

# MINUTES



# County of Inyo Board of Supervisors

**April 10, 2018**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on April 10, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Jeff Griffiths, Mark Tillemans and Matt Kingsley. Absent: Rick Pucci.

*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 8:35 a.m. to convene in closed session with all Board members present except Supervisor Pucci 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 – ANTICIPATED LITIGATION –** Initiation of litigation pursuant to paragraph (4) 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 **PUBLIC EMPLOYEE EVALUATION [Pursuant to Government Code §54957] –** Title: Planning Director.

*Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:02 a.m. with all Board members present except Supervisor Pucci.

*Pledge* Supervisor Griffiths led the Pledge of Allegiance.

*Report On Closed Session* County Counsel Rudolph reported that with regard to Item #3, by unanimous vote of Board members present (all but Supervisor Pucci), the Board authorized and gave its approval for legal counsel to initiate entering certain litigation in federal court pertaining to the "opioid epidemic." The Board would be returning to closed session to continue discussions at some point.

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

Earl Wilson of Lone Pine noted this morning's Coffee with a Cop Event at McDonald's appeared to have a good turnout. He also reported on the recent Indian Wells Valley Groundwater Authority meeting.

Cal Rossi, new government relations manager for Southern California Edison for Inyo, Mono, and Kern counties, introduced himself to the Board and highlighted upcoming projects, priorities and outreach efforts.

*County Department Reports* Water Department Director Dr. Bob Harrington provided an update on the upcoming Technical Group and Standing Committee meetings.

Chief Probation Officer Jeff Thomson announced upcoming Drug Court Graduations in Bishop.

CAO Carunchio distributed a press release to the Board, on behalf of Ag Commissioner Nate Reade, announcing the opening of the cannabis license application window.

*Proclamations – Wild Iris – Sexual Assault Awareness Month & Child Abuse Prevention Month*

Wild Iris Director Dr. Trina Tobey thanked the Board for wearing blue in support of Child Abuse Prevention Month, noting that since January 1, Wild Iris has advocated for more than 20 children in the court system and served more than 47 survivors of sexual assault. She then offered personal anecdotes of her own teenage daughter's experiences on social media and in school with sexual harassment from young men repeating inappropriate and sexist behavior. She said it is time for the community to stand up for youth and provide them a safe and healthy environment. CAO Carunchio said he was deeply struck by the accounts from the schools and wondered whether the school boards were also adopting proclamations in support of Sexual Assault Awareness Month. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a proclamation titled, "A Proclamation of the County of Inyo, State of California Declaring April 2018 Sexual Assault Awareness Month in Inyo County." Motion carried unanimously 4-0, with Supervisor Pucci absent. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a proclamation titled, "A Proclamation of the County of Inyo, State of California Declaring April 2018 Child Abuse Prevention Month in Inyo County." Motion carried unanimously 4-0, with Supervisor Pucci absent.

*BOS – Sierra Business Council – Resolutions in Support of SB 5 and CAMP (Nos. 2018-19 and 2018-20)*

In follow-up to a presentation earlier this year from the Sierra Business Council, the Board was presented with two resolutions: one declaring support for SB 5, to be placed on the June ballot as Proposition 68: The Parks, Environment and Water Bond of 2018; and the other declaring support for the Sierra Climate Adaptation and Mitigation Partnership (CAMP). Supervisor Griffiths provided background and an overview on SB 5, saying he believes it presents an unprecedented opportunity for Inyo County to receive a lot of funding for important programs. He also provided a refresher on CAMP, which he said will be looking for cost-effective ways to inform Sacramento of Sierra-centric issues and take actions to mitigate the effects of climate change. Supervisor Kingsley questioned some of the language in the SB 5 resolution, specifically related to the availability of "per capita" funding and block grant awards for communities that "self-tax" for park-related improvements; what exactly qualified as "economically challenged communities" and "robust investment;" and wondered whether any of the money would go toward new dams, which he supported. Supervisor Griffiths addressed some of the questions, and Supervisor Kingsley suggested a follow-up presentation from Sierra Business Council would be helpful. CAO Carunchio noted that while the resolutions contained mostly boiler-plate language provided by the Sierra Business Council, staff did attempt to tailor the language to Inyo County as much as possible without eliminating factual information. He also clarified that approving the resolutions was not endorsing the County's membership in CAMP or obligating the County to any expenditures. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve a resolution titled, "A Resolution the Board of Supervisors, County of Inyo, State of California in Support of SB 5, Which Will Appear on the June 5, 2018 Ballot as Proposition 68: The Parks, Environment and Water Bond of 2018" and a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California in Support of the Sierra Climate Adaptation and Mitigation Partnership (CAMP)." Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS – Social Worker IV/Psychotherapist*

HHS Director Marilyn Mann requested permission to fill a vacant position. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Social Worker IV/Psychotherapist position exists in the non-General Fund Mental Health budget, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) whereas it is unlikely the vacancy could be filled by internal candidates meeting the qualifications for either level of the position, an open recruitment would be appropriate to ensure qualified applications apply for the specialized position; and C) approve the hiring of one (1) Social Worker IV at Range 73 (\$4,804 - \$5,843) or Psychotherapist at Range 81 (\$5,806 - \$7,060). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Public Works – Whitney Portal/Horseshoe Meadow Road Plans & Specs*

