

# MINUTES

# County of Inyo Board of Supervisors

## January 5, 2016

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:37 a.m., on Tuesday, January 5, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

- Public Comment      The Chairperson announced the public comment period and there was no one wishing to address the Board.
- Closed Session      The Chairperson recessed open session at 8:37 a.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1) – Native American Heritage Commission vs. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate);** No. 3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** – discussion with legal counsel regarding potential initiation of litigation (two cases.); No. 4. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Officers' Association (ICPOAA) - Negotiators: - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; and No. 5. **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.
- Recess/  
Reconvene      The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.
- Pledge      Marshal Rudolph, County Counsel, led the Pledge of Allegiance.
- Report on Closed  
Session      County Counsel reported that with regard to the closed session items, there were no actions taken in closed session, which are required by law to be reported on in open session.
- Public Comment      The Chairperson announced the public comment period. Sophia Merk, Ridgecrest Resident, advised the Board that the WEMO deadline for comments is January 25, 2016.
- BofS/Election of  
Officers      The Chairperson turned the meeting over to the Assistant Clerk of the Board for the election of officers. The Clerk called for nominations for Chairperson. Supervisor Tillemans nominated Supervisor Griffiths and the nomination was seconded by Supervisor Totheroh. The Clerk closed the nominations and called for a vote. Supervisor Griffiths was unanimously elected Chairperson of the Board of Supervisors. The Clerk called for nominations for Vice- Chairperson. Supervisor Griffiths nominated Supervisor Tillemans and the nomination was seconded by Supervisor Kingsley. The Clerk closed the nominations and called for a vote. Supervisor Tillemans was unanimously elected Vice-Chairperson of the Board of Supervisors. The Clerk turned the meeting over to the Chairperson, who thanked Supervisor Kingsley for his leadership as the Chairperson of the Board last year.

HHS-EMS/EMCC Appointments	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to appoint the following to the Emergency Medical Care Committee (EMCC) to complete two year terms ending December 31, 2017: Philip Ashworth of Independence Fire Department; Andrew Stevens of Northern Inyo Hospital; Steve Davis of Olancho-Cartago Fire Department; Judd Symons of Symons Ambulance; Lloyd Wilson of Big Pine Fire Department; and Michael Patterson of Sierra Life Flight. Motion carried unanimously.
P.W./County Bldg. Painting Contract	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to award to and approve the Contract with Polychrome Construction for the Inyo County Buildings Painting Project in the amount of \$14,000; authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and 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. Motion carried unanimously.
Sheriff/Dooley P.O. for Ammunition	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to declare Dooley Enterprises, Inc., as a sole-source provider of ammunition and approve the purchase of ammunition from Dooley Enterprises, Inc., in an amount not to exceed \$12,949.20, including sales tax. Motion carried unanimously.
VSO/Comment Letter County Subvention Program	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the letter supporting the California Association of County Veterans Service Officers (CACVSO) comments to proposed rulemaking for the County Subvention Program; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Garic Contract Amendment	The Chairperson, Supervisor Griffiths, declared a conflict concerning the Bishop Wellness Center Rehabilitation Project because he owns property within 300 feet of the project. He recused himself and left the meeting. The Vice-Chairperson, Supervisor Tillemans, stepped in as the Chairperson, calling for a motion on the request to approve a Contract Amendment for the Bishop Wellness Center Rehab Project. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 1 to the Contract between the County of Inyo and Garic Construction for the Bishop Wellness Center Rehabilitation Project, increasing the amount of the Contract by \$9,855, to an amount not to exceed \$96,721; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Griffiths absent. Supervisor Griffiths rejoined the meeting.
HHS-Hlth. Serv./ MCAH Allocation Funding	Moved by Supervisor Totheroh and seconded by Supervisor Pucci, to ratify and approve the Maternal Child and Adolescent Health (MCAH) Allocation funding between the County of Inyo and the California Department of Public Health, in the amount of \$110,920 for the period of July 1, 2015 through June 30, 2016; and authorize the Chairperson to sign the Agreement Funding Application Policy Compliance and Certification. Motion carried unanimously.
P.W./Underwood Borrow Pit Property Lease	The Public Works Director, Clint Quilter, responded to a question from the Board, explaining that the County has a legal obligation to mitigate the property under CEQA before returning it to DWP and the extension provides the County the opportunity to complete the mitigation work before the County relinquishes the lease. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve the Lease Agreement between the County of Inyo and the Los Angeles Department of Water and Power (LADWP) for the 90 acre parcel located at Underwood borrow pit, for the period of December 1, 2015 through November 30, 2020, at the rate of \$530 per year; and authorize the Chairperson to sign. Motion carried unanimously.
Water/2014-15 LORP Annual Plan	Dr. Bob Harrington, Water Director, reviewed the LORP Annual Accounting Report with the Board, explaining that the report is required under the LORP Post Implementation Agreement. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the 2014-2015 LORP Annual Accounting Report. Motion carried unanimously.
Resol #2016-01/ Indian Wells Groundwater Basin Sustainability Agency	Dr. Bob Harrington, Water Director, reviewed the staff report and recommendations concerning the formation of a Groundwater Sustainability Agency for the Indian Wells Valley Groundwater Basin. Dr. Harrington explained that this basin is one that the State has declared a priority because it is in a condition of critical overdraft. He said that in meetings, he and Supervisor Kingsley have attended concerning this basin, the parties feel that the best way to manage this groundwater basin would be to form a JPA.

