

MINUTES



County of Inyo Board of Supervisors

March 7, 2017

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:39 a.m., on March 7, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, 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 8:39 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 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. 4 **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 a.m. with all Board members present.

PLEDGE Supervisor Rick Pucci led the pledge of allegiance.

REPORT ON CLOSED SESSION County Counsel Marshall Rudolph said he would defer his report on closed session action until after the Board could continue closed-session discussions later in the meeting, as reporting now would be premature.

PUBLIC COMMENT Chairperson Tillemans asked for public comment during the second public comment period. Butch Hambleton of Big Pine said that when he started serving as a Board member the County had just began implementing the Inyo-Los Angeles Long-Term Water Agreement, which included the release of 75 acres around local communities from LADWP ownership. He said it was his understanding there would be more at the conclusion of the first 75 acres. He said the Board held community meetings to come up with a plan for the releases but to his knowledge, with the exception of the Bishop tract, none of the land releases have taken place. He said he'd like the Board to schedule the land release issue as an agenda item at a future meeting so they can have actual dialogue about it.

Michael Dorame of Lone Pine said both he and Hambleton were freshmen Supervisors in 1997 when they were tasked with implementing the Water Agreement. One of the issues at that time was economic development, which they hoped to promote with the land releases. He said LADWP now trying to change its policy regarding ranch and business leases because of the City Charter is not what the City was saying 20 years ago. He asked what had changed in the City Charter since then, and said he believed the City Charter was being used as a red herring. He also produced a 2003 issue of the *Owens Valley Monitor* discussing the status of the Water

Agreement, where it specifically cites LADWP's obligation to negotiate in good faith to sell surplus lands. He urged the County to hold LADWP to that commitment. He added that he hoped there would be a chance for an update on the issue because there are people waiting to comment on the matter. Chairperson Tillemans thanked both former Supervisors for their continued participation in local issues. CAO Carunchio provided both former Supervisors with copies of the letter the Board voted to send to LADWP at its December 13 meeting addressing the very concerns they just cited.

Charles McLaughlin, president of Keystone Mine and Blackswan Advisors, spoke on the December 28, 2016 Segregation Notice by the BLM and former Administration to prohibit metallic mineral mining for the next two years, and possibly 20 additional years after that, on certain lands covered by the Desert Renewable Energy Conservation Plan (DRECP). His company was joining other mining interests in asking the BLM to rescind the withdrawal or delay it so that all stakeholders can first weigh in. He asked the Board to contact Secretary of the Interior Zinke and request that it be rescinded. McLaughlin distributed a set of maps to the Board showing the Keystone Mine and its claims, and which claims are now located on newly designated California Desert National Conservation Land. He said the government is supposed to recognize their prior claims. McLaughlin added that there are a lot of gold and other mineral reserves in the Panamint area that can't be mined now, which will affect livelihoods but also the County's long-term tax situation. Supervisor Kingsley noted that McLaughlin represents one of many mining operations in the Panamint area. (He is speaking today because he will not be able to attend next week's workshop on the topic.) Some are directly impacted by Phase I of the DRECP, and others might be impacted in the next two phases. Kingsley said it's important to recognize just how many mining operations will be impacted. McLaughlin added that capital investors are afraid to invest in California because of actions like the mineral withdrawal.

*COUNTY
DEPARTMENT
REPORTS*

Health and Human Services Director Jean Turner said department managers met with Big Pine seniors regarding a misperception that they were taking a larger cut in the senior food program than other communities. She said there were maybe 12 to 15 people in attendance, and almost all of them interacted with thoughtful feedback and questions. She said when the County implemented the IC-GOLD program, it took the three largest communities (Bishop, Big Pine, and Lone Pine) and designated one day in each where seniors would pay \$5 for lunch. Chairperson Tillemans said he really appreciated staff confronting those concerns head-on. He said overall the discussion was positive. Turner provided an update on the State effort to shift IHSS responsibilities back to Counties and said it's important the County stay in contact with its State legislators. She then discussed the effort at the Federal level to repeal and replace the Affordable Care Act, which in Inyo County allowed 1,800 additional people to receive Medi-Cal. Supervisor Griffiths pointed out that is 10% of the County's population and represents people who didn't have any health insurance before. Turner noted that the County could be responsible for medically indigent adults again. Currently there are two under the County's care and prior to the ACA there were 500. Supervisor Griffiths said hospitals will also be impacted because now when the uninsured go to emergency rooms for treatment instead of doctors, hospitals will not be reimbursed for treating them. Turner said the County had previously been a safety net for uninsured residents and will be again without the ACA. She said this, coupled with the County's troubles recruiting registered nurses, has her very worried. Supervisor Kingsley thanked Turner for attempting to set the record straight with the seniors in Big Pine and stop the spread of misinformation.

