

MINUTES



County of Inyo Board of Supervisors

March 27, 2018

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 March 27, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, Mark Tillemans and Matt Kingsley.

Public Comment Chairperson Totheroh asked for public comment during the first public comment period and there was no-one wishing to address the Board.

Closed Session Chairperson Totheroh recessed open session at 8:30 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-61899; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-62064 (Eminent Domain – Independence); Case No. SICVCV 18-62065 (Eminent Domain – Lone Pine); and Case No. 18-62067 (Eminent Domain – Bishop); No. 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Los Angeles Department of Water and Power v. County of Inyo**, Inyo County Superior Court Case No. SICVCV 18-62052; No. 5 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); and No. 6 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6] – Employee organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo**

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:06 a.m. with all Board members present.

Pledge County Counsel Marshall Rudolph led the Pledge of Allegiance.

Report On Closed Session County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

Public Comment Chairperson Totheroh asked for public comment during the second public comment period.

Earl Wilson of Lone Pine reported attending a Ridgecrest (BLM) Public Lands Roundtable last Thursday and noted the BLM released a draft supplemental environmental analysis for the West Mojave Route Network Project. He said a new online mapping tool is available in conjunction with the analysis. Wilson also announced a meeting March 29 at Owens Valley High School regarding Measure J.

Warren Gubler, Mayor of Visalia, introduced himself to the Board as a candidate for the 26th Assembly District and distributed campaign materials, noting he has visited Inyo County many

times in the past and Supervisor Kingsley and Sheriff Bill Lutze are among his supporters.

County Department Reports

Clerk-Recorder-Registrar of Voters Kammi Foote provided the Board with copies of a staff report that accompanied a workshop she presented on October 8, 2013 on elections related State Budget mandate suspensions. She explained the information is relevant because although the State now has a surplus, it still has not reimbursed the County for the State's fair share of election costs since 2011. She asked the Board's RCRC and CSAC representatives to bring up the issue to their respective organizations.

HHS Director Marilyn Mann distributed to the Board a document from the Triple P Positive Parenting Program titled, "Building Child Behavior Management Skills in Incarcerated Parents," from the Helping Families Change Conference, and reported that the state will now be doing the licensing for local child care providers.

Ag Commissioner Nate Reade handed out copies of the Inyo County Commercial Cannabis Business Permit Application Packet that would be posted online today as a preview for those wanting to apply. He stressed that the application period has not yet opened, however.

Public Works Director Clint Quilter reported that the West Bishop Road Project had recommenced after a winter hiatus and was expected to be finished by the end of April.

Chief Probation Officer Jeff Thomson provided the Board with legislative packets distributed at the Chief Probation Officers of California conference, and advised the Board he was available to answer any questions they may have on any of the legislation.

Introductions

HHS Director Marilyn Mann introduced to the Board the following new employees: Edith Chavez, Office Clerk II; Nicole Gonzalez, Office Clerk II; and Mallory Watterson, HHS Specialist III. Assistant County Administrator Rick Benson presented Melanie Armstrong, Librarian II; and Nina Weisman, Librarian I/Museum Coordinator.

Advertising County Resources – Inyo Film Commissioner Oral Report

Inyo Film Commissioner Chris Langley offered his springtime oral report on filming activity in the county. He said it's been a very good year overall, with a lot of filming and/or scouting for locations for commercials for companies like Best Buy, Range Rover, World Market, BMW, Mercedes, and Subaru. He said combined, these productions offer the same economic boost of a major motion picture, so they are worth pursuing. He noted that Captain Marvel was supposed to shoot locally but pulled out at the last second due to budget issues. Langley said he would be doing a couple of tours, one for the Owens Lake Bird Festival and a kids' tour of the Iron Man locations for Alabama Hills Day, and noted the Film Museum has a candidate for the director position.

Recycling & Waste – American Refuse Contract Amendment 1

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 1 to the contract between the County of Inyo and American Refuse, increasing the contract limit payable under the agreement from \$108,181.50 to \$128,181.50 for waste tire hauling and recycling; and authorize the Chairperson to sign. Motion carried unanimously.

HHS-Aging & Social Services – Binti, Inc. Contract

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the contract between the County of Inyo and Binti, Inc. for the provision of an online web portal for Resource Family Approval program application and approval process management for the period of May 1, 2018 through June 30, 2021, contingent upon adoption of future budgets, and authorize HHS Director Marilyn Mann to sign. Motion carried unanimously.