The Board heard from Brent McManigal, an attorney representing Meadow Brook Dairy and Mutual Water District, who supported the formation of a JPA and asked that the Resolution be amended to provide for private entities, like his clients who are owners of a private water company, to be a part of the JPA. McManigal confirmed that his client's operations are located in Kern County and they use water from the Indian Wells Valley Groundwater Basin. The Board and staff continued to discuss the formation of a JPA for the basin, in detail and at length. County Counsel, Marshal Rudolph, explained that JPA's are usually formed by governmental entities and that the Resolution the Board is considering does not preclude private entities' participation. Sophia Merk, Ridgecrest Resident, asked whether BLM, who she noted is the landowner of a lot of land in the basin, should be identified and went on to support the formation of a JPA. The Board also heard from Earl Wilson, Lone Pine Resident, who told the Board that he has been attending meetings in Ridgecrest on this basin and he had no issue with the Resolution. The Board Members talked about wanting to provide staff the most flexibility with regard to this groundwater basin and the request to amend the Resolution. On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2016-01 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizes Direction to Form a Groundwater Sustainability Agency for the Indian Wells Valley Groundwater Basin in Cooperation with Other Eligible Government Agencies Under the Sustainable Groundwater Management Act," was approved and direct staff to work with other local agencies in the Basin to develop a joint powers agreement that Inyo County may enter into with local agencies in the Basin: motion unanimously passed and adopted.

CAO-Personnel-Auditor/Southern Inyo Healthcare District Consulting Contracts

The County Administrator explained that as a result of events that transpired concerning the Southern Inyo Healthcare District and the State's closure of the Lone Pine Hospital, he had offered the newly appointed District Governing Board personnel and financial analysis consulting services via County personnel at no charge. He said that the contracts provided for the very limited services of the Deputy Personnel Director and the Auditor-Controller for a total of 40 hours. He went on to say that as a result of actions taken by the District Board to hire an outside management firm, the County's services were no longer required and the Contracts will cover only that assistance provided to date. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to ratify and approve A) the Memorandum of Understanding between the County of Inyo and the Southern Inyo Healthcare District for Personnel Consulting Services; and authorize the County Administrator to sign; and B) the Memorandum of Understanding between the County of Inyo and the Southern Inyo Healthcare District for Accounting and Financial Analysis Services; and authorize the Auditor-Controller to sign. Motion carried unanimously.

Emerg. Serv./D.V. Roadeater Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to 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. Motion carried unanimously.

Emerg. Serv./Gully Washer Emergency

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to 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. Motion carried unanimously.

Emerg. Serv./Canyon Crusher Emergency

Moved by Supervisor Tillemans and second by Supervisor Pucci to 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. Motion carried unanimously.

Emerg. Serv./Land of Even Less Water Emergency

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to continue the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County as recommended by the County Administrator. Motion carried unanimously. Motion carried unanimously.