Chief Probation Officer Jeff Thomson told the Board that a couple of weeks ago the Probation Department applied for a Prop 47 grant that helps provide direct services to community members. He said one of the requirements of the grant is that half of it is given to community organizations. He said the application was long and tedious but everyone, especially his staff, buckled down to get all of the information in on time. Thomson said he estimates Probation submitted a grant for just under \$1 million for housing, substance abuse counseling, and other services for the next three years. He said the application passed the technical review process and now needs to be scored. Organizations to receive funding would include Toiyabe Family Services, Inyo County Superintendent of Schools North Star Counseling, IMACA, and Wild Iris. He said the County should find out in June if its application was successful.

Interim Planning Director Cathreen Richards announced that the community cannabis regulation meetings kicked off last night in Big Pine with an excellent turnout.

<i>INTRODUCTION</i>	Emily Casabian of Child Support Services introduced to the Board new Child Support Officer Randi Behrendt.
<i>CAO-PERSONNEL EOAA MOU</i>	– Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify and approve the October 1, 2016 to September 30, 2019 Elected Officials Assistants Association (EOAA) MOU. Motion carried unanimously.
<i>HHS-BEHAVIORAL HEALTH – REPEAL ORDINANCE 1197, REVISE SERVICE FEES</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to repeal Ordinance No. 1197 and approve a resolution titled, “A Resolution of the Board of Supervisors, County of Inyo, State of California, Revising Inyo County Community Mental Health Service Fees.” Motion carried unanimously.
<i>HHS-FIRST 5 – CHILDREN & FAMILIES COMMISSION LISA FONTANA APPT.</i>	The Assistant Clerk of the Board advised the Board of the need for a correction to the term expiration date. She said it should be December 5, 2018. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve, with the correction, the appointment of Lisa Fontana to the Inyo County Children and Families Commission (First 5 Inyo County), to fill the vacancy for the Early Childhood Educator services category for a three-year term set to expire on December 5, 2018. Motion carried unanimously.
<i>PW – KPL VENTURES OFFICE SPACE LEASE</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) approve a lease with KPL Ventures, LLC for office space at 162 East Line Street, Bishop, CA with a total of 2,772 square feet, for the period of March 7, 2017 through March 6, 2019, at a cost of \$1 per square foot equaling \$2,772 per month for the two-year term with three options to extend for one (1) year in 2019, 2020, and 2021, each subject to a potential discretionary increase of no more than 6%; and B) authorize the Chairperson to sign, contingent on Board approval of future budgets. <i>(The first month will also include a \$2,000 security deposit.)</i> Motion carried unanimously.
<i>PW – REJECT BID & REBID ROOFING PROJECT</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) reject the bid submitted by ERC Roofing and Waterproofing for the County Buildings Roofing Project as it is over the allotted budget; and B) authorize the Public Works Director to re-advertise and re-bid the project without the mandatory job walk, which had the effect of limiting the County’s pool of bidders to one contractor. Motion carried unanimously.
<i>PW – SOUTH STREET HVAC PLANS & SPECS</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the plans and specifications for the South Street HVAC Replacement, and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.
<i>PW – PURCHASE & INSTALL DOORS - COUNTRY GLASS</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the purchase and installation of two ADA compliant storefront glass doors from Country Glass of Bishop, California in an amount not to exceed \$13,483. Motion carried unanimously.
<i>SHERIFF – ADAMSON BLANKET P.O.</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a blanket purchase order to Adamson Police Products in the amount of \$5,000 for law enforcement supplies and various pieces of equipment. Motion carried unanimously.
<i>SHERIFF – NIH BLANKET P.O.</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a blanket purchase order to Northern Inyo Hospital in the amount not to exceed \$14,000 for rabies vaccinations for Animal Services personnel. Motion carried unanimously.
<i>SHERIFF – DIGITAL ALLY SOLE-SOURCE CAR-BODY CAMERAS</i>	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) declare Digital Ally as sole-source vendor for car and body camera systems; B) authorize the purchase of two (2) DVM-800 in-car digital video systems (car cameras) in the amount of \$8,473.31 and six (6) FirstVu body camera systems in the amount of \$5,071.67; and C) authorize a blanket purchase order with Digital Ally in the amount of \$1,000 for any accessory replacement costs through the end of the Fiscal Year. Motion carried unanimously.

*WATER DEPT. –
USGS-COUNTY JOINT
FUNDING
AGREEMENT*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a Joint Funding Agreement between the USGS and Inyo County, and authorize the Water Director to sign. Motion carried unanimously.