Public Works Director Clint Quilter presented for approval the plans for permanently repairing Whitney Portal and Horseshoe Meadows roads, which were damaged by last year's storms and which will be undertaken as one project. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to adopt the plans and specifications for the Whitney Portal Road and Horseshoe Meadow Road Permanent Restoration Repair Project and authorize the Public

Works Director to advertise for bids for the project. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Public Works – New Quality Assurance Program*

Public Works Director Clint Quilter explained that staff collaborated with Caltrans to develop a Quality Assurance Program for paving projects that is better suited to the County. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the adoption of a new Quality Assurance Program to be used on all Inyo County road paving projects. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Public Works – LSC Transportation Consultants Contract*

Transportation Planner Courtney Smith presented a request for approval of a contract with a firm to two complete two updates to the County's Regional Transportation Plan, and provide other transportation planning services such as preparing grant applications on behalf of the County and City of Bishop. He said the firm was selected through the Request for Proposals process, and submitted the highest-ranked of two proposals received. Smith noted a clerical error in the contract originally submitted for consideration, which had the start date at March 27. He said the document has been revised to reflect the true start date of April 10, so there was no need for the Board to ratify the contract. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve the contract between the County of Inyo and LSC Transportation Consultants, Inc. for the provision of transportation planning services, in an amount not to exceed \$45,135 for the period of April 10, 2018 through April 30, 2023 and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Road Department – Environmental Concepts Contract*

Public Works Director Clint Quilter requested permission to award a contract for crack seal material to the next lowest bidder, as the low bidder's materials were found not to meet the County's specifications. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) award a contract to the second-lowest bidder, Environmental Concepts of Tehachapi, CA, for delivery and purchase of 180,000 pounds of Crafcoc crack seal material, in an amount not to exceed \$175,950, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; B) declare and approve Environmental Concepts as a sole-source for the rental of a Super Shot 125 Crafcoc rubber melting kettle, for use by the County for a period of up to five months to apply Crafcoc crack seal material at a cost of \$5,000 per month plus tax, for an amount not to exceed \$27,500; and C) amend the Fiscal Year 2017-2018 Road Budget (034600) as follows: increase appropriations in Road Materials (Object Code 5309) by \$180,000 (*4/5ths vote required*). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*CAO – Great Basin EPB Funds for LP VFW Project*

CAO Carunchio presented for Board consideration the most recent draft License Agreement between LADWP and the County for the Big Pine Veterans Path Project, along with several options for proceeding. After lengthy discussion, the Board came to the consensus that the terms of the Agreement presented by LADWP were unreasonable and the County would not be able to complete the project in time to use its Environmental Public Benefit Fund Block Grant awarded by the Great Basin Unified Air Pollution Control District, even with the most recent extension granted by GBAPCD. Supervisor Tillemans commented that the shift in LADWP policy from 2006 to now does not appear to be supported by documented direction from the Los Angeles Board of Water and Power Commissioners, with LADWP's support for the project gradually waning. He said he supported spending the EFB funds on the Lone Pine VFW parking lot paving project instead at this point, but noted the Veterans Path Project is not dead by any means and will get completed at some point. He also expressed his gratitude for GBAPCD and Supervisor Kingsley, as a member of the GBAPCD Board, continuing to grant extensions in support of the Big Pine project. Supervisor Kingsley thanked Supervisor Tillemans for his flexibility and said the County should still continue negotiations with LADWP to get the Big Pine project completed, even if it means LADWP has to play a larger role in making it happen. Supervisor Griffiths agreed, saying the County has put forth its full effort and commitment to get the project done and not received cooperation from LADWP over four years of negotiations involving a quarter-acre of land. He said it's disappointing, but at least the funding can be used on the Lone Pine VFW project. He advocated for looking at other funding mechanisms for the Veterans Path Project and continuing to negotiate with LADWP. Earl Wilson of Lone Pine said he liked the idea of letting LADWP take ownership of the project for good public relations, and suggested veterans could help put pressure on the City. CAO Carunchio said LADWP indicated it was willing to continue discussions and reported that he and Supervisor Tillemans have been keeping the community of Big Pine apprised of the

situation. Chairperson Totheroh said it sounds like the County has no choice but to spend the grant money on the Lone Pine project. Supervisor Kingsley acknowledged the hard work Supervisor Tillemans has put in trying to get the Veterans Path Project completed, and said part of his frustration is feeling like LADWP wasted the County's time by not identifying its terms early on. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to expend the County's remaining \$124,120 in GBAPCD EFB funds on the Lone Pine VFW parking lot project and direct staff to continue negotiations with LADWP for the Big Pine Veterans Path Project. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Recess/Reconvene*

The Chairperson recessed the meeting for a break at 11:14 a.m. and reconvened the meeting at 11:22 a.m. with all Board members in attendance except Supervisor Pucci.

