells, one has been constructed (W416 in Lone Pine), and LADWP has announced plans to construct two more in West Bishop.

Green Book Section IV.B adds specificity to the requirements set out in the Water Agreement for new wells by laying out guidelines for evaluation of potential impacts, inventorying and classifying vegetation that could be affected by the new well, identifying other potentially significant effects on the environment, construction and testing, and new well areas. The new well provisions of the Green Book generally mirror and elaborate on the requirements of the Water Agreement.

**Water Agreement issues related to new well construction.** LADWP has constructed 18 new groundwater production wells and replaced existing wells since the Water Agreement was adopted in 1991. Numerous monitoring wells, domestic wells, and stockwater wells have also been constructed by LADWP in the past few decades. Although the Water Agreement sets out a process for evaluating new wells, several disagreements have arisen between LADWP and the County over interpretation of the Water Agreement’s well construction provisions. These disagreements include:

1. Although the Water Agreement clearly affords the Technical Group responsibility for evaluating the effects of new wells, LADWP has claimed that allowing the Technical Group any decision making authority over whether a new well can be constructed is an imposition on their water rights. With respect to construction of new wells, LADWP has asserted that “*...the Technical Group’s sole duty is to evaluate new wells. Neither Section VI, nor any other section of the Water Agreement, provides the Technical Group, or any other party, with approval power to allow or disallow any proposed well*” [from a November 10, 2011 letter from LADWP to the Water Department]. The County has

claimed that Water Agreement Section VI limits LADWP's well construction activities to "*areas where hydrogeologic conditions are favorable, and where the operation of that well will not cause a change in vegetation that would be inconsistent with these goals and principles,*" and that this determination is made by the Technical Group's, and that to fulfill this responsibility to evaluate new wells the Technical Group needs to approve pre-construction evaluations of new wells. Status: unresolved.

2. The Water Agreement and Green Book recognize that new wells may result in newly affected areas, but it is not clear what criteria should be used to determine when a well should be considered to be in a new well area versus in an existing area. Status: the Technical Group decides on a case-by-case basis.
3. The Water Agreement and Green Book are unclear on the requirements for post-construction operational testing of new wells, and provide little guidance on how to establish monitoring sites for new wells. Status: Unresolved. The Technical Group has not established a new monitoring site since the Green Book was written in 1991.
4. LADWP and the County have disagreed over whether well permits are required for LADWP well construction. LADWP has argued that they are not subject to the County's zoning and building codes. The County has countered that County well permits are health permits pursuant to the police powers of the State and County, and as such LADWP or their contractors cannot drill wells without permits. Status: For their most recent well installations, LADWP has applied for and obtained permits from Inyo County Environmental Health and paid the standard permit fees.
5. LADWP and the County have disagreed over whether LADWP must pay for well construction permits. LADWP has generally paid the same fees to the Environmental Health Department that other well constructors have paid; however, they have stated that they did not need to pay for well permits, because (1) the Water Agreement obligates the County to "*make application for and obtain any well construction permits required by the County or any subdivision thereof*", and (2) as a public agency they are not subject to the County's permit fees. Status: For their most recent well installations, LADWP has applied for and obtained permits from Inyo County Environmental Health and paid the standard permit fees.
6. LADWP and the County have disagreed over whether well construction permits may be withheld by the County if the County believes that LADWP has not complied with the Water Agreement. For example, if the Technical Group has not agreed on a preconstruction evaluation for a well, or has not agreed that a proposed wells location is compliant with Water Agreement, should a well construction permit be issued? Status: The Technical Group has avoided this issue by approving completing preconstruction evaluations before construction begins.
7. Water Agreement Section VI declares that LADWP "*...may replace existing wells and construct new wells...*", but further discusses only new wells. It is not clear the extent to which replacement wells are subject to Technical Group review. Status: The Technical

Group has generally subjected replacement wells to less scrutiny than new wells, unless the design or location of the replacement well differs substantially from the existing well.

8. It is not clear how the Green Book's requirements for groundwater modeling of new wells informs the Technical Group's assessment of whether a new well is consistent with the Water Agreement's goals. The Green Book prescribes a model simulation of three years with all wells running in worst case drought conditions. This may not be the best method to determine whether a well complies with the Water Agreement's goals. Status: The Technical Group has generally decided what the appropriate analysis for a new well is on a case-by-case basis.
9. The Water Agreement and Green Book do not provide a process for evaluating existing wells that have been significantly modified, or replacement wells that differ in design from the well being replaced. For example, if a replacement well has the well screen placed at different depths than the original well, the aquifer zone and area affected by the replacement well will differ from the effect of the original well. Status: The Technical Group has evaluated such situations as if the replacement well was a new well.
10. The CEQA analysis of the 15 new wells described in the 1991 FEIR is now over two decades old. Should these wells be subject to additional CEQA review given the amount of time that has elapsed? Is there new information or changed circumstances that would require additional CEQA review? Status: Unresolved.

**LADWP's current plans for new wells.** In a letter of March 9, 2015, LADWP notified the County of its plans to install four production wells in the northern Owens Valley. Two wells are located in West Bishop (wells B-2 and B-5), one in Laws (W243 replacement), and one west of Big Pine (Bell Canyon Well) as shown Figure 1. These wells are subject to the Water Agreement's process for construction and evaluation of new wells. The letter also notes a fifth well for domestic supply at the Cottonwood Power Plant near Owens Lake. This well is a small capacity domestic well, and construction of such wells does not fall within the Water Agreement's process for construction of new wells.

**Well B-2.** According to the 1991 FEIR (Figure 16-6), Well B-2 is located west of C-Drain and north of Highway 395. The map provided in DWP's March 9 letter indicates a location along C-Drain, but south of Highway 395. LADWP has informed us that they intend to construct the well at the location indicated in the 1991 FEIR, not the location indicated in the letter. There would be some merit to locating the well south of Highway 395, but LADWP is reluctant to modify the location due to CEQA considerations. The well is planned to be 18" in diameter, 600 feet deep, and screened from 200 to 590 feet, with an estimated capacity of 3.5 cfs. These specifications may change based on conditions encountered during drilling. The 1991 FEIR states that the location of B-2 (and B-5) was "*selected so that construction of the proposed wells should have minimum effect on the surface vegetation and the environment. The sites are near creeks and ditches that provide conveyance to areas of water demand/use on the Bishop Cone; and hydrological characteristics are favorable.*"

Because B-2 is located on the Bishop Cone, pumping from the well would be subject to the Hillside Decree, which limits LADWP groundwater extraction on the Bishop Cone to no greater than the amount of water used by Los Angeles on Los Angeles-owned lands on the Bishop Cone. B-2 will provide water to irrigated land on the Bishop Cone.

There is a question as to whether additional CEQA analysis is necessary for wells B-2 and B-5. Additional development has occurred in West Bishop since the existing analysis was done in 1991, and uncertainties have arisen in the past few years over whether recharge from surface water conveyances in West Bishop will be a reliable buffer against impacts to private wells in the future.

Well B-5. According to the 1991 FEIR (Figure 16-6), Well B-5 is located north of Indian Ditch and west of Sunland Drive. Like Well B-2, Well B-5 is one of the fifteen new wells included in the 1991 FEIR. The well is planned to be 18" in diameter, 650 feet deep, and screened from 300 to 640 feet, with an estimated capacity of 4.0 cfs. These specifications may change based on conditions encountered during drilling. B-5 is also located on the Bishop Cone and subject to the Hillside Decree. B-5 will provide water to irrigated land in the south part of the Bishop Cone.