*HHS MANAGEMENT
ANALYST*

HHS Assistant Director Marilyn Mann said the department has a vacant Management Analyst position, which is an important part of helping HHS track critical outcome issues so that HHS knows whether it's serving the community in the best possible manner. Moved by Supervisor Kingsley and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a HHS Management Analyst position exists in non-General Fund 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, it is possible the position could be filled by internal recruitment; and C) approve the hiring of one (1) HHS Management Analyst at Range 80 (\$5,559 - \$6,761). Motion carried unanimously.

*SHERIFF – RATIFY
OFFICE DEPOT
PAYMENT-APPROVE
BLANKET P.O.*

Sheriff Bill Lutze said his office had large, unanticipated purchases this year through Office Depot, for which he needed Board approval, but said the funds are available. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) ratify payments to Office Depot in the amount of \$14,702.56; and B) approve a blanket purchase order to Office Depot in the amount of \$21,500 for office supplies for the Sheriff's Department administration and substations. Motion carried unanimously.

*PARKS &
RECREATION – 3
SEASONAL PART-
TIME PARK &
CAMPGROUND
MAINTENANCE
HELPERS*

Assistant County Administrator Rick Benson told the Board Parks & Recreation relies heavily on seasonal help to make sure County parks and campgrounds are operational. He said the funds for the requested positions have been budgeted. Moved by Supervisor Totheroh and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for three (3) Seasonal Part-time Park and Campground Maintenance Helpers exists in the General Fund, as certified by the Assistant County Administrator, and concurred with by the County Administrator and Auditor-Controller; B) where due to the seasonal nature of the positions it is unlikely that the position could be filled by internal candidates meeting the qualifications for the positions, an open recruitment is appropriate to ensure qualified candidates apply; and C) approve the hiring of three (3) Seasonal Part-time Park and Campground Maintenance Helpers, Range PT50 (\$14.75 - \$17.91), contingent upon Board approval of future budgets. Motion carried unanimously. Supervisor Kingsley noted that Diaz Lake looked great for the Southern Inyo Early Opener Trout Derby on March 4.

*CAO-EMERGENCY
SERVICES –
AMENDED ROCKY
ROAD EMERGENCY
PROCLAMATION*

Public Works Director Clint Quilter updated the Board on projects to address road damage caused by recent storms. He also said with regard to the 2013 Gully Washer emergency, Public Works is preparing to go out to bid for the Upper Trona Wildrose Road rehabilitation project to begin work this spring. Supervisor Griffiths asked that Quilter pass on a special thank you to his crew for pulling double duty to get Buttermilk Road open in time for the Women's Climbing Festival. CAO Carunchio went over the changes in the proposed amended resolution, which is the result of CalOES asking the County and other jurisdictions to declare new emergencies for damage caused by subsequent storms and eventually agreeing to let jurisdictions combine all of the storms/damage into one proclamation. He added that the FEMA declaration is still finite, but CalOES understands that the County can't pinpoint exactly what damage was caused when and by what particular storm. He noted they just found out about \$4 million in damage to LADWP power poles. He also spoke of growing concern about spring runoff possibly exceeding that seen in 1969 and said there could be serious impacts to U.S. 395, dams, and reservoirs. He said the County is planning a pre-emptive emergency declaration and holding planning meetings with the Road Department, City of Bishop, Southern California Edison, and LADWP. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to amend Resolution 2017-04, which confirms the declaration and continued existence of the local emergency known as the "Rocky Road Emergency." Motion carried unanimously.

*GULLY WASHER
EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths 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 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. Motion carried unanimously.

DV DOWN BUT NOT OUT EMERGENCY Moved by Supervisor Kingsley and seconded by Supervisor Griffiths 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.

PUBLIC COMMENT Chairperson Tillemans asked for public comment during the final public comment period and there was none.

RECESS FOR LUNCH/CONVENE IN CLOSED SESSION Chairperson Tillemans recessed the meeting for a lunch break, with the Board to convene afterwards in closed session with all members present to continue discussions from this morning's closed session.

OPEN SESSION Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 1:47 p.m. with all Board members present.

REPORT ON CLOSED SESSION County Counsel Marshall Rudolph reported that with regard to item No. 2, the Board of Supervisors directed its staff and attorneys to contact LADWP to discuss the need to comply with the California Environmental Quality Act with regard to LADWP's proposed project to construct two new wells in the Bishop area. Further, by unanimous vote with all members present, the Board directed its attorneys to initiate appropriate CEQA litigation against LADWP if the CEQA compliance issue is not promptly resolved. More information on this matter is set forth in a letter being sent by Rudolph's office to LADWP's attorneys.

BOARD MEMBERS AND STAFF REPORTS Board members and staff deferred their reports to next week's meeting in the interest of making the 2 p.m. special meeting to be held in the Water Department Conference Room.

ADJOURNMENT Chairperson Tillemans adjourned the meeting at 1:49 p.m. to 2 p.m. Tuesday, March 7, 2017 in the Water Department Conference Room, 135 S. Jackson St., Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant