

MINUTES

County of Inyo Board of Supervisors

May 3, 2016

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 Tuesday, May 3, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Jeff Griffiths, presiding, Dan Totheroh, Rick Pucci, Mark Tillemans and Matt Kingsley.

- PUBLIC COMMENT** The Chairperson announced public comment period and there was no one wishing to address the Board.
- CLOSED SESSION** The Chairperson recessed open session at 8:30 a.m. to convene in closed session with all Board members present to discuss and take action as appropriate on Agenda Items *No. 2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9. (one case); No. 3 CONFERENCE WITH LABOR NEGOTIATORS – (Government Code Section 54957.6).* Agency designated representatives: 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); 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, Information Services Director, Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.
- OPEN SESSION** The Chairperson recessed closed session at 10:05 a.m. to reconvene in open session at 10:15 a.m. with all Board Members present.
- PLEDGE** Temporary Assistant to the Board Clerk, Kelley Williams, led the Pledge of Allegiance.
- REPORT ON CLOSED SESSION** County Counsel reported that with regard to closed session, no action was taken. In addition he reported that the Board had not concluded closed session and further discussion will continue later in the meeting.
- PUBLIC COMMENT** The Chairperson announced the public comment period and there was no one wishing to address the Board.
- COUNTY DEPARTMENT REPORTS** Environmental Health Director Marvin Moskowitz reported that EH applied for a grant through Cal EPA which is an Environmental Trust Fund Grant. It was approved in the amount of \$29,000 for a vehicle for staff usage in the hazmat program. Money will be received in July.
- INTRODUCTIONS** The following new employees were introduced: Auditor Controllers Office: Heather Williams, Office Tech II; Public Works: Michael Errante, Senior Engineer; Sheriff's Office: Deputy Sheriff Trainee, Victor Lawson.
- CAO CORONERS OFFICE CV TOXICOLOGY CONTRACT** Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare Central Valley Toxicology, Inc. a sole source provider of toxicology services; and B) approve the contract between the County of Inyo and Central Valley Toxicology, Inc. for the provision of toxicology services in an amount not to exceed \$16,500 for the period of July 1, 2016 through June 30, 2019, contingent upon future budgets, and authorize the Chairperson to sign. Motion carried unanimously.
- PLANNING LOCAL AGENCY FORMATION COMMISSION AMENDMENT #1** Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Amendment #1 to the contract between the County of Inyo and the Inyo Local Agency Formation Commission, increasing the amount of the contract by \$12,136, for a total contract amount not to exceed \$26,500, contingent upon appropriate signatures being obtained, and authorize the Chairperson to sign. Motion carried unanimously.

*SHERIFF'S OFFICE
P.O. KMART*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a blanket purchase order to Kmart in the amount of \$4,000 for food and other supplies for the Inyo County Animal Shelter. Motion approved unanimously.

*PUBLIC WORKS
RESOLUTION 2016-21
MASTER AGREEMENT
NO. 09-5948f15*

On a motion by Supervisor Tillemans and seconded by Supervisor Kingsley, Resolution 2016-21 entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Approving Administering Agency-State Master Agreement No. 09-5948F15, Authorizing the Chairperson of the Board to Execute the Agreement, and Authorizing the Director of Public Works to Execute Program Supplements to Master Agreement No. 09-5948F15", was approved. Motion unanimously passed and adopted.