Wells B-2 and B-5 present both threats and opportunities. Both wells potentially could affect nearby non-LADWP wells, including shallow domestic wells that may suffer reduced capacity or be rendered inoperable by relatively modest declines in the water table (e.g., declines on the order of five or ten feet). Historically, the West Bishop area has not been affected by LADWP wells, because the many ditches and creeks in the area have provided reliable recharge to buffer pumping effects. In the past few years of drought, surface water has been scarce and recharge less reliable and the water table may be more sensitive to pumping under conditions. LADWP manages water in West Bishop to maintain flows in north and south forks of Bishop Creek, and supply water to the Bishop Paiute Tribe, irrigated leases, use permittees, and the Bishop Creek Water Association. These uses are met with both surface water and groundwater. Additional pumping capacity in West Bishop affords more flexibility and reliability in meeting these uses.

Relocating B-2 on the south side of Highway 395 where it could provide irrigation supply to leases on Brockman Lane, and relocating B-5 further west so that it could directly supply water to neighborhoods off South Barlow Lane would provide more benefit to County residents than the current locations.

Bell Canyon Well. The Bell Canyon Well is located west of Big Pine on Bell Canyon, which is the first creek north of Big Pine Creek. The Water Agreement Section XIV requires LADWP to provide \$100,000 and up to 6 cfs to a local entity to construct and operate the Big Pine Ditch System. The Water Agreement provides that LADWP will "...make a flow of up to six (6) cfs available to supply the ditch system with water. This is in addition to water now diverted for use by the Big Pine Water Association members. Water to replace any water used by this project will come from a new well, which will be constructed by the Department west of Big Pine. This well may also supply water to the Big Pine Water System." The Bell Canyon Well is the new well west of Big Pine, and will provide replacement water for water used by the Big Pine Ditch system. The Big Pine Ditch System is currently accumulating a replacement water deficit of a few hundred acre-feet per year.

LADWP prepared a mitigated negative declaration for the Big Pine Ditch System that included analysis of pumping from the Bell Canyon Well. Mitigation addressing potential impacts of the Bell Canyon Well relies on the Technical Group process for evaluating, monitoring, managing, and mitigating effects of new wells.

W243 Replacement Well. LADWP proposes to replace Well 243 in Laws. Well 243 is a 16” diameter wells, drilled to 504 feet, perforated intervals from 62 feet to 482 feet, with a historic capacity of about 3.6 cfs (1991 FEIR, Table 9-5). Replacement of existing facilities is generally exempt from CEQA. W243 was drilled in 1928, and is being replaced because it has gradually lost capacity. W243 is linked to monitoring site L2, which is currently in ON status. The replacement well will provide water for irrigation in Laws and for the LA Aqueduct system.

**LADWP modifications to existing wells.** In order to reduce the effect of four existing wells on the shallow aquifer, LADWP embarked on a program of sealing the upper portion of the well screen so that the resulting modified well withdraws water only from the deeper aquifer zone. Figure 2 shows the differing effects of pumping from both the deep and shallow aquifer versus only the deep aquifer. In In a February 6, 2015 letter, LADWP provided the Water Department with a report on the results of their well modification program, including the methods used to seal the wells, diagrams of the modified wells, well and aquifer testing results, and resulting well capacity of the modified well (Table 1). Two of the wells, W385 and W386, are located at the Desert Aggregates gravel plant in Laws, one well, W348, is located in the Bairs-Georges well field, and one well, W416 is located in Lone Pine (Figure 1).

W385 and W386. Wells W385 and W386 are located within the Desert Aggregates gravel plant, approximately 3 miles north of Bishop (Figure 1), and were drilled in March 1987 to 548 feet and 560 feet respectively. The wells were designed to serve the dual purpose of dewatering gravel deposits mined by the gravel plant operators and to provide make-up water for water supplied to enhancement/mitigation (E/M) projects in the Laws area. To fulfill their purpose as dewatering wells, these wells were screened in the shallow aquifer zone (Table 1). The wells were operated from October 1987 to April 1989, producing 8,801 acre-feet. In 1988, it was observed that groundwater-dependent vegetation south of the wells had significantly declined and operation of the wells ceased. These effects were identified in the 1991 FEIR as a significant impact (Impact 10-12):

*Vegetation in an area of approximately 300 acres near Five Bridges Road north of Bishop was significantly adversely affected during 1988 because of the operation of two wells, to supply water to enhancement/mitigation projects.*

The mitigation identified in the 1991 FEIR for this impact is:

*Water has been spread over the affected area since 1988. By the summer of 1990, revegetation of native species had begun on approximately 80 percent of the affected area. LADWP and Inyo County are developing a plan to revegetate the entire affected area with riparian and meadow vegetation. This plan will be implemented when it has been completed.*

A "Five Bridges Sub-Group" was established by the Technical Group to develop recommendations for a cooperative mitigation plan for the Five Bridges area. In Appendix B-5 to the 1991 FEIR, the sub-group's report documents a number of monitoring, water spreading, and land management activities taken at the site beginning in October 1988. An operational pumping test was conducted from November, 1993 to January, 1994 where both wells pumped a total of 2,095 acre-feet. This test was closely monitored and showed that the wells rapidly affected the water table south of the Owens River. In October 1999, the Technical Group reported to the Standing Committee that a revegetation plan for impacted areas, including Five Bridges, had been finalized by the Technical Group in mid-1999 and was being implemented. LADWP's 2015 Annual Owens Valley Report described the mitigation measure as "*implemented and ongoing*," noting problems with perennial pepperweed invasion and low cover of desired species. The Water Department's 2014-2015 Annual Report notes that vegetation cover in the affected area is not meeting the goals identified by the Technical Group.

It is unknown how much the modifications to the wells will reduce the effect the wells have on the water table. Water table drawdown will be reduced at least roughly proportional to the reduction in pumping capacity (Table 1). Prior to the modifications, the combined capacity of the wells was 16.3 cfs; subsequent to the modifications, the combined capacity was 5.6 cfs, so drawdown should be reduced by approximately two-thirds. Nonetheless, well logs in the area do not show any obvious confining layers, so the effects of pumping from the deeper aquifer zone may propagate to the shallow zone.

LADWP provided the Water Department with a plan for testing the wells, first individually, then with both wells operated simultaneously. Staff has reached general agreement on monitoring locations, but have not yet agreed on water table thresholds that if exceeded would stop the test pumping. LADWP is currently equipping W385 with a pump and a number of monitoring wells in the area are being monitored by LAWP and the Water Department. The 1991 EIR identifies the effects of operation of these wells as a significant impact and mitigation of those impacts is an ongoing project, and part of the mitigation outlined in the EIR was to shut the wells off, so apparently the mitigation measure would need to be modified to operate the wells. Also, since the mitigation plan for the impacts caused by these wells included shutting off the wells for an indefinite time, additional CEQA analysis is necessary to resuming operation of the wells.

W348. W348 is located in the Bairs-Georges well field, approximately 2 miles north of the Alabama Gates, and was constructed in 1973. The well was originally screened from 50 to 470 feet, and was modified to so that the open screen is from 243 to 460 feet. The driller's log shows numerous clayey layers in the interval from 63 to 265 feet, so the modification potentially could insulate the shallow aquifer from pumping effects from W348. The modifications to W348 reduced the pumping capacity of the well from 3.8 to 1.2 cfs. W348 is linked to monitoring site BG2 which is currently in ON status. W348 is used for LA Aqueduct supply.

W416. W416 is located in the Lone Pine well field, near the LA Aqueduct approximately 100 yards north of Whitney Portal Road, and was drilled in 2002. W416 was the first and, so far only, well drilled of the 15 wells described in the 1991 FEIR (see section above discussing B-2 and B-5). After the well was completed in 2002, the Technical Group worked for several years

to develop a plan for an operational test of the well, finally agreeing on a plan for a test in 2009 and running a three-week test in February 2010. It is not clear that the modifications to W416 will have the desired effect of avoiding impacts because (1) there are no obvious confining layers in the driller's log, (2) there are a number of groundwater-dependent resources in the area that rely on the deeper aquifer zone (e.g., Lone Pine Paiute-Shoshone Tribe supply wells, Anchor Ranch flowing well, Lone Pine town supply wells W344 and W346, Pangborn Lane CSD well, private wells), and (3) these groundwater-dependent resources are situated relatively close to W416. W416 would be used to supply water to the LA Aqueduct.

