

# MINUTES



# County of Inyo Board of Supervisors

**February 21, 2017**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on February 21, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Tothoroh, Rick Pucci, Jeff Griffiths and Matt Kingsley.

**PUBLIC COMMENT** Chairperson Tillemans asked for public comment at the start of the meeting and there was none.

**CLOSED SESSION** Chairperson Tillemans recessed open session at 8:36 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (one case); No. 4 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 5 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS [Pursuant to Government Code §54956.8]** – Property: APN 010-490-12, Bishop, California. Agency Negotiators: Kevin Carunchio, County Administrator, and Marshall Rudolph, County Counsel. Negotiating Parties: Inyo County and Inyo County Development, LLC. Under Negotiations: Price and terms of payment.

**OPEN SESSION** Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:08 a.m. with all Board members present.

**PLEDGE** County Administrative Officer Kevin Carunchio led the pledge of allegiance.

**REPORT ON CLOSED SESSION** County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported.

**PUBLIC COMMENT** Chairperson Tillemans asked for public comment during the second public comment period. Sandy Lund of Big Pine said a "bomb was dropped" at last week's Civic Club meeting that a stop sign would be installed at School and Dewey streets, at the intersection where she lives. She said she believes there is more going on because the intersection is not dangerous and nobody in the neighborhood was told about this action. She said she has lived near intersections with stop signs before and they are noisy. She said she is protesting this action and is really quite angry, and said the County is spending money on this without even holding a public hearing. She said she knows from living on that corner that people know they need to slow down and 85-90% of people do. She said instead of a stop sign, the County should install a speed limit sign on School Street, where the real danger is with people driving 35-40 mph.

Eric Swab of Lone Pine urged the Board to look into possible misuse of funds at the Owens Valley Indian Housing Authority, where he said public funds are being spent without any public input whatsoever.

COUNTY  
DEPARTMENT  
REPORTS

Melissa Best-Baker spoke for Health and Human Services, reminding the Board of the Child and Family Teamwork training being held March 1. She also offered another update on ongoing issues at the State level regarding the dismantling of the county In Home Support Services Maintenance of Effort cost sharing agreement.

Ag Commissioner Nate Reade offered a brief update to the Board in advance of his March 21 workshop regarding the upcoming mosquito season. He said with precipitation levels at 253% of normal as of February 14, the Owens Valley Mosquito Abatement Program is actively planning for a horrendous mosquito season. He said they have some good thoughts on how to handle it, but it's looking like it will be a historic year for mosquitoes.

Clerk-Recorder-Registrar of Voters Kammi Foote advised the Board of a possible move by the new Administration in Washington to make elections part of the government's "critical infrastructure" and run under the Department of Homeland Security. She said one of the things that makes people confident in elections is that they're decentralized and run at the local level. She also noted that Homeland Security is not subject to the Freedom of Information Act, so the potential move is troubling. She said there is not a lot of clarification from the federal government at this time but she should have more information soon. She also mentioned SB 691 and SCA 11, which would make all local elections partisan. She also mentioned a social media project she is working on with The Chisel Board may have heard rumblings about the Admin moving to make elections critical infrastructure. One of the things that makes people confident in elections is that they're decentralized and run at local level. DHS – not subject to FOIA. Troubling. I have concerns about this designation, not a lot of clarification from federal government. Should have some more information. Big conferences coming up. Will be back with workshop. Other thing: SB 691 and SCA 11, would make all local elections partisan. Don't know if RCRC or CSAC will be weighing in. Working on a project with The Chisel that involves a survey titled "What's Your American Dream?"

ITEM PULLED FROM  
AGENDA

Public Works requested that the following item be pulled from today's agenda, to be re-introduced at a future meeting: 11) Request Board approve Parcel Map No. 395 and accept the Offer of Dedication for a 60-foot right-of-way and four (4) 30-foot rights-of-way for road and utility purposes.

RECYCLING & WASTE –  
TEAM ENGINEERING  
CONTRACT  
AMENDMENT 1

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve Amendment No. 1 to the contract between the County of Inyo and TEAM Engineering for Solid Landfill Monitoring and Reporting Services, replacing the schedule of fees with a more descriptive schedule of fees; and authorize the Chairperson to sign subject to and contingent upon all appropriate signatures being obtained. Motion carried unanimously.