*PLANNING
PROPERTY
ASSESSED CLEAN
ENERGY (PACE)
PROGRAM*

Planning Director Josh Hart stated that the Planning Department had come to the Board in October of 2015 to present information on the Figtree Financial - Property Assessed Clean Energy (PACE) Program. At that time, the Board directed staff to investigate other PACE programs and return with more information. Associate Planner Mike Draper presented a power point presentation to recap some of the specifics of the PACE program as well as provided more detailed information on several different PACE programs that are available. All of the different programs that Mr. Draper introduced had varying interest rates and criteria. Auditor-Controller Amy Shepherd asked the Board to be cautious and recommended the Board put the PACE program on the shelf, or at least on pause for now. She stated that there seems to be some fundamental glitches in the program and these glitches need to be addressed legislatively to provide more regulation. The Federal Housing Finance Agency (FHFA) stated that certain energy retrofit programs present significant safety and soundness concerns for both residential and commercial properties. FHFA also stated that "...Fannie Mae and Freddie Mac's policies prohibit the purchase of a mortgage where the property has a first-lien PACE loan attached to it". Some additional problems with the program include; the County ends up being the bill collector, using County resources to perform private services acting as a loan service and it also complicates the County property tax bill process; there is a higher risk for property owners which could lead to foreclosure, this risk is not entirely understood by the property owners; the program uses questionable lending practices such as those seen in the most recent housing finance collapse. Ms. Shepherd continued by stating that the County is already committed to the PACE program in some respects due to the fact that the City of Bishop has already enter into an arrangement with a financing authority and program operator, and did such without consulting with the County. County wide, due to some of the restrictions, such as no mobile homes or homes or businesses that are located on LADWP property, there really is only approximately 3,000-4,000 home owners that would be eligible for the program. George Apostolopoulos of Ygrene Energy Fund and Eve Perez from HERO both answered questions about their company's PACE program. County Counsel Rudolph spoke on his experience with the program that is up in Mono County. After further discussion the Board asked the Auditor Controller to report back at the end of August to see if some new legislation has been introduced to address these issues and it would also give the County time to see what the interest is and how the program works for the City of Bishop.

*RECESS/
RECONVENE*

The Chairperson recessed the regular meeting at 11:30 a.m. to reconvene back into the regular meeting at 11:40 a.m. with all Board members present.

*PLANNING
EXISTING CONDITION
REPORTS FOR
CHARLESTON VIEW
TECOPA AND
SHOSHONE*

Senior Planner, Cathreen Richards, gave a presentation to the Board to update them on the process to date on the "Existing Conditions Report" for the Southeast County specific plans for the Charleston View, Tecopa and Shoshone areas. As a result of the County's Renewable Energy General Plan Amendment process, a Solar Energy Development Area (SEDA) was established in Charleston View. The SEDA report led to discussions on the need for additional local planning and it was suggested that Shoshone and Tecopa also be included in the planning process. Ms. Richards began by stating that all three of the communities are very distinct and different from one another, but they share similarities as well. Tecopa and Charleston View are very economically depressed with high poverty and unemployment. Shoshone and Tecopa both rely heavily on tourism for their economic livelihoods. Charleston View can be considered a clean slate for planning purposes. It has a large swath of privately owned vacant land to work with and it is also well located to Pahrump and Las Vegas. It could benefit from some master planning of these large areas, some infrastructure improvements and a clean-up program. It could be limited to water availability and habitat restrictions. Tecopa has some private vacant land in and around already developed areas. Since it is mostly a resort community, planning for further commercial opportunities would probably provide the most benefit. Rezoning to better match current uses and for future uses could help provide a foundation for better development

in Tecopa. It could also benefit from a clean-up program. There are limitations on potable water and septic systems as well as habitat restrictions. Shoshone is a resort community held primarily by one owner, current zoning and general plan designations are spread out over large single parcels, of which 1 parcel actually has 9 designations on it. Shoshone could benefit from some zoning that aligns with the owner's future plans for it. It has a lot of historic resources available that could be capitalized on to enhance it as a tourist destination. Shoshone is not limited by water or waste water issues but it may have some habitat and cultural historical resource restrictions. Public meetings are tentatively scheduled for the middle of June or early fall. These meetings will include a presentation of these existing conditions reports to the communities and some visioning exercises to see where the communities want to see themselves in the future. This will establish what they want and help them set goals. These reports were presented to the Planning Commission last week and most of their comments centered around the inappropriate storage issues and safety concerns. Ms. Richards reported that the earlier community meetings were very well attended. Supervisor Pucci spoke about the large housing unit proposals that have/had been discussed for the Charleston View area and he believes this plan will be a good tool to use in the future. Ms. Richards stated that with all of the vacant land in Charleston View, it does warrant the County taking a very careful look at how we want it to develop and not fall under the pressure of whatever development proposal comes along. Supervisor Kingsley recommended the public meetings should begin in early fall, due to all of those that leave during the hot summer months. In addition he recommended the draft be mailed to those on the mailing lists so that they would have plenty of time to review prior to the public meetings occurring.