**Summary.**

- The Water Agreement allows LADWP to construct new wells and replace existing wells, including 15 wells that are identified in the 1991 FEIR.
- The Technical Group is responsible for evaluating the effects of new wells and for establishing monitoring and management of new wells.
- New wells are evaluated by the Technical Group on a case-by-case basis.
- The Water Agreement does not have specific provisions addressing wells that have been modified or replacement wells that differ in design from the original wells. In some past instances, they have been evaluated by the Technical Group in a similar manner as new wells.
- Since the Water Agreement was adopted, several disagreements have arisen over the construction and evaluation of new wells.
- There are unresolved CEQA questions with the proposed new wells and the modified wells.

Table 1. Well specifications and results from modifications to wells W416, W348, W385, and W386 (from LADWP's February 6, 2015 letter).

| Parameter                                  | W416             | W348    | W385    | W386    |
|--------------------------------------------|------------------|---------|---------|---------|
| Diameter (Inch)                            | 18               | 20, 16  | 18      | 18      |
| Total depth (ft)                           | 494              | 470     | 548     | 560     |
| Screen Interval BEFORE Modification (ft)   | 105-155, 200-491 | 50-470  | 50-548  | 50-550  |
| Screen interval AFTER Modification (ft)    | 200-491          | 243-460 | 323-548 | 367-550 |
| Pumping Capacity BEFORE Modification (cfs) | 5.2              | 3.8     | 10.1    | 6.2     |
| Pumping Capacity AFTER Modification (cfs)  | 2.5              | 1.2     | 2.8     | 2.8     |
| Pumping Capacity Reduction (%)             | 52%              | 68%     | 72%     | 55%     |

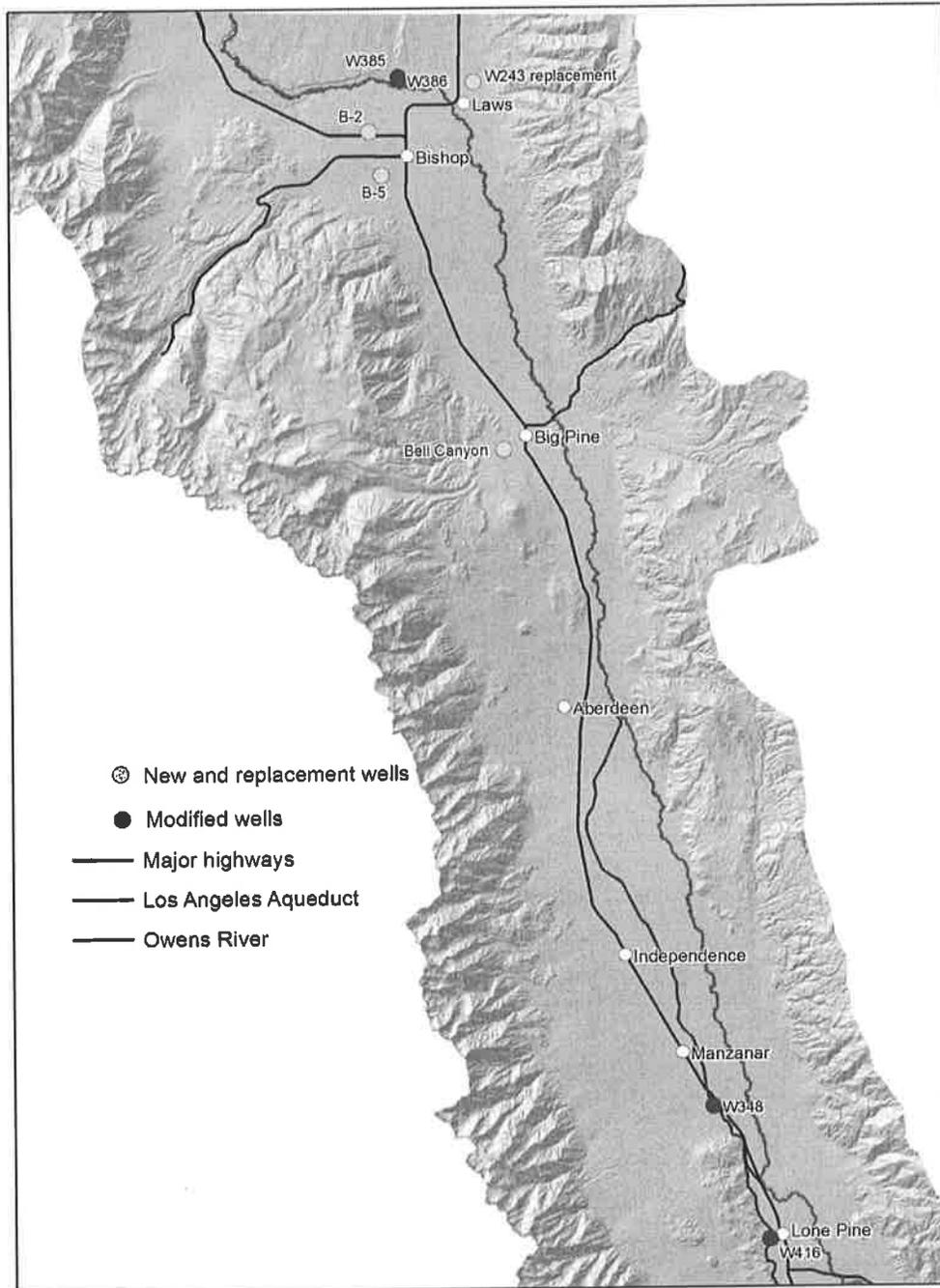


Figure 1. Location of new or replacement wells and wells recently modified to pump from deeper screened intervals.