PUBLIC WORKS –  
HICKMAN CONST. P.O.  
INCREASE

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to authorize an increase of the blanket purchase order to Hickman Construction for service repairs and parts for a total purchase order amount of \$40,000 from the Fiscal Year 2016-2017 Water Systems budgets (152201 and 152102). Motion carried unanimously.

PUBLIC WORKS OHV  
GRANT APPLICATION  
RESOLUTION

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve a Resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application." Motion carried unanimously.

PUBLIC WORKS – SBA  
LEASE AGREEMENTS

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) approve the lease agreements between the County of Inyo and SBA Structures, LLC for the lease for radio/repeater sites on Silver Peak for the Road Department and Health Department (EMS) with an Initial Term of three (3) years beginning on the Commencement Date and terminating on the third anniversary of the Commencement Date in an amount not to exceed that stated on each lease and contingent upon the Board's adoption of future budgets, with automatic renewals of four (4) additional terms of three (3) years each, unless either party provides notice 120 days prior to expiration; B) approve the lease agreements between the County of Inyo and SBA Structures, LLC for the lease for radio/repeater sites on Mazourka Peak 2 Way Site for Administration (Disaster and 911 Fire) and Health Department (EMS 1&2) with an Initial Term of three (3) years beginning on the Commencement Dates and terminating on the third anniversary of the Commencement Dates in an amount not to exceed that stated on each lease

and contingent upon the Board's adoption of future budgets, with automatic renewals of four (4) additional terms of three (3) years each, unless either party provides notice 120 days prior to expiration; and C) authorize the Chairperson to sign the agreements. Motion carried unanimously.

**PUBLIC WORKS – AIR COMPRESSOR PURCHASE**

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the purchase of one (1) Sullair 18 CFM, CARB Tier 4 Final compliant towable air compressor under the State NJPA Contract No. 052015-SAC for an amount not to exceed \$20,811.92 to replace the Department's existing 1979 Ingersoll Rand 185 CFM towable air compressor (Asset No. 4072) that is no longer CARB compliant and must be removed from service. Motion carried unanimously.

**WATER DEPARTMENT – BOATING & WATERWAYS GRANT RESOLUTION**

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve a Resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing Inyo County to Act as Grantee for Harbors and Watercraft Revolving Fund Implementation Funding for Grant Funds from the State of California Natural Resources Agency, Department of Parks and Recreation, Division of Boating and Waterways and Authorizing the Director of the Inyo County Water Department to Act as Project Director." Motion carried unanimously.

**PLANNING COMMISSIONER DIST. 2 APPOINTMENT**

Supervisor Griffiths explained that Cynthia Wahrenbrock, who was representing District 2 on the Inyo County Planning Commission, resigned. The vacancy was advertised and Caitlyn Morley applied. Griffiths said she was very well qualified for the position and cited areas of her resume for his fellow Board members. Chairperson Tillemans said he knows Ms. Morley and of her involvement in the community personally and is happy she applied for the Planning Commission. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to appoint Caitlyn Morley to an unexpired four-year term on the Inyo County Planning Commission ending January 4, 2021 and representing the Second Supervisorial District. Motion carried unanimously.

**BOS ALTERNATES FOR ES VISITOR CENTER AND ICA BOARDS**

Chairperson Tillemans explained that this item was discussed at the last meeting following research by staff into the possibility of adding alternates from the Board of Supervisors to County commissions. Supervisor Totheroh said he would appreciate moving forward as originally recommended in January, when staff was subsequently directed to research the commissions' bylaws. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to appoint Supervisor Totheroh as an alternate to the Eastern Sierra InterAgency Visitor Center and Inyo Council for the Arts boards of directors, as recommended on January 17, 2017. Motion carried unanimously 4-0 (Supervisor Kingsley was out of the room).

**HHS BEHAVIORAL HEALTH – OFFICE CLERK III**

Melissa Best-Baker of Health and Human Services explained that one of Behavioral Health's Officer Clerk IIIs took a position with the Sheriff's Office and the Department is now asking permission to fill the vacancy. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) full-time Office Clerk III exists in the non-General Fund Behavioral Health and Drinking Driver Program budgets, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position and the vacancy could be filled by an internal candidate, an open recruitment would be more appropriate to ensure more qualified candidates apply; and C) approve the hiring of one full-time Office Clerk III, Range 52 (\$2,880 - \$3,500). Motion carried unanimously 4-0 (Supervisor Kingsley was out of the room).