*RECYCLING AND
WASTE
MANAGEMENT*

Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to : 1) Approve a change in Authorized Staffing by deleting the Lead Equipment mechanic/Operator (Range 66) and adding one Equipment Mechanic/Operator I (Range 58) or II (Range 60) to the Authorized Staffing for the Recycling and Waste Management program; and 2) Find that consistent with the Authorized Position Review Policy; A) the availability for the requested position is in the Fiscal Year 2015-2016 Budget in the Recycling and Waste Management Program Budget, as certified by the County Administrator and concurred with by the Auditor-Controller; and B) an open recruitment is appropriate to ensure the greatest pool of qualified candidates apply for the position; and C) authorize the hiring of one (1) Landfill Equipment Mechanic/Operator I – Range 58 (\$3,310 - \$4,027). Motion carried unanimously.

*CAO
EMERG SERVICES
RESOLUTION 2016-20
ADOPTING 2016
EMERGENCY
OPERATIONS PLAN*

Kelley Williams, Assistant to the County Administrator, spoke to the Board on the process for updating the Inyo County Emergency Operations Plan (EOP). Ms. Williams explained that the State of California, Governor's Office of Emergency Services (CalOES) and the Federal Emergency Management Act (FEMA) mandates all Operational Areas update and maintain their EOP's on a regular basis. The County has hired a consultant with 2014 Homeland Security Grant Funds to work with CalOES staff to complete the Cross Walk for making sure the contents of the EOP are brought into compliance with all CalOES and FEMA mandates and regulations. CalOES has reviewed and approved the draft updated EOP. Once the Board approves the updated plan it will then be printed and distributed. On a motion by Supervisor Kingsley and seconded by Supervisor Pucci to: A) approve Resolution 2016-20 entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Adopting the 2016 Inyo County Emergency Operations Plan", and B) authorize the Chairperson to sign the Resolution and a Letter of Promulgation. Motion unanimously passed and adopted.

*CAO
EMERG SERVICES
GULLY WASHER*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to continue the emergency known as the "Gully Washer Emergency" that was proclaimed due to flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013, as recommended by the County Administrator. Motion carried unanimously.

*CAO
EMERG SERVICES
LAND OF EVEN LESS
WATER*

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

*CAO
EMERG SERVICES
DV DOWN BUT
NOT OUT*

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

CLERK OF THE BOARD APPROVAL OF MINUTES

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors meeting of A) Regular Meeting of March 15th and B) Regular meeting of April 5, 2016. Motion carried unanimously

PUBLIC COMMENT

The Chairperson announced public comment period and there was no one wishing to address the Board.

BOARD MEMBER AND STAFF REPORTS

County Administrator Carunchio gave an update on the Outside Magazine voting for the "Best Places to Live" and wanted to thank Information Services Brandon Shults for all his work on getting the webpage voting up and running on all of the public access computers. Supervisors Kingsley and Griffiths attended the Owens Lake Public Access trails opening. Supervisor Kingsley reported that the Wild Wild West races in Lone Pine will be this weekend, with over 240 runners, and 2 are from Lone Pine. He visited with former Supervisor Gracey whom was honored at the Manzanar Pilgrimage. Supervisor Griffiths reported going to the City/County Liaison meeting last week, the Inyo Council for the Arts has a very exciting headliner for the 25th Anniversary Millpond Music Festival. He hosted the Government Day high school tours and attended the Trout Opener press reception with Supervisor Pucci. He also participated in a "Bowling for Peace" event which was in conjunction with the Manzanar Pilgrimage.

RECESS/ RECONVENE

The Chairperson recessed the regular meeting at 12:15 p.m. to reconvene into closed session at 12:45 with all Board members present.

CLOSED SESSION

The Board members met in closed session to continue discussions and take action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 1:30 p.m. to reconvene in open session at 1:35 p.m. with all Board Members present.

REPORT ON CLOSED SESSION

County Counsel reported there were no actions taken in closed session that are required by law to report on in open session.

ADJOURNMENT

The Chairperson adjourned the regular meeting at 1:38 p.m. to 8:30 a.m., on Tuesday, May 10, 2016, in the Board of Supervisors Room, at the County Administrative Center in Independence.