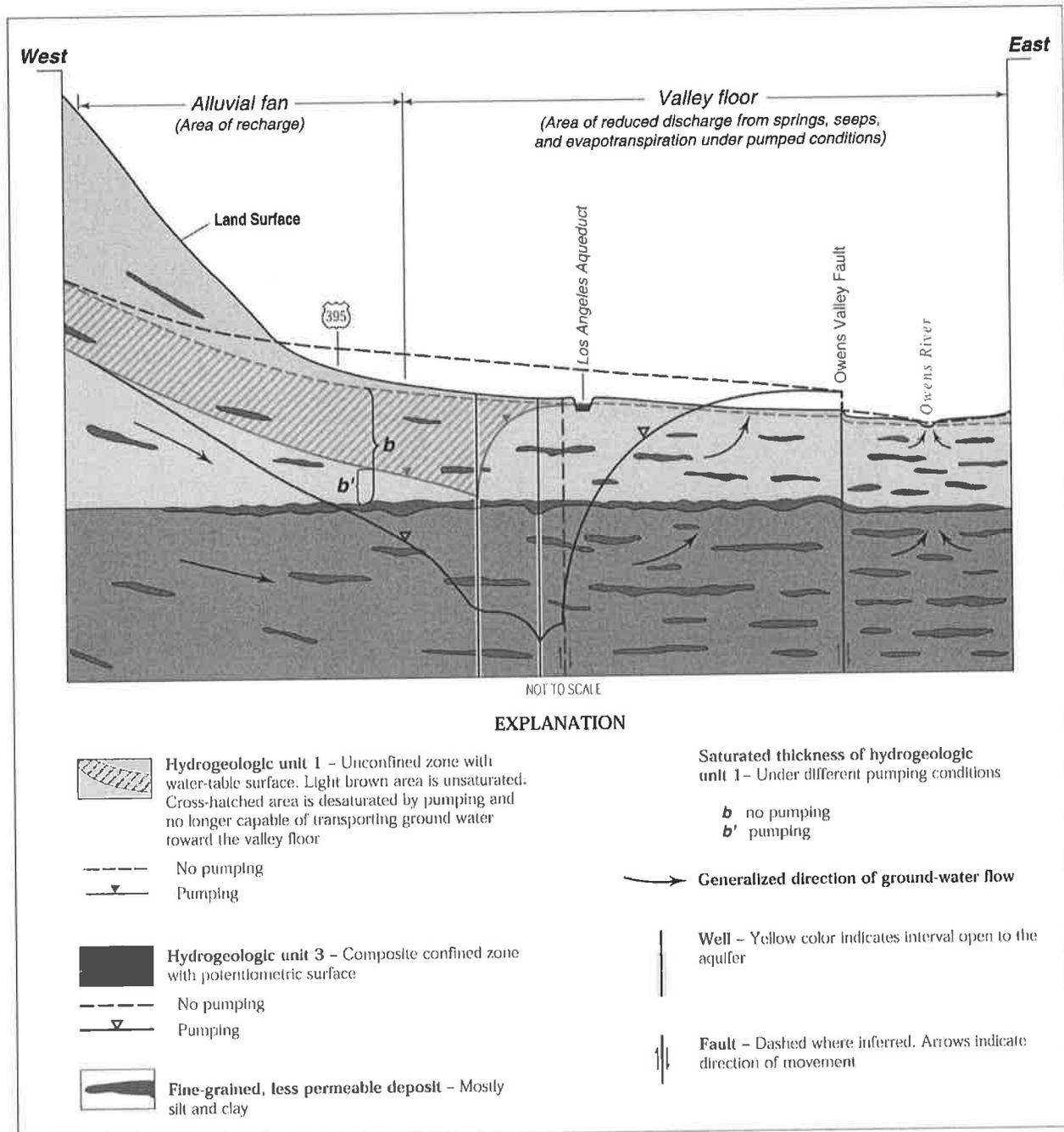


Figure 2. Hydrogeologic cross-section of Owens Valley showing the effects of pumping from both the shallow and deep aquifers versus the deep aquifer only. Two production wells are shown, with their screened intervals shown in yellow. The left-hand well, screened in both the deep and shallow aquifers, causes drawdown in both aquifer zones. The right-hand well, screened only in the deep aquifer affects the deep zone, but has negligible effect on the shallow zone (from W.R. Danskin, USGS Water Supply Paper 2370-H, 1998).

**Water Agreement Section VI – New Wells and Production Capacity:**

*“The Department’s current groundwater pumping capacity may be increased to provide increased operational flexibility and to facilitate rotational pumping. The Department may replace existing wells and construct new wells in areas where hydrogeologic conditions are favorable, and where the operation of that well will not cause a change in vegetation that would be inconsistent with these goals and principles.”*

## **Technical Group process (in practice)**

### **Prior to construction:**

*Technical Group evaluates location of well for potential impacts*

*Monitoring wells are installed as necessary*

*Potentially affected resources identified (gw-dependent vegetation, non-LA wells, other...)*

*Radius of influence of well evaluated*

*Effects assessed*

### **Well construction:**

*LADWP applies for well permit, County issues permit*

*LADWP contracts for well construction, contractor drills and completes well*

### **After construction:**

*Aquifer test conducted (up to 72 hours)*

*Technical Group decides location of monitoring well(s)*

*Results of aquifer test provided to County*

*Operational test conducted to determine effects of well*

*Technical Group develops monitoring program*

*Additional monitoring wells may be necessary*

*Monitoring and management consistent with Water Agreement goals*

## Issues:

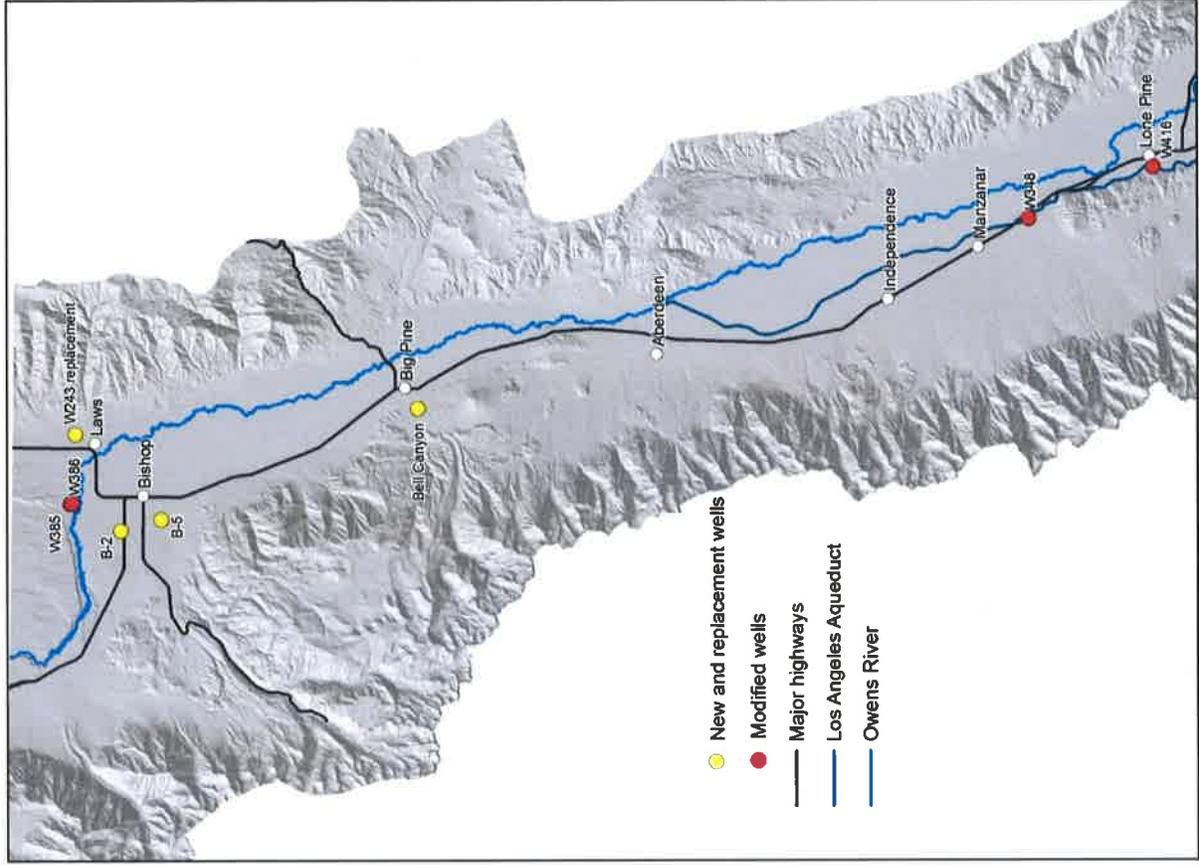
1. The Water Agreement gives the Technical Group responsibility for evaluating the effects of new wells, but LADWP has claimed that allowing the Technical Group any decision making authority over whether a new well can be constructed is an imposition on their water rights.
2. The Water Agreement and Green Book recognize that new wells may result in newly affected areas, but it is not clear what criteria should be used to determine when a well should be considered to be in a new well area versus in an existing area.
3. The Water Agreement and Green Book are unclear on the requirements for post-construction operational testing of new wells, and provide little guidance on how to establish monitoring sites for new wells.
4. LADWP and the County have disagreed over whether well permits are required for LADWP well construction.
5. LADWP and the County have disagreed over whether LADWP must pay for well construction permits.
6. LADWP and the County have disagreed over whether well construction permits may be withheld by the County if the County believes that LADWP has not complied with the Water Agreement.
7. Water Agreement Section VI declares that LADWP “...may replace existing wells and construct new wells...”, but further discusses only new wells. It is not clear the extent to which replacement wells are subject to Technical Group review.
8. It is not clear how the Green Book’s requirements for groundwater modeling of new wells informs the Technical Group’s assessment of whether a new well is consistent with the Water Agreement’s goals.
9. The Water Agreement and Green Book do not provide a process for evaluating existing wells that have been significantly modified, or replacement wells that differ in design from the well being replaced.
10. The CEQA analysis of the 15 new wells described in the 1991 FEIR is now over two decades old. Should these wells be subject to additional CEQA review given the amount of time that has elapsed?