**WATER DEPT. – STANDING COMMITTEE DIRECTION**

Water Director Dr. Bob Harrington asked for direction from the Board for the County's Standing Committee representatives prior to the Standing Committee meeting the following morning in Los Angeles. He reviewed items from the agenda, which went out yesterday afternoon. In addition to a runoff/operations update there would be a report on the status of mitigation projects in the Owens Valley. He said staff from the County and LADWP compiled a list of mitigation commitments, the providence of those projects and whether they have been completed, are ongoing as necessary, have been implemented and are ongoing, have been implemented but are not meeting goals, or have not been fully implemented. He said in the course of putting the list together, LADWP indicated it wanted a tabulation of similar Long Term Water Agreement obligations. He said for the most part, staffs were in agreement on the status

of the projects and obligations. Notable areas of disagreement were Haiwee Reservoir, the land releases, revegetation in Independence, the Lower Owens River Project and the McNally ponds. Harrington also mentioned possible approval at the meeting of Greenbook revisions that essentially allow the County and LADWP to combine their parallel vegetation monitoring programs into a single program to eliminate redundancy. He said he expected it to be approved. The agenda also included a report on the status of County's grant for the Lower Owens River Water Trail. Supervisor Kingsley asked whether LADWP was required to do burning along the Lower Owens River. Harrington said yes, and some of it has been done. Supervisor Kingsley said he understands it has been difficult the last few years because of the drought but he would hope LADWP now gets the job done. Chairperson Tillemans opened the floor to public comment. Mike Prather of Lone Pine said a contingent will be attending tomorrow in support of the Water Trail, and among them would be an Eagle Scout who is being dismissed from school to speak to the committee. He asked that, if possible, the County's Standing Committee representatives ask that people be allowed to speak on the agenda item at the start of the meeting so the student can get back to class. Earl Wilson of Lone Pine asked whether there was anywhere in the South County where residents could watch a live feed of the meeting. Greg Loveland of LADWP said the City does not have the broadband capabilities to stream the meeting anywhere else besides the Mandich Street office in Bishop. Yaney McIver then read a letter supporting and asking for the Board's support of the Water Trail, written by Ben Wickham of Bishop. Supervisor Griffiths said he thought everyone on the Board fully supported the Lower Owens River Water Trail, which is an added benefit to what will ultimately address years of slow-moving adaptive management that resulted in areas of the river becoming unuseable by the public. He said the project will not only create recreational opportunities but more importantly habitat and the ability to adaptively manage the Lower Owens River Project to create a functioning ecosystem. Supervisor Kingsley said he appreciated the comment, noting the Water Trail was originally viewed as a recreation project but it's evolved to become more of an adaptive management project that can also provide recreation – which he thinks makes it a stronger project overall. He said for years the County has advocated for different management of certain areas on the river and this is a chance to do that. Supervisor Pucci said there are a lot of ways to get from Point A to Point B and this is a great project overall. Supervisor Griffiths noted he has received a lot of comments in support of the Water Trail and he appreciates the Board's unwavering support in making it happen. He said he remembers sitting in all of those meetings talking about adaptive management and not being able to get anywhere with LADWP, and this is a way to do that while providing recreation. Regarding the document listing the mitigation projects, he suggested that at least where the 1997 MOU items are concerned, it might be good to get the MOU parties' feedback on their status. Pucci liked the idea of the information being available to everyone and noted that a lot of projects are really old and have yet to be implemented. Supervisor Totheroh said it was an excellent document, with excellent work put into it, and it should be dynamic, so he suggested adding the date that it was drafted. Harrington said the document was primarily the work of Larry Freilich at Inyo County and Laurie Dermody at LADWP. Sally Manning of Big Pine agreed with Supervisor Griffiths that it is a good idea to start getting the MOU signatories' input.