Emerg. Serv./D.V. Down But Not Out Emergency

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

BofS/Minute Order Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors Meetings as follows: A) Regular Meeting of December 8, 2015; B) Regular Meeting of December 15, 2015; and C) Special Meeting of December 21, 2015. Motion carried unanimously.

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors Meeting of Special Meeting of December 29, 2015. Motion carried unanimously, with Supervisor Griffiths abstaining.

Recess/  
Reconvene The Chairperson recessed the regular meeting at 11:28 a.m., to reconvene in open session, at 11:40 a.m., with all Board Members present.

Ord 1198/Interim Urgency Ordinance Prohibiting New Non-Groundwater Neutral Agricultural Uses in the Indian Wells Groundwater Basin The Chairperson opened the public hearing at 11:40 a.m. on an interim urgency ordinance titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof." The Planning Director, Josh Hart, reviewed the Staff Report and recommendations. The Agricultural Commissioner, Nate Reade, addressed the Board to talk about the agricultural uses in the area. Earl Wilson of Lone Pine addressed the Board to talk about the impact of the drought on current agricultural uses in the County and supporting the ordinance to limit new water uses. Sophia Merk of Ridgecrest, asked that the reference to the condition of the groundwater basin be changed from severe to critical and to recommend notification to the property owners. The County Administrator introduced an alternative thought that he said might not be politically correct. He prefaced his remarks by saying he was not suggesting that the Board not consider going forward with Interim Urgency 45 day Ordinance. He began his remarks by noting the irony of the situation. He said that Inyo County is an economic desert due to water export to the City of Los Angeles and noted that the City of Los Angeles is doing pretty well economically with Inyo County water. He pointed out that the County is not only an economic desert due to water export, but also to the ensuing land tenure patterns that results in only 2% of the County's over 10,000 square miles being in private hands for potential economic development. He said that the Board, by trying to do the right thing in a global and regional sense, is basically talking about taking some of that 2% privately held land out of economic production, and limiting the little bit of water that remains in Inyo County. He suggested that the Board use the 45 day period to discuss this concept of economic fallowing, explaining that if you take limited, scarce private land, out of potential economic development and limit uses of water for economic gain in Inyo County, it's a very real loss to the County. He pointed out that the groundwater basin that is in overdraft right now is in overdraft to the economic benefit of Kern County and the communities in eastern Kern County. Supervisor Kingsley thanked the County Administrator for his comments. The Board and staff continued to discuss the ordinance. The Chairperson closed the public hearing at 12:02 p.m.

On a motion by Supervisor Kingsley and a second by Supervisor Totheroh, Ordinance 1198 titled "An Interim Ordinance of the Board of Supervisors of the County of Inyo, State of California Pursuant to Government Code Section 6585(a) Prohibiting New Non-groundwater Neutral Agricultural Uses and Declaring the Urgency Thereof" was enacted: motion unanimously passed and adopted.

Library/Friends of Bishop Library Automation Implementation The County Administrator reviewed the request from the Friends of the Bishop Library to have the County retain the services of an expert in library automation to review the current status of automation and suggest an action plan for timely implementation. Mr. Carunchio explained that he believes the organization is interested in the development of a Library automation implementation plan that they could sponsor and possibly provide funds for. The Board heard from Nancy Masters, Library Director, who provided information about the non-profit status of the Friends, library priorities, and staffing issues and who offered to conduct a workshop with the Board in the future regarding accepted library standards and practices. The Board and staff continued to discuss the request, including development of an RFP, with the Board directing staff to move forward with the development and issuance of an RFP for library automation review and action plan.

- County Department Reports The Chairperson announced the County Department Report period. Josh Hart, Planning Director, provided information concerning the upcoming public meetings on the Owens Valley Solar Energy Study. Kammi Foote updated the Board on legislation she is sponsoring to resolve the BLM mining claim form's incompatibility with the State's requirements.
- Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a tour of the damage at Scotty's Castle.
- Adjournment The Chairperson adjourned the regular meeting at 12:30 p.m., to 8:30 a.m., Tuesday, January 12, 2016 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

---

Chairperson, Inyo County Board of Supervisor

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*