### Four new or replacement wells:

- B-2
- B-5
- W243 replacement
- Bell Canyon

### Four modified wells:

- W385 and W386
- W348
- W416



## Water Agreement Section VI. – New Wells and Production Capacity:

The EIR describes the impacts of the construction and operation of fifteen (15) new wells. The construction and operation of any new wells not described in the EIR will be the subject of a subsequent CEQA review.

### 1991 FEIR Impact 16-6:

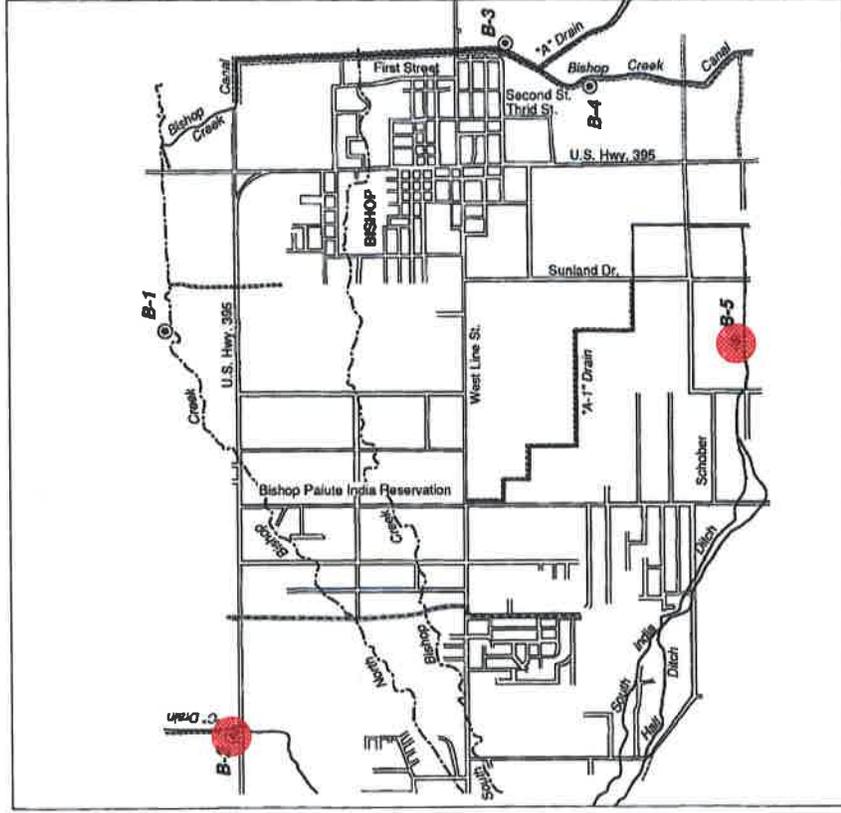
#### Impact

16-6 It is not expected that water quality or quantity in private wells on the Bishop Cone would be adversely impacted due to a lowering of the water table associated with pumping the new wells on the Cone.

The five new Bishop Cone wells are not expected to cause a significant adverse impact on private wells because the wells have been sited, operated, and monitored to avoid or minimize impacts on private wells.

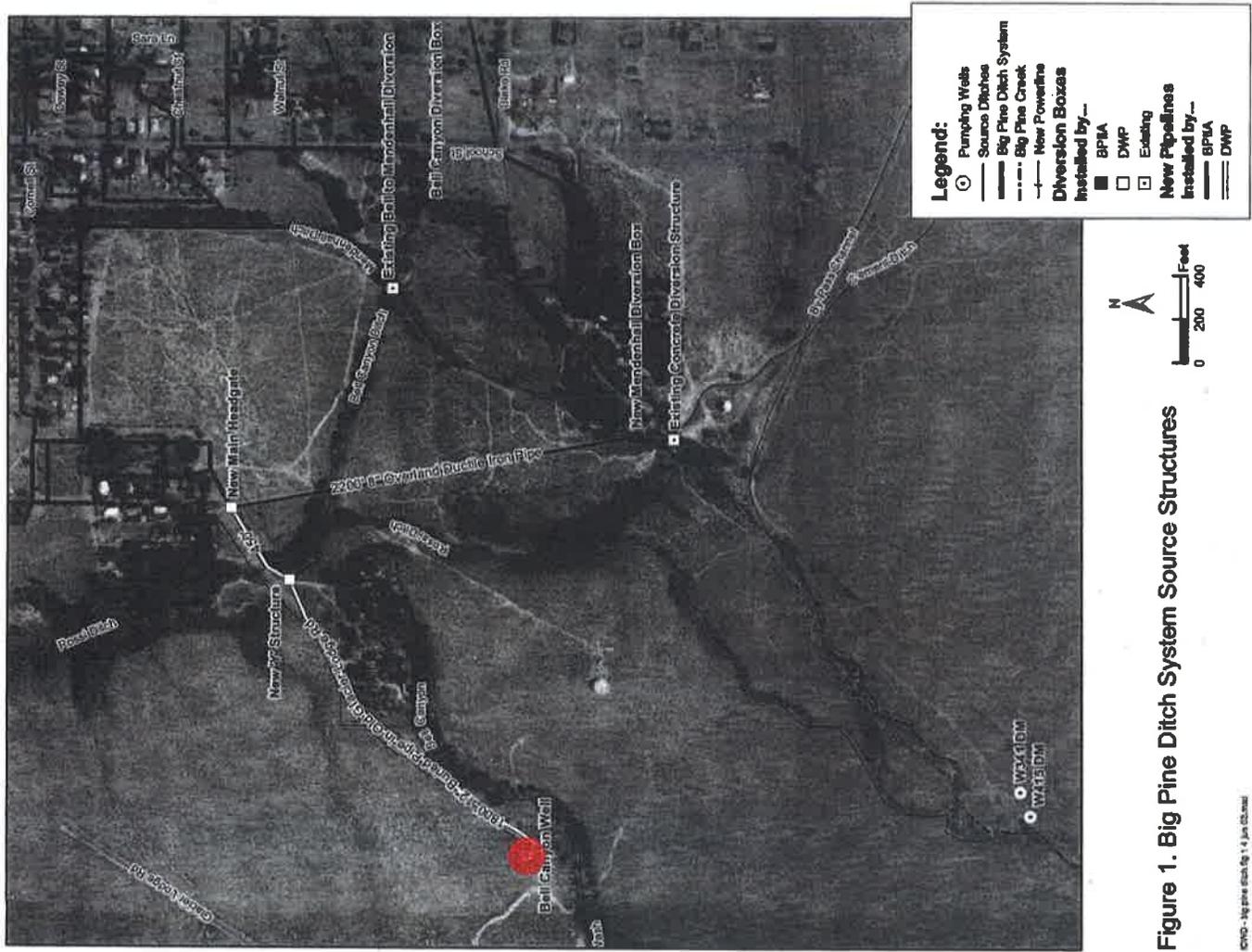
#### Mitigation Measure

16-6 Monitoring wells will be installed and monitored in accordance with the Agreement to monitor water levels near private wells (see Section 4 of the Green Book).



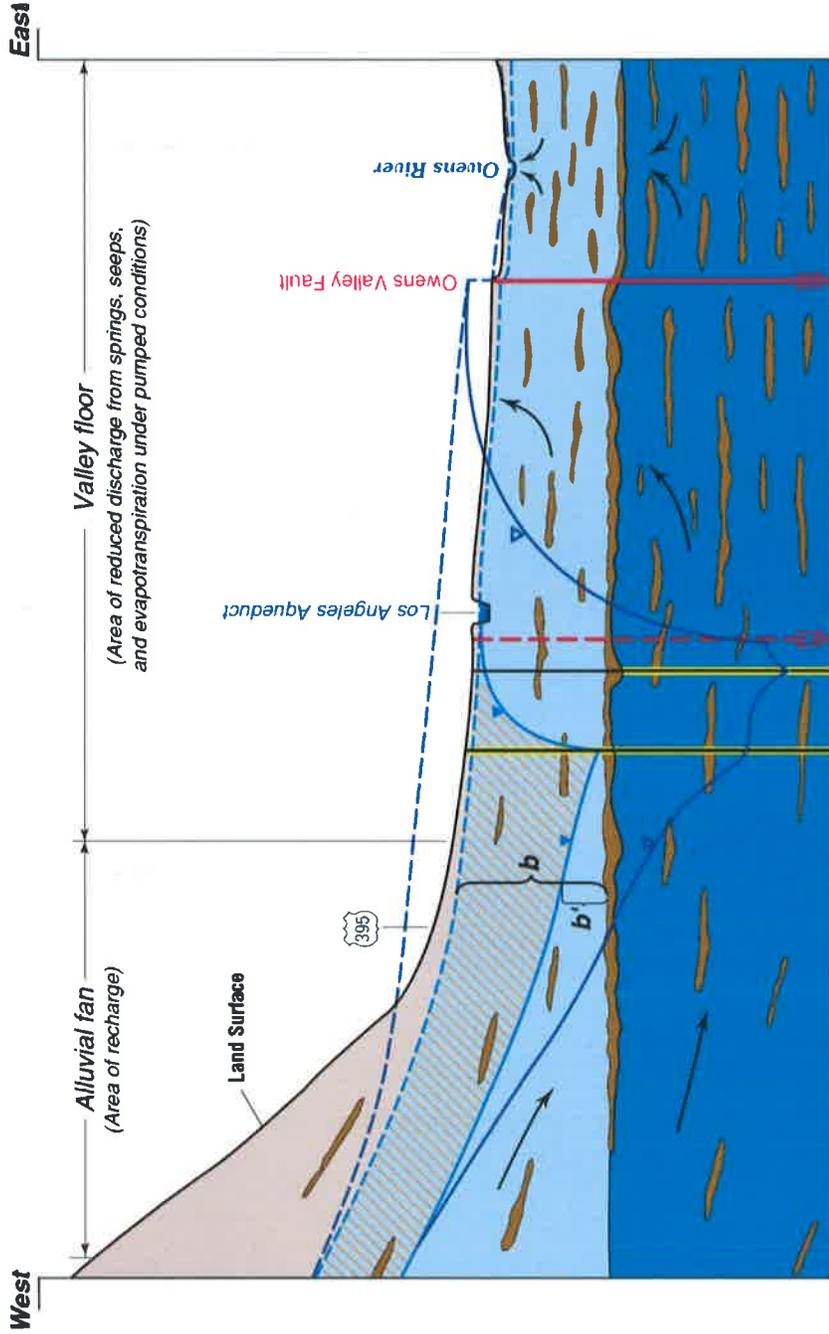
**Water Agreement Section XIV.E --  
Big Pine Ditch System (in part):**

The Department shall make a flow of up to six (6) cfs available to supply the ditch system with water. This is in addition to water now diverted for use by Big Pine Water Association members. Water to replace any water used by this project will come from a new well, which will be constructed by the Department west of Big Pine. This well may also supply water to the Big Pine Water System.



**Figure 1. Big Pine Ditch System Source Structures**

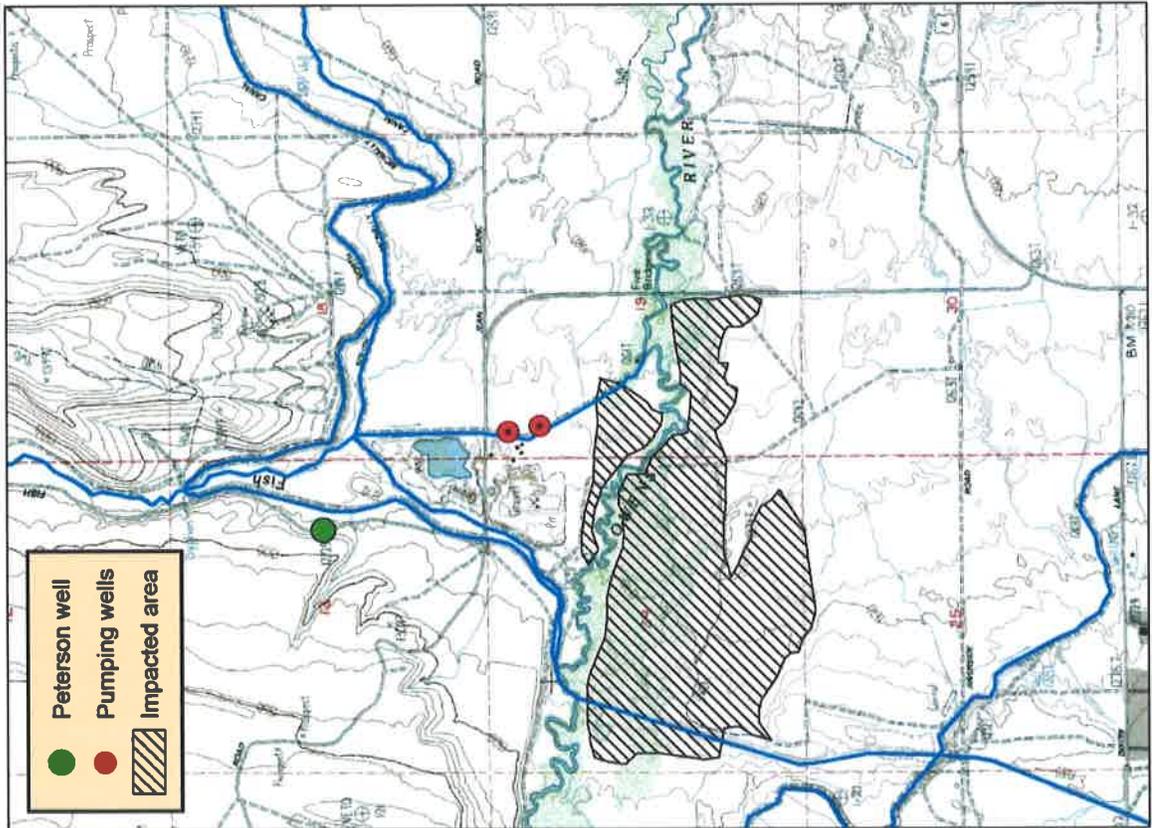
SCWD - Big Pine 2023/05/14 Jan 02, 2023



**EXPLANATION**

- Hydrogeologic unit 1** – Unconfined zone with water-table surface. Light brown area is unsaturated. Cross-hatched area is desaturated by pumping and no longer capable of transporting ground water toward the valley floor
- Hydrogeologic unit 3** – Composite confined zone with potentiometric surface
- Fine-grained, less permeable deposit** – Mostly silt and clay
- No pumping  
Pumping
- Well** – Yellow color indicates interval open to the aquifer
- Fault** – Dashed where inferred. Arrows indicate direction of movement
- Saturated thickness of hydrogeologic unit 1** – Under different pumping conditions  
*b* no pumping  
*b'* pumping
- Generalized direction of ground-water flow**

## 1991 FEIR Impact 10-12:



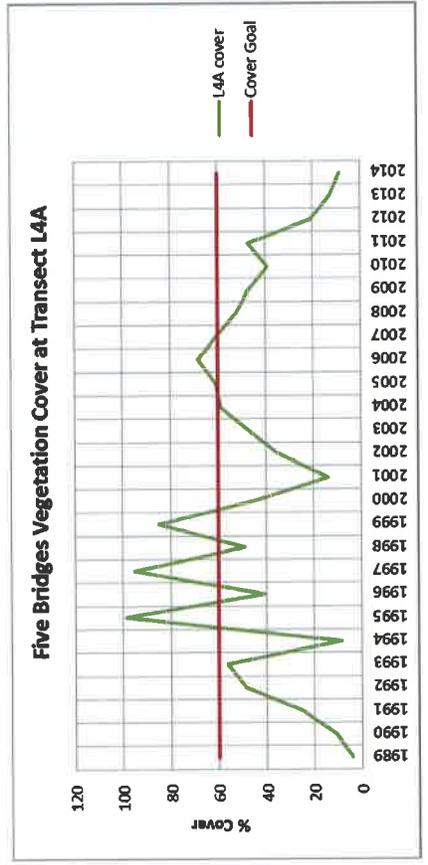
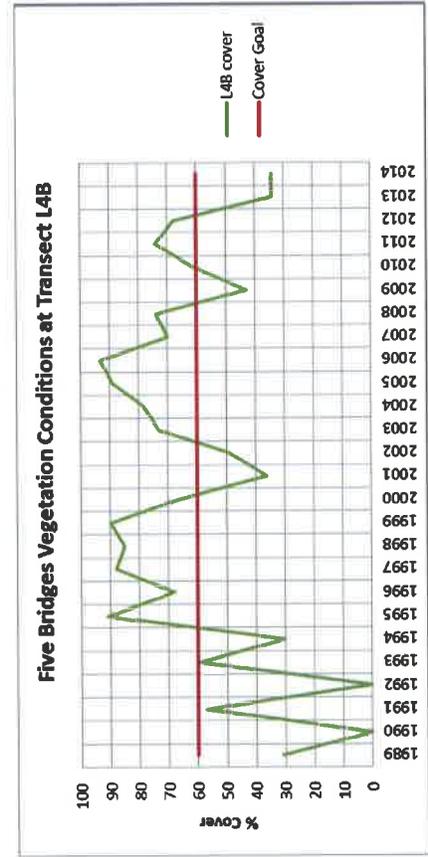
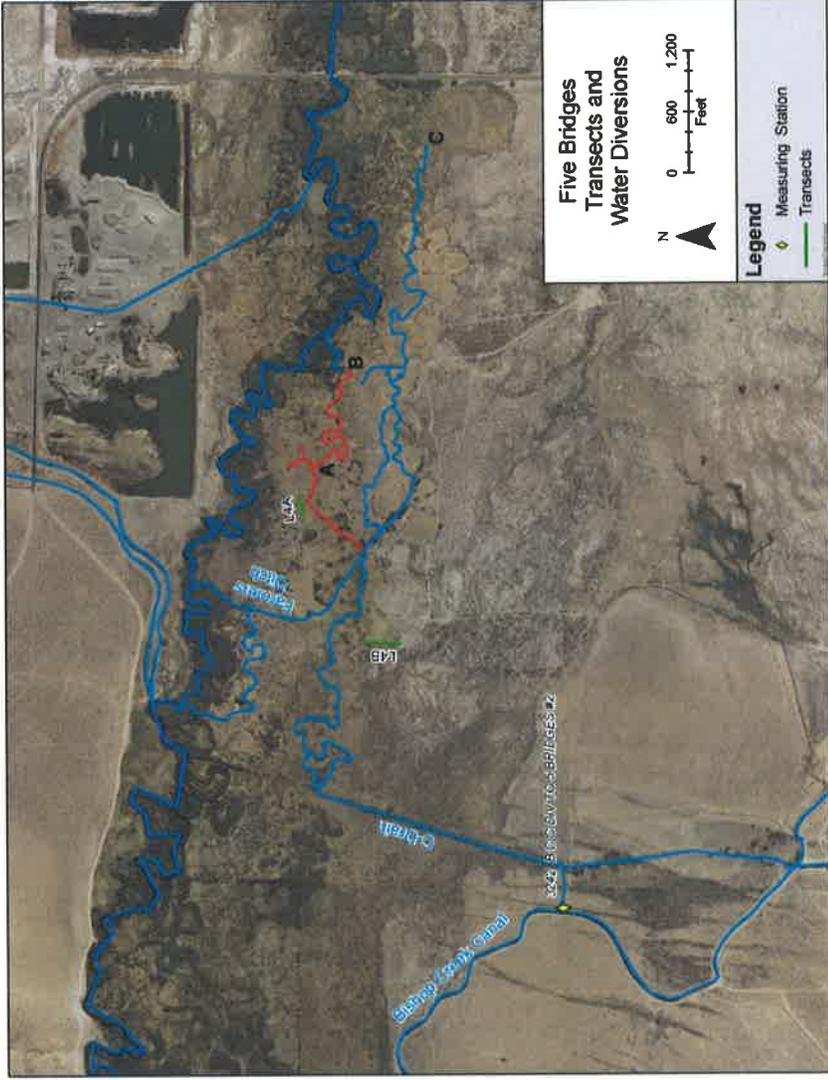
### Impact

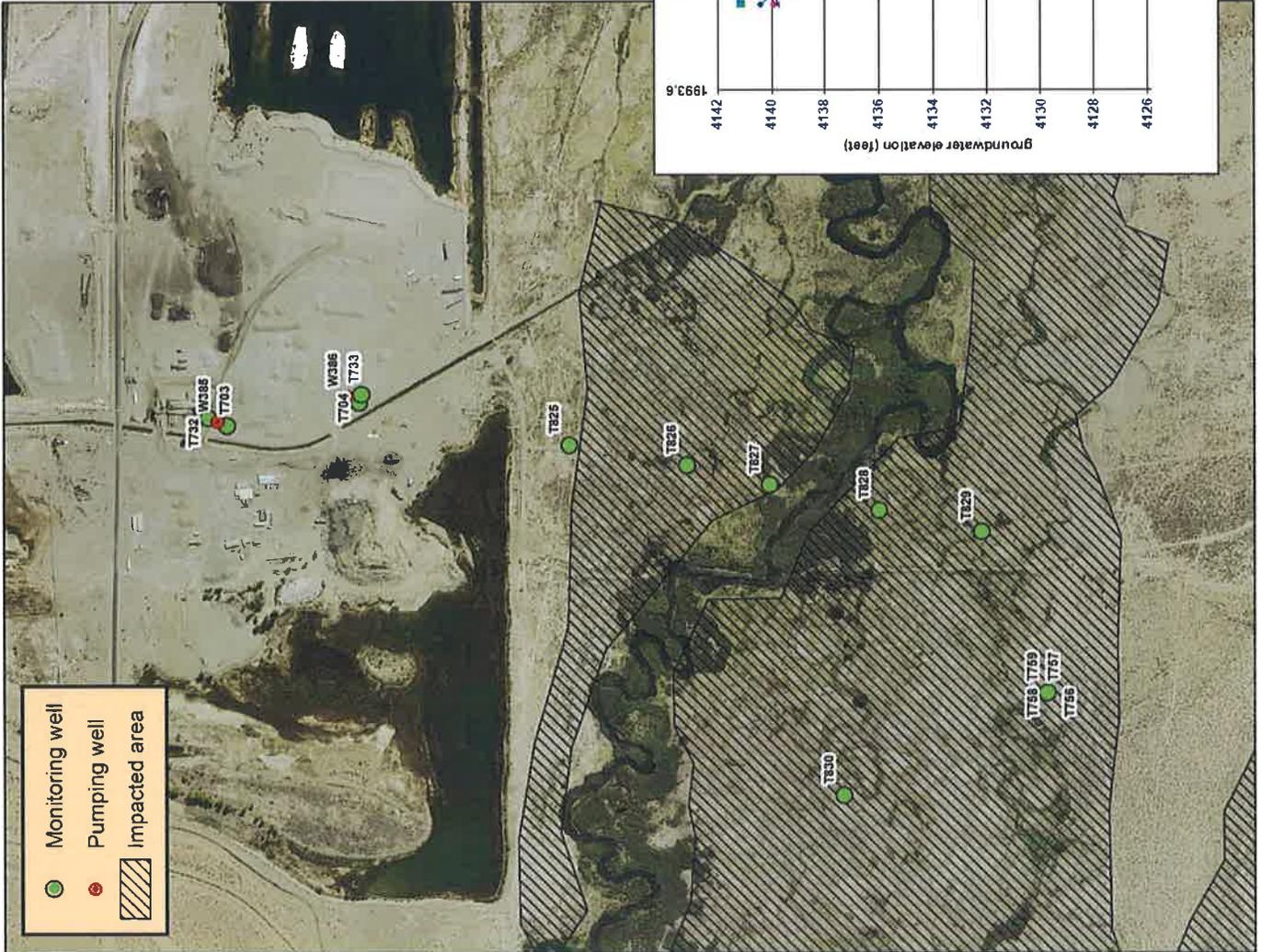
10-12 Vegetation in an area of approximately 300 acres near Five Bridges Road north of Bishop was significantly adversely affected during 1988 because of the operation of two wells, to supply water to enhancement/mitigation projects.

Between 1987 and 1988, two wells in the Five Bridges area that were pumped to supply water to enhancement/mitigation projects contributed to a lowering of the water table under riparian and meadow areas along Owens River. Approximately 300 acres of vegetation were affected, and within this area, approximately 36 acres lost all vegetation due to a wildfire. The affected area is shown on Figure 10-8A.

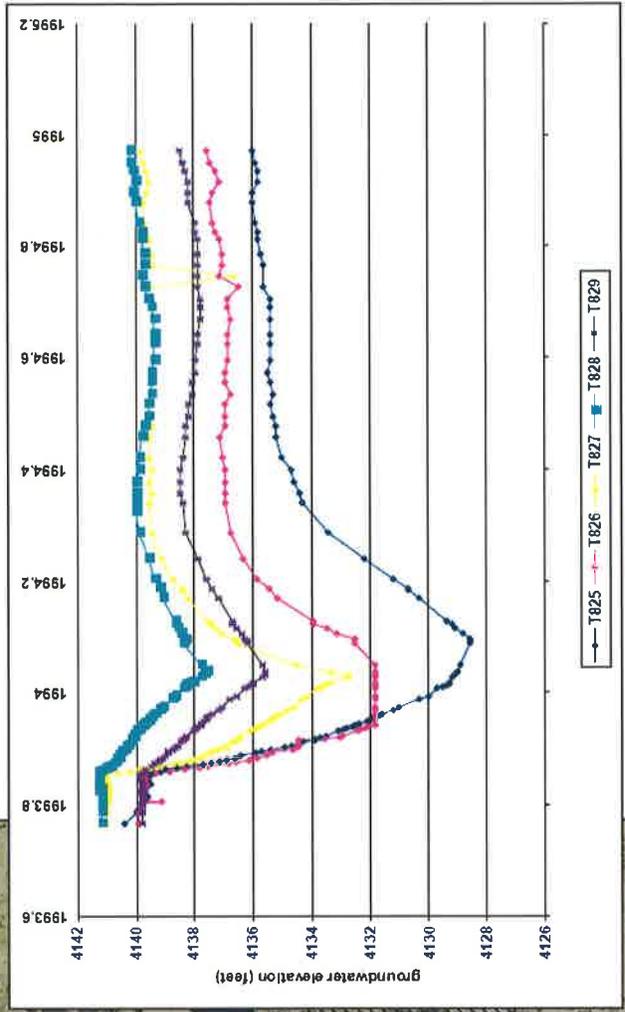
### Mitigation Measure

10-12 Water has been spread over the affected area since 1988. By the summer of 1990, revegetation of native species had begun on approximately 80 percent of the affected area. LADWP and Inyo County are developing a plan to revegetate the entire affected area with riparian and meadow vegetation. This plan will be implemented when it has been completed.





Some results from 1993-1994 well test:



## 1991 FEIR Impact 16-12:

### Mitigation Measure

16-11 *If it is projected that a decrease or change in vegetation dependent on flow from Reinhardt Spring will result if flow from the spring stops or is reduced, LADWP will reduce pumping to the degree necessary to restore the flow to avoid such decreases or changes or provide water to avoid such decreases or changes.*

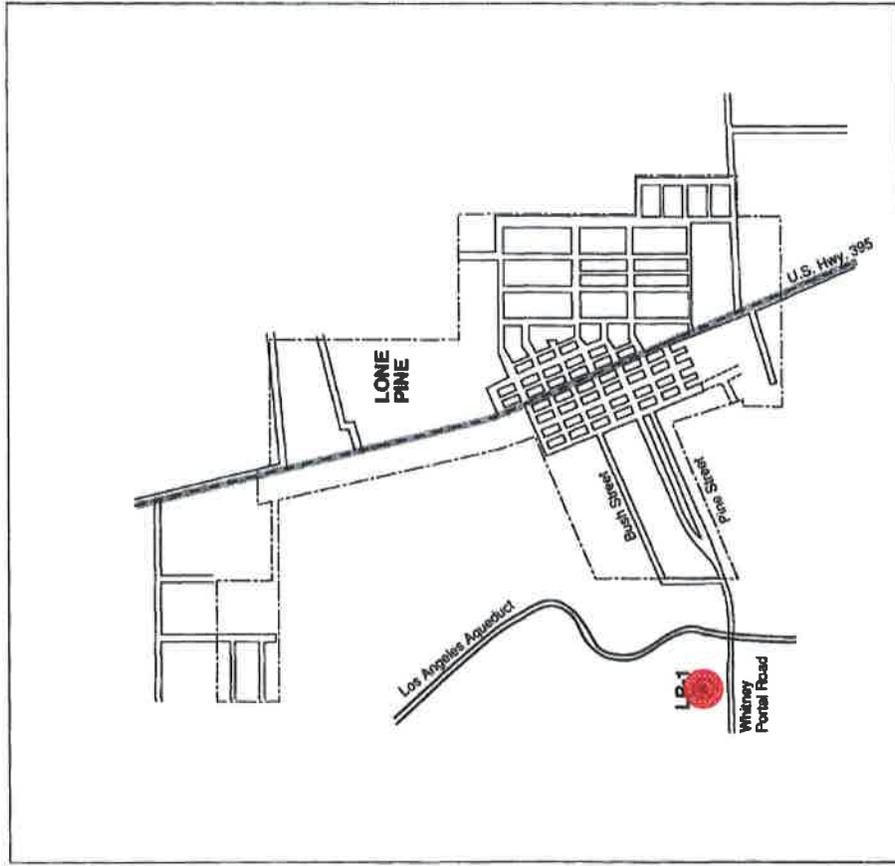
### Impact

16-12 *Operation of the proposed new well in the Lone Pine area would result in fluctuations in groundwater levels.*

It is expected that vegetation impacts from this well will be minimal, if any. The area in the vicinity of the proposed new well is either covered with non-groundwater-dependent vegetation (management type A) (depth to water in the area is normally greater than 20 feet), paved over, or irrigated. The nearest groundwater-dependent vegetation to this site is over one mile away.

### Mitigation Measure

16-12 *See Chapter 10 - Vegetation, the Agreement and the Green Book for provisions concerning groundwater management, protection of vegetation, and avoidance of other significant effects on the environment.*



## **Summary:**

- The Water Agreement allows LADWP to construct new wells and replace existing wells, including 15 wells that are identified in the 1991 FEIR.
- The Technical Group is responsible for evaluating the effects of new wells and for establishing monitoring and management of new wells.
- New wells are evaluated by the Technical Group on a case-by-case basis.
- The Water Agreement does not have specific provisions addressing wells that have been modified or replacement wells that differ in design from the original wells. In some past instances, they have been evaluated by the Technical Group in a similar manner as new wells.
- Since the Water Agreement was adopted, several disagreements have arisen over the construction and evaluation of new wells.
- There are unresolved CEQA questions with the proposed new wells and the modified wells.

## **Recommendations:**

- Resolve CEQA questions and cooperate with LADWP through Technical Group to comply with CEQA.
- Engage Technical Group process for new wells.
- Test modified wells to determine management requirements.