Public Works – Jail HVAC N.O.C./ Reso # 2018-16

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Recording of a Notice of Completion for the Inyo County Jail HVAC Replacement Project." Motion carried unanimously.

Road Dept. – Bishop Ford F350

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) award a bid to Bishop Ford of Bishop, CA for the purchase of one (1) F350 pickup truck; and B) authorize the purchase of one (1) F350 pickup truck from Bishop Ford of Bishop, CA in the amount of \$31,128.28. Motion carried unanimously.

*Sheriff/CAO-
Emergency Services
– Blackpoint LLC
Hand-held Radios*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) award a bid to BlackPoint LLC of Gardnerville, NV for the purchase of mobile handheld radios; and B) approve the purchase of mobile handheld radios from BlackPoint LLC of Gardnerville, NV in an amount not to exceed \$27,238. Motion carried unanimously.

*BOS-Supervisor
Kingsley – AB 2727
Letter of Support*

Supervisor Kingsley said AB 2727 is being supported by rural counties across the state and it is important to add Inyo County's voice, especially since every little bit helps in the effort to keep local volunteer fire departments staffed. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) take a SUPPORT position on AB 2727 (Flora), a bill that would provide a personal income tax credit for costs incurred for training and equipment by qualified firefighters; and B) review and approve draft correspondence regarding AB 2727, and authorize the Chairperson to sign. Motion carried unanimously.

*Planning – 2017
General Plan
Progress Report*

Ryan Standridge, Project Coordinator, presented for Board review and acceptance the annual General Plan progress report, required by the State as a way to document local governments' progress in implementing their General Plans. Standridge listed the major plans and projects undertaken and completed in 2017, mostly while the Department only had two staff members, along with statistics dealing with the number of applications processed, building permits issued, and zoning violations recorded. Moved by Supervisor Pucci and seconded by Supervisor Kingsley to accept the draft Inyo County 2017 General Plan Annual Progress Report (APR), and direct staff to forward the APR to the State of California's Department of Housing and Community Development and Governor's Office of Planning and Research. Motion carried unanimously.

*Ag Commissioner –
Cannabis
Background Checks/
Reso # 2018-17*

Ag Commissioner Nate Reade presented for approval a resolution authorizing the County to conduct background checks on anyone applying for a commercial cannabis license. He said initially, staff felt local background checks would be redundant since the State will be requiring the same. However, the County's cannabis consultant told staff that since operators must be licensed locally before applying to the State, the situation could arise where they fail the State background check and put in limbo one of the County's limited number of licenses that could have gone to somebody else. Supervisor Kingsley said he appreciated the rationale behind the resolution. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a resolution titled, "A Resolution of the Inyo County Board of Supervisors Approving an Application for Authorization to Access State and Federal Level Summary Criminal History Information for Employment, Volunteers, and Contractors, Licensing or Certification Purposes." Motion carried unanimously.

*HHS-Public Health &
Prevention – 17-18
Tobacco Control
Program Scope of
Work Ratification*

HHS Deputy Director- Public Health and Prevention Anna Scott introduced Prevention staff member April Eagan, who will now be working on the Tobacco Control Program full-time as part of a strategy to meet State staffing requirements that came with the most recent funding allotment. Scott also presented for approval a required Scope of Work, along with the Allocation Agreement. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the Scope of Work, Staffing Plan, and Allocation Agreement Between the County of Inyo and California Department of Public Health for the provision of the local Tobacco Control Program, in an amount not to exceed \$369,105 for the period of July 1, 2017 through June 30, 2018, and authorize HHS Director Marilyn Mann to sign Allocation Agreement No. CTCP-17-14. Motion carried unanimously.

*Ag Commissioner –
NAISMA Certification
Fees/Reso # 2018-18*

Ag Commissioner Nate Reade informed the Board that many federal agencies have made it a requirement for contractors to have their hay certified to weed-free standards set by the North American Invasive Species Management Association. He explained that a minute amount of acreage in California is grown to NAISMA standards so he is hoping to create a market here in the Eastern Sierra; however in order to certify to NAISMA standards, his department will need to establish a fee in order to pay for annual staff certification and special twine (signifying NAISMA certification) that is then sold to certified growers. The Chairperson opened the public hearing at 11:06 a.m. and, with nobody wishing to speak on the proposed fee, closed the public hearing at 11:06 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Establishing a Fee for North American Invasive Species Management Association (NAISMA) Weed-Free Certification of Forage." Motion carried unanimously.