*Parks & Rec – Enact Ordinance 1229 (Campground Rental Fees)*

Assistant County Administrator Rick Benson brought forward for enactment a proposed ordinance to change the eligible age for senior citizen campground fee discounts from 55 to 62, and establish a fee schedule for renting out entire campgrounds. Supervisor Kingsley noted that there is a group that rents the Portagee Joe campground every year for the Film Festival and asked Benson to notify them of the new fees. Earl Wilson of Lone Pine said there has been an issue with horses at the campground and their owners not cleaning up after the animals. Benson said staff could follow up on the matter but it is not addressed through the ordinance in question. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to enact an ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Sections 12.16.180, 12.18.010, 12.18.020, 12.18.030 and 12.18.150 of the Inyo County Code, Pertaining to the Use of County Campgrounds." Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Planning – Appeal No. 2018-01 (Kent Schlick) Hearing/Decision*

Planning Director Cathreen Richards provided background information on an appeal filed by Kent Schlick of Big Pine of her decision that his proposed development of mini-storage units on Main Street in Big Pine, which is zoned a Central Business District, is not an approved use in that district, per the Inyo County General Plan and County Code. She said her decision was upheld by the Planning Commission and staff recommends the Board do the same. Assistant County Counsel John Vallejo explained that approving Schlick's appeal – overturning the Planning Commission's decision – would be ruling that mini-storage units are an acceptable use in Central Business Districts throughout the entire county. Schlick reviewed his proposal for the Board, including his plans to blend the business in with an attractive, storefront façade. He noted widespread support in Big Pine, including from the majority of other business owners, as it would fill a vacant spot along Main Street and a need in the community. He cited current, illegal mini-storage units in the Central Business District as evidence of the need for storage in Big Pine. The floor was opened to public comment. Earl Wilson of Lone Pine agreed that there is a lot of real estate not being utilized in Central Business Districts, which Supervisor Tillemans noted were heavily restricted in the General Plan when the real estate market and economy were very different than they are now. Former Planning Commissioner Ross Corner said Big Pine has not changed much in the past 40 years, due in part to zoning regulations that make it difficult for small businesses to open. He suggested a Conditional Use Permit as a remedy to the current situation. The Board then discussed how to proceed, expressing support for Schlick's project and frustration with the current code restrictions. Richards said one option is denying Schlick's appeal and then allowing staff to draft an ordinance updating County Code and the General Plan to allow for mini-storage units in Central Business Districts on a Conditional Use Permit basis. She said it would likely allow Schlick to move forward with his project, while ensuring continued oversight throughout the County, as well as neighborhood input on a case-by-case basis. The Board was receptive to the idea but also sympathetic to the delay it would cause Schlick in proceeding with his project, which they supported. It was asked whether the Board could approve the appeal and then direct staff to begin work on changing the Code. Vallejo said a collateral effect of that move would be grandfathering in the existing illegal storage units. Schlick said he was fine waiting in order to be able to proceed legally and fully supported the Conditional Use Permit process. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to deny Appeal No. 2018-01, upholding the Planning Director's original determination, and direct staff to return to the Planning Commission and Board with a Conditional Use Permit process that will allow mini-storage units in Central Business Districts. Motion carried unanimously 4-0, with Supervisor Pucci absent.

<i>Here It Comes Emergency</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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 4-0, with Supervisor Pucci absent.
<i>Rocky Road Emergency</i>	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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 4-0, with Supervisor Pucci absent.
<i>Land of Even Less Water Emergency</i>	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to continue 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 4-0, with Supervisor Pucci absent.
<i>Gully Washer Emergency</i>	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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 4-0, with Supervisor Pucci absent.
<i>DV Down But Not Out Emergency</i>	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 4-0, with Supervisor Pucci absent.
<i>Public Comment</i>	The Chairperson asked for public comment during the final public comment period and there was no-one wishing to address the Board.
<i>Board Member and Staff Reports</i>	<p>CAO Carunchio reported that the National Association of County Administrators has asked him to serve as a representative on its NACo Steering Committee.</p> <p>County Counsel Rudolph reported he would be at a conference the rest of the week.</p> <p>Supervisor Griffiths reported he had another busy week, noting that he is working with Bishop City Mayor Schwartz and the Eastern Sierra Council of Governments, through the Broadband Consortium, to see if incumbent internet providers are interested in extending gigabit service to Inyo County.</p> <p>Chairperson Totheroh announced he would be attended an Owens Valley Groundwater Authority meeting tomorrow.</p> <p>Supervisor Kingsley reported he had a busy week as well.</p>
<i>Recess for Lunch/Reconvene to Closed Session</i>	The Chairperson recessed the meeting at 12:05 p.m. for lunch and reconvened the meeting into Closed Session at 12:45 p.m. with all Board members present except for Supervisor Pucci to continue discussion and possible action as appropriate on previously noted closed session items.
<i>Open Session</i>	The Chairperson recessed closed session and reconvened the meeting in open session at 1:33 p.m. with all Board members present except Supervisor Pucci.
<i>Report on Closed Session</i>	County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.
<i>Adjournment</i>	Chairperson Totheroh adjourned the meeting at 1:33 p.m. to 8:30 a.m. Tuesday, April 17, 2018 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*