*WATER DEPT. –  
STAFF DIRECTION  
FOR GSA FILING, JPA  
FRAMEWORK  
APPROVAL*

Water Department Director Dr. Bob Harrington reviewed the history and mandates of the State Groundwater Management Act (SGMA), including the timeline for compliance. He said if no local eligible agencies file to become the Groundwater Sustainability Agency (GSA) of the non-adjudicated areas of the Owens Valley Groundwater Basin by June 30, then it is presumed to be a County responsibility and the State intervenes (charging all waters users a per-acre-foot fee) until the County can fulfill its obligation. If two eligible local agencies submitted overlapping applications, the Department of Water Resources will wait until one of the agencies withdraws their application. If the conflict persists beyond June 30, then the basin falls into non-compliance and is subject to State intervention. There are 13 local eligible agencies per SGMA (the Tri-Valley Groundwater Management District, Mono and Inyo counties, City of Bishop, and nine Community Service Districts) and any of them has the right to form their own GSA. The County's options with regard to SGMA include doing nothing (which puts the basin at risk for State intervention and cedes authority to whichever eligible local agency does apply to be the GSA), forming a GSA, or becoming part of a GSA through a Joint Powers Agreement, or other local arrangement, with other eligible local agencies. Staff recommended the Board select the latter option, but first have the County apply to become the GSA for the unmanaged areas of the Owens Valley Groundwater Basin to forestall the State assuming jurisdiction and providing other local eligible agencies the assurance of a SGMA safety net. Staff presented the Board with a GSA JPA Governance and Financing Framework that would guide any future discussions about the formation of a multi-agency JPA. The JPA would then work to develop a Groundwater

Sustainability Plan (GSP) by the January 31, 2022 deadline to achieve sustainability by the 2042 deadline. Harrington said the framework is staff's best attempt to arrange for everyone to have a voice and level of involvement of their choosing, appropriate to their interests. He then outlined that arrangement, which would give each of the 13 agencies four votes in exchange for sharing equally in the cost to develop the GSP, three votes in exchange for a lower contribution, or two votes with no contribution. Participation and the extent of the participation are voluntary and any leftover votes would go to contributors. Harrington said eligible local agencies will not be required to make a funding commitment until a budget for the JPA is developed later this year. He noted other non-local eligible agencies, such as Tribes and the federal and state governments, will be invited to participate. Entities outside of governmental frameworks such as these can still participate via advisory councils, he said. Harrington said LADWP/the City of Los Angeles is one of the non-local eligible agencies that has expressed an interest in joining the JPA. He said LADWP would get four votes in exchange for covering 25% of the costs to develop the GSP. Supervisor Kingsley wanted to make it clear that a GSA would not be a threat to individual well owners – de minimus users who use less than two acre-feet of water per year for domestic purposes – and Harrington said such a threat was improbable. Chairperson Tillemans commended both Harrington and CAO Carunchio for putting in the time they did to meet with local eligible agencies and non-eligible agencies alike and mirroring the Board's priority of being transparent and fair. Supervisor Kingsley likewise complimented the pair and said the framework will get the County started toward the overall goal of sustainable groundwater. Supervisor Griffiths said it seems other counties tried to keep their SGMA processes as easy and centralized as possible by excluding as many parties as they could. Inyo County took the opposite approach, he said, which is important to recognize. Supervisor Totheroh echoed his colleagues' sentiments and noted that the framework also tries to keep involvement consistent with funding commitment, which Harrington said an attempt to include accountability. Chairperson Tillemans opened the floor to public comment. Sally Manning, environmental director for the Big Pine Paiute Tribe, reminded the Board that the Tribe asked to be involved last year because ultimately it's not about a plan, but the future of the environment. She said she thinks the plan is a good start and noted a good way to get funding would be to include disadvantaged groups. She also mentioned the 11<sup>th</sup> hour move to exempt adjudicated lands and now that LADWP wants to be included in the process, maybe LADWP and the County should go back to lawmakers and ask for the exemption to be reversed. David Tanksley thanked staff for the work done so far. He said Inyo County includes 120 water systems but only 13 will be included in the JPA. He said water companies should be included, especially if the Community Service Districts will be using tax dollars to pay for their votes. CAO Carunchio said the funding question is a legitimate one and will be a great point to bring up during budgeting time. He said he understands the viewpoints of mutual water companies, but as private entities, they are not legally allowed to enter a JPA. The JPA could decide to include mutual water companies by entering into MOUs, but that is a decision for the JPA, and should not be made unilaterally by the Board of Supervisors. Kenneth Toy of the Meadowcreek Mutual Water Company, expressed three main concerns: the framework's proposed funding structure opening the door to one agency obtaining a majority vote; mutual water companies being incorrectly identified as ineligible to participate; and mutual water companies likely carrying a greater burden with de minimus users exempt still have no voting power under any possible JPA. Jim Scott, a customer of Indian Creek-Westridge Community Services District, said he knows rates will increase and wants to know whether he will still be subsidizing the fees of the Laws, Independence, and Lone Pine Community Service Districts. Terry Tye of the Indian Creek-Westridge Community Services District said the District Board has expressed an interest in joining with the County to form a single GSA and help split the cost of the GSP, which will mean a rate increase for residents. He said Mr. Scott has a good point about the County-funded Community Services Districts being a double-dip of taxpayer money to fund the GSP. He added he would like to see mutual water companies included. Alan Bacock of the Big Pine Paiute Tribe said now that the framework has been developed, it would be a good time to develop a working group of all the people impacted. He said the Tribe – not bound by State law – would not want to commit to joining until it felt doing so was in its best interest. Phillip Anaya said the adjudicated portion of the basin is the most in need of groundwater sustainability and it doesn't have to meet the 2042 goal. He asked the Board to consider having mutual water company representatives at the table. John Wooley of the Meadowcreek Mutual Water Company said he wanted to know what was going into the costs of implementation of the GSP as agencies have to decide whether they will be committing full, partial, or no funding. Carol Ann Mitchell of the Tri-Valley Groundwater Management District said the framework gives the impression LADWP is buying its four votes, and said there are concerns about how the GSP will affect residents through fees. Greg Loveland of LADWP said they support the County's efforts to form an all-