*Ag Commissioner –
Workshop –
Economic Study*

Ag Commissioner Nate Reade conducted a workshop in which he presented the findings of an economic study completed in 2017, titled “Agriculture in Inyo & Mono Counties: An Economic Profile” and compiled by Agricultural Impact Associates. He explained that the study sought to find out the total direct value of agriculture, how that value has changed over time, what economic “multiplier effects” agriculture creates, agriculture’s total economic contribution (\$78.6 million), how agriculture’s economic contributions vary by land ownership type, what contributions agriculture makes through local employment and taxes, what economic relationships exist within agriculture that straddle both counties, what “ecosystem services” agricultural lands provide to society, how economically diverse agriculture is, and what options exist to add economic value to local agricultural production. Discussion ensued over some of the specific findings in the study, particularly as they related to land tenure patterns and the economic relationship between both counties. Reade noted that most of the alfalfa production is taking place on private land, of which there is very little, but it accounts for the most economic output. He said if more private land was available for alfalfa, Inyo and Mono counties could double their agricultural industry. Reade also pointed out that for hay, irrigated pasture and rangeland, LADWP lands accounted for 68.6% of economic output and that 81% of the counties’ Animal Unit Months are located on LADWP lands. Reade said the study also concluded that the counties’ ag industry lacks diversity, and identifies 5 broad strategies for adding economic value to local ag production, all of which deal with diversification. He said one of the major recommendations was adding cannabis and grape production to the mix. Reade said Inyo County is halfway there with cannabis and he has been advocating for grapes for years. Public comment was provided by Earl Wilson of Lone Pine, who liked Supervisor Pucci’s idea of a positive presentation to Los Angeles officials on the critical role their lands play in the health of Inyo County’s agricultural industry and economy, and Linda Chaplin of Independence, who inquired what kind of educational efforts were being provided to youth to ensure future generations will be able to sustain the ag industry. Additional discussion from the Board and staff included comments in response to Chaplin about the strong FFA programs in Bishop and Lone Pine, where 80% of the students are enrolled in the program, as well as 4-H, and how the lack of private land seems to be impeding diversification of the local ag industry. Supervisor Kingsley also noted there are currently large swaths of land in Olancha, Pearsonville, and Charleston View that can support different kinds of agriculture.

*HHS-Behavioral
Health – Reclassify
BH Nurse I to PH
Nurse*

HHS Director Marilyn Mann requested a change in authorized strength to improve recruitment outcomes. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to change the Authorized Strength in the Health and Human Services Behavioral Health program by reclassifying one Behavioral Health Nurse I at Range 78 (\$5,410 - \$6,574) to a Public Health Nurse at Range 80 (\$5,671 - \$6,897). Motion carried unanimously 4-0, with Supervisor Pucci out of the room at the time of the vote.

*HHS – Licensed
Addictions Program
Services Supervisor
Class/Hire Request*

HHS Director Marilyn Mann presented a classification/hiring request to add flexibility and make the recruitment process easier. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to:

- A) Establish a Licensed Addictions Services Supervisor classification at Range 82 (\$5,957 - \$7,233).
- B) Approve the proposed job description for the Addictions Supervisor at two levels: the Certified Addictions Services Supervisor and Licensed Addictions Services Supervisor;
- C) Find that, consistent with the adopted Authorized Position Review Policy,
 1. the availability of funding for the requested position exists in the Substance Use Disorder (SUD) and Drinking Driver Program (DDP) budgets (no County General Funds), as certified by the Health and Human Services Director and concurred with by the County Administrator, and the Auditor-Controller; and
 2. where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment would be appropriate to ensure qualified applicants apply for that specialized position; and
 3. approve the hiring of one full time Addictions Supervisor at a Certified Addictions Services Supervisor at Range 70 (\$4,479 - \$5,448) or Licensed Addictions Services Supervisor at Range 82 (\$5,957 - \$7,233); contingent upon qualifications; and,
- D) If necessary, as a result of the level at which the position is filled, authorize adjusting the department’s Authorized Staffing by changing Certified Addictions Services Supervisor to a Licensed Addictions Services Supervisor.

Motion carried unanimously 4-0, with Supervisor Pucci out of the room at the time of the vote.