inclusive GSA but disagree that LADWP is not a local eligible agency because, per SGMA, LADWP is a public agency that “has a water supply, water management, or land use responsibilities within a groundwater basin.” He said LADWP also believes the JPA vote-to-fee ratio should be more equitable, since some agencies can pay nothing and still get two votes but LADWP can’t. Supervisor Griffiths asked for clarification that LADWP considered itself a local eligible agency on the non-adjudicated part of the basin because of activities that take place on the exempt adjudicated part of the basin. Loveland said LADWP’s legal department had advised those activities also make LADWP eligible on the non-adjudicated part of the basin. Harrington said Loveland stated the statute correctly but its lands do not overly the Owens Valley Groundwater Basin. He said there is no denying they have responsibility in the Owens Valley, however, which is why they have been included in the framework. He said while the 25% cost commitment for LADWP may seem arbitrary, it is LADWP’s groundwater extraction that elevated the basin to the status of moderate – which requires a GSA and GSP. Harrington said what staff included in the framework regarding mutual water companies’ participation via MOU or some “other legal arrangement” is consistent with the modifications to SGMA. Ken Toy disagreed. County Counsel Rudolph said that in addition to SGMA there is the Joint Powers law that says with a few rare exemptions, private entities cannot enter a JPA. He said private water companies are not eligible but there are ways to include mutual water company participation – and that would be up to all of the public agencies entering the JPA to decided. Supervisor Pucci said his biggest fear is the County doing nothing and the State coming in. Supervisor Kingsley said there seem to be assurances that mutual water companies will be able to participate in the formation of the GSP. Supervisor Tothoroh added that it will be hard to know what the costs of implementing the GSP are until it is developed. Supervisor Griffiths reiterated that agencies don’t have to commit to being funding members until a JPA budget is compiled. He said regarding LADWP, he does find it interesting that Inyo County wouldn’t be in this position if not for LADWP’s groundwater export and LADWP wanted to be out of the SGMA process by getting an exemption for their adjudicated lands, but now they want to be included in the process to have a say on the non-adjudicated portions of the basin but not have to pay for it. Loveland said LADWP did not advocate for an exemption and asked not to be held responsible for how the Department of Water and Power chose to define the status of the Owens Valley basin. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to direct staff to: A) proceed with the steps necessary for the County of Inyo to file to become the Groundwater Sustainability Agency (GSA) for the portion of the Owens Valley Groundwater Basin located in Inyo County, including holding the required public hearing on March 21, 2017. Motion carried unanimously. Moved by Supervisor Pucci and seconded by Supervisor Tothoroh to: B) establish Inyo County’s willingness and interest to form a GSA Joint Powers Authority with other Eligible Local Agencies, and with other interested government agencies and Indian Tribes eligible to participate in a JPA, by approving the attached GSA JPA Governance and Financing Framework to guide subsequent discussions and the formation of any JPA; and C) adopt the attached Principles under which the County of Inyo, as a stand-alone GSA or as part of a GSA JPA, will consider preparing a single Groundwater Sustainability Plan if two or more Eligible Local Agencies file to be a GSA in the Owens Valley Groundwater Basin and desire to develop a single Plan in lieu of separate, coordinated Groundwater Sustainability Plans. Motion carried unanimously.

**RECESS FOR LUNCH**

Chairperson Tillemans recessed the meeting at 1:08 p.m. for a lunch break and reconvened the meeting at 1:49 p.m. with all Board members present.

**PUBLIC WORKS –  
SEASONAL BUILDING  
AND GROUNDS  
WORKER**

Public Works Director Clint Quilter noted he was before the Board with an annual request for a seasonal position, created through service redesign several years ago when a custodian position was eliminated. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a Seasonal Building and Grounds Worker exists within the Building and Maintenance Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position and the vacancy could be filled by an internal candidate, an open recruitment is more appropriate to ensure more qualified applicants apply; and C) authorize the hiring of one (1) Seasonal Building and Grounds Worker, Range 50PT (\$14.75 - \$17.90), contingent upon the adoption of future budgets. Motion carried unanimously.

**PUBLIC WORKS –  
UPPER ROCK CREEK  
RD. FLAP GRANT**

Courtney Smith from Public Works explained the Federal Lands Access Program (FLAP) has called for projects and applications are due April 6. These projects are generally for public roads that access public lands, and preferably lead to high-use recreation sites. He said the County

*APPLICATION*

has been successful during the previous two calls for projects, receiving grants for Whitney Portal Road and South Lake Road. The County used Toll Credits in lieu of matching funds for the former project and planned to use \$1.4 million in State Transportation Improvement Program (STIP) funds for the latter project. Smith said that STIP funding has been sparse, however, and the County has yet to come up with the match for South Lake Road. He said this time around, Public Works selected Upper Rock Creek Road. The plan is to keep the existing, one-lane character of the last 1.3 miles of the road while adding a couple pull-outs to improve visibility. FLAP grants require permission from the federal land management agency overseeing the lands accessed by the roads in question, and the Forest Service has indicated a reconstruction of Upper Rock Creek Road is its top priority in Inyo County. Smith said Public Works doesn't think any matching funds will be needed since Mono County's Rock Creek Road reconstruction project include the first mile into Inyo County, and the \$10 million already invested could be used as leverage. He said both the Federal Highway Administration and Forest Service want to see the road finished. Upper Rock Creek Road was also chosen because it is an economic generator for both Inyo and Mono counties. Smith said the Board could decide to select a different road for grant funding, and noted Public Works looked at alternatives that included Onion Valley, Glacier Lodge, and Horseshoe Meadows roads. He said those options will prove far more expensive with far less return, and it will be difficult to come up with the matching funds. Smith said they also investigated Buttermilk Road, which has stirred up dust complaints. Ultimately, Public Works decided a feasibility study would be needed before deciding whether to move ahead with any road project there. Supervisor Griffiths asked whether the Upper Rock Creek Road project would provide additional parking. Smith said the project will only add pull-outs because the Forest Service and cyclists want to keep speeds low. Supervisor Kingsley said he thinks this is a great project and wanted the Board to know he has asked Public Works to investigate at some point whether the State Line Road from Amargosa to the Nevada Border is eligible for some kind of FLAP funding. He said the road is getting pounded and it does provide access to federal lands. Smith noted it is good to think outside of the box for funding opportunities for an important County road like that. Supervisor Griffiths said he also supported the Upper Rock Creek Road project and is intrigued by a project on Buttermilk Road but imagines it will take a lot of additional study first to determine impacts to an already impacted area. Supervisor Tothoroh said there is no question something needs to be done to improve Buttermilk Road but there are many issues that need be resolved in addition to the dust and much coordination must take place regarding the dispersed use before any grant funding is sought. Moved by Supervisor Tothoroh and seconded by Supervisor Pucci to approve the submittal of a California Federal Lands Access Program grant application for Upper Rock Creek Road, and authorize the Public Works Director to sign documents related to the grant application. Motion carried unanimously.

*PUBLIC WORKS –  
WADELL CONTRACT  
AMENDMENT 13*

Public Works Director Clint Quilter said the County applied for an FAA grant in order to do an apron repair at the Bishop Airport. He said to move the projects along faster and to be able access \$750,000 in discretionary funds available this year, the FAA suggested Public Works do the design/environmental work and construction all in the same year. However, the funding will not be awarded until the construction happens. Quilter said while there is a 99% certainty the funding will be forthcoming when the grant is approved, he nevertheless wanted to make the Board aware of the slim possibility that it might not. He said there will still be entitlement funds available to cover costs. He noted this contract amendment is needed to do a study of the apron design, which will include a study for pavement work over the entire airport, eliminating the need for future studies of pavement projects. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 13 to County of Inyo Standard Contract No. 156 between the County of Inyo and Wadell Engineering Corporation to increase the amount of the contract \$90,000 for a total not-to-exceed amount of \$1,895,128; and authorize the Chairperson to sign, contingent upon adoption of future budgets. Motion carried unanimously.

*PUBLIC WORKS –  
WADELL CONTRACT  
AMENDMENT 14*

Public Works Director Clint Quilter said the County applied for an FAA grant in order to do an apron repair at the Bishop Airport. He said to move the projects along faster and to be able access \$750,000 in discretionary funds available this year, the FAA suggested Public Works do the design/environmental work and construction all in the same year. However, the funding will not be awarded until the construction happens. Quilter said while there is a 99% certainty the funding will be forthcoming when the grant is approved, he nevertheless wanted to make the Board aware of the slim possibility that it might not. He said there will still be entitlement funds available to cover costs. He noted this contract amendment is needed to do the design work for the apron repair. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to approve Amendment No. 14 to County of Inyo Standard Contract No. 156 between the County

of Inyo and Wadell Engineering Corporation to increase the amount of the contract \$154,375 for a total not-to-exceed amount of \$2,049,503; and authorize the Chairperson to sign, contingent upon adoption of future budgets. Motion carried unanimously.

**PUBLIC WORKS –  
ACCESS LIMITED  
EMERGENCY  
CONTRACT**

Public Works Director Clint Quilter told the Board an emergency scaling contract was needed as part of the Rocky Road Emergency. He explained that scalers remove dangerous, loose materials from slopes. He said they rappel down cliff faces and use shovels, pry bars, inflatable bags and other tools at their disposal to disengage the rocks. He said Public Works chose this company because they were immediately available and the Caltrans blasting crew really likes working with and feels safe with them. He added that the scalers will also be able to do some of the drilling that's needed on the project. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) approve and ratify the emergency contract for rock scaling services with Access Limited Construction in an amount not to exceed \$78,650, to address immediate safety and slope stability issues on Whitney Portal Road and associated with the proclamation of the "Rocky Road Emergency;" and B) amend the Fiscal Year 2016-2017 Road Department Budget (Budget 034600) as follows: increase appropriation in Professional & Special Services (Object Code 5265) by \$78,650 (4/5ths vote required). Motion carried unanimously.

**ROCKY ROAD  
EMERGENCY**

Public Works Director Clint Quilter offered an update on the Rocky Road Emergency. He said some additional blasting needed to be done Thursday through Saturday and possibly Sunday if the weather permitted. He noted that one boulder had slid down the hillside with a tree inside of it. Crews took the tree out before blowing it up. He said another boulder was deemed a slide risk so crews popped it off the cliff and when it hit the road it was still large enough that it needed to be blasted. He said scalers were up on Whitney Portal Road today, and excavators were moving material around – all under the guidance of geotechnical engineers. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Rocky Road Emergency" that resulted from atmospheric river weather phenomena that began January 3, 2017, which caused flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County. Motion carried unanimously.

**GULLY WASHER  
EMERGENCY**

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

**LAND OF EVEN LESS  
WATER EMERGENCY**

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

**DV DOWN BUT NOT  
OUT EMERGENCY**

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

**AUDITOR-  
CONTROLLER –  
CALPERS  
PRESENTATION**

Auditor-Controller Amy Shepherd conducted a workshop with the Board detailing projected CalPERS retirement cost increases the County faces due to new required payments for unfunded liability charges, and decreases in the discount rate CalPERS is phasing-in during the next four years. She explained that retirement/pension costs can be one of the most significant drivers of cost increases and Inyo County is looking at having to pay CalPERS \$59 million in unfunded liability, on top of its annual employer's normal cost rate. She said \$11 million of the unfunded liability is for safety employees in the risk pool and the remaining \$48 million covers the miscellaneous pool. The County can make a lump sum payment or monthly payments amortized over no more than 30 years. She said there are 30-, 20-, and 15-year amortization plan options, and there are significant savings to be had the earlier the County pays off its unfunded liability. Projected total CalPERS costs for Fiscal Year 2017-2018 (normal cost rate and unfunded liability) are \$5,974,007, \$6,876,449, and \$7,650,644 for the respective 30-, 20-, and 15-year plans. Shepherd noted that CalPERS is also lowering the discount rate starting in Fiscal Year 2018-2019 through a three-tiered reduction, until the rate of return is 7% by Fiscal Year 2020-2021. She said the cumulative increases from Fiscal Year 2016-2017 to Fiscal Year 2020-2021 will be \$5,866,188 under the 30-year plan, \$5,640,378 under the 20-year plan, and \$6,940,596 under the 15-year plan. Shepherd noted however that the 20-year and 15-year plans also come with significant savings in interest costs – \$14,668,059 for the 20-year plan and \$33,958,943 for the 15-year plan. CAO Carunchio pointed out that if the Board chose the 20-



year plan, the payments would be lower and the interest savings could be spent on other budget items. Shepherd said she recommended the 20-year plan because it comes with significant savings and is the most stable of the three. She told the Board that she has given them a lot to digest, and would be back in April for direction regarding whether the Board wanted to pay the unfunded liability through a lump sum payment (which would save the County \$118,594 next year) or monthly payments, and the selection of an amortization plan. Chairperson Tillemans thanked Shepherd for her efforts. CAO Carunchio said he really appreciated the work Shepherd, Budget Analyst Denelle Carrington, and Senior Deputy Administrator Brandon Shults put into the presentation. He also thanked the department heads and senior management who attended the presentation and said he wished every County employee could have heard so they understand the big picture of what the County is facing financially. Supervisor Kingsley noted this might be another chance for the County to be proactive. Supervisor Totheroh said, unfortunately in this case, being proactive will not be painless.

*PUBLIC COMMENT*

Chairperson Tillemans asked for public comment during the final public comment period. Charles James of Bishop said he's been researching the CalPERS issue for the past four months and believes the current situation is the result of bad planning on CalPERS' part.

Earl Wilson of Lone Pine said he thinks that, other the stock market crash of 2006, a lot of the financial trouble CalPERS is facing are the result of mismanagement by financial advisors.

*BOARD MEMBERS  
AND STAFF REPORTS*

Supervisor Griffiths filled the Board in on the cessation of the Coordinated Care Initiative (CCI), the dismantling of the county In Home Support Services (IHSS) Maintenance of Effort (MOE) cost sharing agreement, the dissolution of the Statewide IHSS Authority, and the shifting of collective bargaining for IHSS workers from the Statewide IHSS Authority to the seven CCI counties. He explained that essentially, the State took over IHSS from the counties then ramped up the cost of the mandated program, decided it couldn't afford it, and should give it back to the counties. He said it happen unless there is an active bill to prevent it. Counties will have to cover the extra IHSS costs out of the 1991 Realignment money, likely using all of it and having to eliminate services or dip into their General Funds. He said he brought back from CSAC sample resolutions to share with HHS Director Jean Turner to hopefully have the Board sign.

Supervisor Kingsley weighed in quickly before having to leave that RCRC has the same position against the IHSS shift. He said the good news is that impacts both rural and urban counties, so more legislators are likely to take notice. He added that the constituency affected by the shift is in some ways Inyo County's most vulnerable. Pay for out of 91 realignment money. No way to control costs, etc. Potential to suck up rest of realignment funds – so would have to eliminate services or dip into General Fund. Bad enough LA Board Chair came to CSAC. Have some sample resolutions to share with Jean and would like one for Board to sign.

Supervisor Griffiths continued his report, noting that also to keep at the forefront are the effects of the repeal of the Affordable Care Act. He added that CSAC is pushing for support of transportation funding bills AB 1 and SB 1.

CAO Carunchio shared an ee cummings poem that he said he was reminded of during the SGMA Groundwater Sustainability Agency discussions earlier, when he was listening to constructive criticism and expression of parochial interests.

The Assistant Clerk of the Board updated the Board on the need to extend the latest filing period for two vacancies on the Natural Resource Advisory Commission.

*ADJOURNMENT*

Chairperson Tillemans adjourned the meeting at 3:01 p.m. to 8:30 a.m. Tuesday, March 7, 2017 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

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