*Public Works –
FEMA Bishop Creek
Flood Hazard
Analysis Comment
Letter & Project
Charter*

Public Works Director Clint Quilter noted that several years ago, the City of Bishop applied for and received a grant to have FEMA do an analysis of the Bishop Creek flood plain, which the County did not support. The County has been asked to comment on the completed analysis and Quilter said staff recommends mentioning that while the study assumes several old drainage ditches and canals are abandoned and no longer convey water, summer 2017 found them put back into use once again. Quilter also said that while the County did not originally sign the Project Charter, it might be useful to do so now. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to: A) approve a draft letter to FEMA regarding the Bishop Creek Flood Hazard Study Project draft database, and authorize the Chairperson to sign; and B) authorize the Public Works Director to sign the Project Charter.

*CAO/CoCounsel –
Greg James Contract
Amendment No. 7*

County Counsel Marshall Rudolph introduced for approval an amendment to the contract between the County and Greg James for Water/Environmental Attorney services specifically related to Natural Resources and similar issues. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 7 to the contract between Gregory L. James, Water/Environmental Attorney Regarding Natural Resources, and the County of Inyo, by increasing the contract limit to \$60,000, which includes an adjustment to increase the Contractor's hourly rate for work directly related to litigation; and, extending the term of the contract an additional 16 months through June 30, 2019, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Here It Comes
Emergency*

CAO Carunchio said he had no updates on any of the emergency proclamations but staff recommended continuing all of them for the time being. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to continue the local emergency known as the "Here It Comes Emergency" that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously.

*Rocky Road
Emergency*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency known as the "Rocky Road Emergency" that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. 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 existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously.

*Gully Washer
Emergency*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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.

*DV Down But Not
Out Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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.

*Clerk of the Board –
Approval of Minutes*

The Assistant Clerk of the Board noted a correction on the start time for the special Board meeting of March 10, 2018. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the minutes of the regular Board of Supervisors meeting of February 27, 2018 and the special Board of Supervisors meeting of March 10, 2018, as corrected. Motion carried unanimously.

*Correspondence-
Action – Fish &
Wildlife Letter*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize the Inyo County Fish and Wildlife Commission to send a letter to Congressman Paul Cook supporting the proposal to reinstate hunting access in the Castle Mountains Mojave National Monument.

Authorization Motion carried unanimously.

Correspondence-Action – Olancho CSD Election Consolidation Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the re-scheduling of Olancho Community Services District Governing Board Elections from odd-numbered years to even-numbered years in accordance with Elections Code 1303(b) and Senate Bill 415 (2015-2016 Regular Session), and approve the consolidation of the District's Governing Body Elections with the Statewide General Election pursuant to Elections Code 10404.

Board Member and Staff Reports Chairperson Totheroh reported attending the last two Inyo-L.A. Technical Group meetings.

Supervisor Griffiths said he participated in a conference call with Department of Interior staff on the Desert Renewable Energy Conservation Plan in which he, Supervisor Kingsley and CAO Carunchio reiterated the points outlined in the letter recently approved by the Board. He also reported attending First 5 and IMACA board meetings as well as the Altrusa Tea, where he once again volunteered as a server. He also reported a trip to the southeast area of the county to explore the Fifth District. He then shared the sad news that Bishop City Council member Pat Gardner passed away over the weekend.

Supervisor Kingsley said he attended an Emergency Medical Care Committee meeting last night, with Tom Lynch, Inland Counties Emergency Medical Agency EMS Administrator, in attendance.

The Assistant Clerk of the Board shared details forwarded from the City of Bishop about Councilmember Gardner's memorial services.

Closed Session Chairperson Totheroh recessed open session at 12:07 p.m. to convene in closed session with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items.

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 12:46 p.m. with all Board members present.

Report on Closed Session County Counsel Rudolph reported there was no action taken in closed session that is required to be reported.

Public Comment The Chairperson asked for public comment during the final public comment period.

Earl Wilson of Lone Pine announced a the BLM would be holding a scoping meeting regarding the draft supplemental environmental analysis for the West Mojave Route Network Project April 24 at Statham Hall in Lone Pine. He also asked when the live video feed of last week's meeting would be archived and available online.

Adjournment Chairperson Totheroh adjourned the meeting at 12:50 p.m. to 8:30 a.m. Tuesday, April 3, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant