



# County of Inyo Board of Supervisors

## September 20, 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 September 20, 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* Chairman Griffiths asked for public comment and there was none.

*CLOSED SESSION* Chairman Griffiths recessed open session at 8:34 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.** (Paragraph (1) of subdivision (d) of Government Code Section 54956.9). *Native American Heritage Commission v. Inyo County Planning Department and Inyo County Board of Supervisors*, Inyo County Superior Court Case No. SICVPT1557557 (Munro Petition for Writ of Mandate); No. 3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to potential litigation pursuant to (2) of subdivision (d) of Government Code Section 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); 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, Senior Deputy County Administrator Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 5 **PERSONNEL (Government Code §54957)** – Public Employment – Title: Information Services Director.

*OPEN SESSION* Chairman Griffiths recessed closed session and reconvened the meeting in open session at 10:16 a.m. with all Board members present.

*PLEDGE* Supervisor Rick Pucci 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* Chairman Griffiths asked for public comment and there was none.

*COUNTY DEPARTMENT REPORTS* Diane Fortney of the Planning Department gave an update on the Draft Multi-Jurisdiction Hazard Mitigation Plan. She said staff and the County’s consultant met with five local tribes on September 1 and they were joined throughout the day by the Supervisor whose district the tribe lived in. The County provided the Tribes with FEMA Tribal Hazard Mitigation Plan guidance and offered data sets and GIS layers that had been collected for the County’s plan. She said the information gathered from the tribes has been incorporated into the County’s plan which is now ready for submission to CalOES and FEMA. She said CalOES advised the County to request a one-year extension on its grant and for submittal of the plan because it is so backlogged because of fire season. Fortney said she would be bringing back to the Board a request to extend the length of the contractor’s contract and would be moving ahead with a request for a time extension from CalOES.

Planning Director Josh Hart told the Board about two public meetings to be held in Southeast Inyo Oct. 5-6 as part of his department’s Specific Plan Visioning process.

Clerk-Recorder-Registrar of Voters Kammi Foote said her office recently closed a data gap resulting from the fact California was founded in 1850 and the County wasn't founded until 1866. She said land records prior to 1866 used to be stored only in Tulare County. She contracted with Tulare County to get a roll of film of the records so now the public doesn't have to go all the way to Visalia to do research. She said the data isn't 100 percent complete yet because Mono County still has some of the records but she'd be getting those too. Foote also noted the elections are fast approaching and sample ballots will be posted next week online and then mailed out shortly thereafter.

HHS Director Jean Turner noted Juvenile Services transition is underway this week. She said staff from her department and Probation will be undergoing training through November.

*CLERK-RECORDER  
ELECTION  
MATERIALS  
PRINTING*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve the printing costs of the election materials by ProDocumentSolutions, Inc. (also known as ProVoteSolutions) in an amount not to exceed \$30,000 for the November 8, 2016 Presidential General Election; and B) authorize the pre-payment of \$7,350 to ProDocumentSolutions, Inc. (estimated half of the total estimated printing cost), in order to obtain a 2 percent discount. Motion carried unanimously.

*PUBLIC WORKS  
WADELL CONTRACT  
AMENDMENT 12*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve Amendment No. 12 to the contract between the County of Inyo and Wadell Engineering Corporation for the provision of On-Call Airport Engineering and Planning Services by increasing the contract amount by \$29,185 for a total amount not to exceed \$1,805,128; B) amend the Scope of Work to include additional tasks required at the Lone Pine/Death Valley Airport for Construction Support Services, contingent upon appropriate signatures being obtained; and C) authorize the Chairperson to sign. Motion carried unanimously.

*PUBLIC WORKS  
AIRPORT  
IMPROVEMENT  
PROGRAM  
MATCHING GRANT  
FOR LP/DV*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve the attached resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Submittal of Applications, Accepting Allocation of Funds, and Authorizing the Execution of Grant Agreements with the California Department of Transportation for an Airport Improvement Program (AIP) Matching Grant"; B) authorize acceptance of the allocation of said AIP matching funds for the Lone Pine/Death Valley Airport project; C) authorize execution of said AIP Matching Grant Agreement for this project; and D) authorize the Public Works Director to sign any documents required to apply for and accept funds on behalf of the County of Inyo. Motion carried unanimously.

*TECOPA HVAC  
NOTICE OF  
COMPLETION  
RESOLUTION*

Moved by Supervisor Tillemans 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 Tecopa Community Center HVAC Replacement Project." Motion carried unanimously.

*PUBLIC WORKS  
PROPANE SERVICES  
BID WITH AMERIGAS*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) award the bid for liquefied propane services ("propane services") for designated County facilities for the period of September 1, 2016 through June 30, 2019 to Amerigas of Bishop, CA; B) approve and award the contract for propane services to Amerigas of Bishop, CA in the amount of \$378,763.44; and C) authorize the Chairperson to execute the propane services contract contingent upon obtaining appropriate signatures and the adoption of future budgets. Motion carried unanimously.

*PUBLIC WORKS  
BLANKET P.O. FOR  
VEHICLE REPAIRS,  
TIRES & LAUNDRY*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to Request Board authorize the issuance of blanket purchase orders for the following vendors for vehicle/ equipment repairs, tires, and laundry service: Blaine Equipment, \$10,000; Britt's Diesel, \$35,000; Dave's Auto Parts, \$30,000; Mission Linen, \$34,000; Quinn Company, \$10,000; Silver State International, \$10,000; and Steve's Auto, \$25,000.

*PUBLIC WORKS PART-TIME ROAD MAINTENANCE WORKER I*

Public Works Director Clint Quilter told the Board he had a unique opportunity with a vacancy in a seasonal part-time Road Maintenance Worker position to provide some help to two crew members out in Tecopa/Shoshone. He said he'd advertise in the Pahrump Valley Times. Moved by Supervisor Kingsley 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 the requested part-time Road Maintenance Worker I position at the Tecopa/Shoshone Road Department yard comes from the non-General Fund, 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 position could possibly be filled through an internal recruitment, an open recruitment is more appropriate to ensure a qualified applicant pool; and C) approve the hiring of one (1) part-time seasonal Road Maintenance Worker I, Range PT 50 (\$14.46 - \$17.56 per hour). Motion carried unanimously.

*SHERIFF – TWO CORRECTIONAL OFFICER POSITIONS*

Sheriff Bill Lutze said two Correctional Officers were recently promoted to deputies and are now at academy, leaving two CO vacancies. 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 two (2) Correctional Officer positions comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position and the position could possibly be filled by an internal recruitment, an open recruitment is more appropriate to ensure the positions are filled with the most qualified applicants; and C) approve the hiring of two (2) Correctional Officer positions at Range 64 (\$3,810 - \$4,630). Motion carried unanimously.

*RESOLUTION WAIVING DUMP FEES FOR RIVER CLEAN-UP*

Assistant CAO Rick Benson told the Board the County received a dump-fee waiver request from representatives of the California Waterfowl Association, who would be organizing a clean-up of the Lower Owens River in February. He said the Board is the only place the group can get authorization to not pay the fees, which Benson said are expected to be less than \$100. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees for Trash and Litter Removal During the Lower Owens River Clean-up." Motion carried unanimously.

*HHS TOBACCO CONTROL PROGRAM ALLOCATION AGREEMENT*

HHS Director Jean Turner said approval of the Allocation Agreement is a pretty standard request every year. She noted the County gets the minimum allocation available. Chairman Griffiths asked about the new tobacco tax on the November ballot and Turner said it was not designed to backfill this program but was actually designated for other kinds of healthcare services. She said tobacco related funding is actually decreasing. Supervisor Kingsley said fewer people are smoking so there are fewer dollars to be allocated, which is a good thing but also hurts financially. Turner said it would be nice to see this program work itself out of business but there are still a lot of smokers out there. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to ratify and approve the 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 \$150,000 for the period of July 1, 2016 through June 30, 2017, and authorize Health and Human Services Director Jean Turner to sign Allocation Agreement No. CTCP-13-14. Motion carried unanimously.

*PLANNING – USFWS  
FROG AND TOAD  
HABITAT RULE*

County Planner Michael Draper provided the Board an overview on the Final Rule designating critical habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad. He noted the County has been following this issue for several years, sending five letters in 2013, voicing concerns at three public meetings, and sending two comment letters in 2014. The County has repeatedly expressed the following: insufficient evidence to list these species as endangered; the proposed rule ignores the best available science; the proposed habitat is excessive and unwarranted; the socioeconomic impacts outweigh the benefits to the species; and recreational and commercial activities are not a threat to the species. The Rule designates more than 1.02 million acres of public and 79,481 acres of private land critical habitat for the Sierra Nevada Yellow-Legged Frog; 221,474 acres of public and 24 acres of private land as critical habitat for the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog; and 746,548 acres of public and 4,376 acres of private land critical habitat for the Yosemite Toad. Draper pointed out that 23,229 acres were removed from the initial critical habitat area for the Sierra Nevada YLF in the form of Rock Creek, Rock Creek Lake, South Lake, and Lamarck Lakes and Creek, all of which the County requested be removed. The Rule's economic analysis projects the cost of all three critical habitats to be \$760,000 to \$1.7 million, compared to the County's independent analysis of \$17 million. Draper said the Rule also says the presence of fish in waters designated "PCE2" are okay, but states those waters must be "free of introduced predators." Draper then listed a set of concerns with specific areas in the Rule: the use of an incremental approach to quantify the overall cost of the critical habitats; the U.S. Fish and Wildlife Service's disregard for probable economic impacts on the basis they're not quantifiable; economic impacts related to reduction in fishing opportunities; the impact to the region's tourism and recreation economy; and the Draft Economic Analysis' failure to address economic impacts as a result of the foregone opportunities. Draper pulled up a map showing the specific areas that are still included in the Rule as areas of critical habitat, including half of Coyote Flats and backcountry lakes above Big Pine, even though, as Supervisor Tillemans pointed out, their shorelines are vertical granite that do not offer suitable habitat for any of the amphibians. Supervisor Totheroh wanted to know whether any fish would be removed from these waters. Draper explained that the "free of introduced predators" language gives the FWS flexibility to decide later how they want to handle the fish populations. Chairman Griffiths noted that fish stocking has been halted in a lot of the backcountry lakes for many years anyway, and Supervisor Tillemans said other plans – Draper said there were at least three different ones out there – already restrict fish stocking. Supervisor Kingsley wanted to know how the critical habitat designation would affect the grazing that's currently taking place in Coyote right now. Planning Director Josh Hart said the County has always been concerned about impacts but the FWS says the designation will only result in added permitting costs and additional paperwork – basically another layer of bureaucracy in paperwork. Supervisor Kingsley pointed out that some of the Coyote grazing area falls under the designated habitat and some doesn't. He said the boundary on the map doesn't seem to follow a natural barrier, and wanted to know how the FWS expected the cows to know when to stop grazing at that invisible line. Chairman Griffiths said at this point, the County has made all of its concerns known and the FWS published its Rule, thus ending the public process. He said the County had really poor communication with the FWS; the County eloquently stated its concerns and sent it to the right people, and the FWS turned around and said its Rule won't have any impacts on fishing, grazing, and the economy. He wanted to know whether the County had put itself in a good enough position to respond later if the County's concerns become reality. Hart said it seems wise to submit a final comment letter expressing the County's disappointment and asking that the areas of concern continue to be monitored. County Counsel Rudolph said there is always the possibility of exploring a possible NEPA challenge, but he said the County would have to show the FWS did not comply with the requirements of the law. Supervisor Pucci said he thought the letter should be positive too, thanking the FWS for removing some of the areas from proposed habitat designation as requested by the County. Earl Wilson of Lone Pine said he was concerned about the "free of introduced predators" caveat and said the definition of predator could be tremendously broad. He said his dog, horse, or even a cow could be considered a predator if any of them accidentally killed a protected amphibian. Chairman Griffiths said he didn't think that was the definition. Wilson added that it could include protected bird species, however. Supervisor Kingsley directed staff that the County's letter should address the definition of a predator, thank the FWS for the removal of some lakes, point out the lakes that should have been removed, and describe the County's issues with Coyote. Supervisor Tillemans agreed about reiterating why the County didn't want certain lakes included, and Chairman Griffiths said the letter should also include the County's stance that the economic analysis should include cumulative impacts.

*PLANNING – LETTER  
TO USFS RE:  
MAMMOTH BASE  
LAND EXCHANGE*

Planning Director Josh Hart presented the draft correspondence to the Board regarding the U.S. Forest Service Mammoth Base Land Exchange, including the points requested by the Board about lost tax revenue and inconsistency with the County General Plan. Supervisor Kingsley said the letter does capture last week's discussion points, and asked whether there was any way for the County to recoup lost tax revenue as a result of the land exchange. Hart said something could probably be written into the legislation but recoupment is usually handled through the PILT process. And unfortunately, Inyo County is at its PILT limit. Kingsley then suggested the County could ask for a legislative increase in the PILT cap. Chairman Griffiths said the USFS could also release a corresponding amount of public land in Inyo County. Hart said the USFS could also make a one-time payment to the County for the tax revenue it would have received from the private land being traded. Supervisor Kingsley asked if the County's letter could point out some of those remedies. CAO Carunchio suggested asking specifically about the parcel on Crocker Street in Big Pine, which has no value to the USFS, but could help the County if released to private hands. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the draft letter with the edits discussed, and authorize the Chairman to sign. Motion carried unanimously.

*GULLY WASHER  
EMERGENCY*

Moved by Supervisor Kingsley 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.

*LAND OF EVEN LESS  
WATER EMERGENCY*

CAO Carunchio noted the Water Department is still waiting for a report from the California Department of Water Resources on its findings regarding the water table situation in West Bishop. 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 Totheroh 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 – MINUTES*

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of August 16, 2016. Motion carried unanimously 4-0, with 1 abstention from Supervisor Tillemans, who was absent for the August 16 meeting.

*PUBLIC COMMENT*

Chairman Griffiths asked for public comment and there was none.

*BOARD MEMBERS  
AND STAFF REPORTS*

Chairman Griffiths said he attended a Great Basin Air Pollution Control District meeting during which Deputy Air Pollution Control Officer Duane Ono was presented with a retirement gift. Griffiths said he, CAO Carunchio and Supervisor Pucci attended a liaison meeting with the City where they discussed items of mutual interest. He also went with Supervisor Pucci to a Chamber of Commerce installation dinner where Corinna Korpi was installed as the new president. Griffiths said the Millpond Music Festival was a success; no numbers are available yet but food sales were way up. On Friday, Griffiths said he had meetings in Mammoth with the Eastern Sierra Transit Authority, Eastern Sierra Council of Governments, and the ESCOG air service subcommittee – where the representatives had a frank discussion on how to partner for regional air service.

Supervisor Tillemans said ESTA is in good shape and close to reaching an agreement with the bargaining unit. He said he would be the ESCOG subcommittee's social coordinator. He is getting a website together and will be putting together events for the community.

County Counsel Marshall Rudolph said he attended a county counsel conference last week where there was a lot of interesting topics, including the latest changes to conflict of interest regulations. He was on a panel about things that arise during Board meetings and he and other panelists had 20-plus questions to answer that were submitted ahead of time.

Supervisor Kingsley said he attended a meeting in Lone Pine about ambulance staffing and nobody from the community showed up. He said right now Lone Pine Fire can only staff one ambulance and is under no legal obligation to respond to Keeler or Darwin, but probably will anyway. He said the situation is close to a crisis and he is in talks about possible legislation that might reduce some of the burden on EMTs and help departments staff their ambulances. He said Inyo County needs some leadership on this issue out of ICEMA.

**CORRESPONDENCE – ACTION** – CAO Carunchio told the Board that Governor Jerry Brown had already signed AB 1066 into law, thus rendering the request before them moot.

**ADJOURNMENT** – Chairman Griffiths adjourned the meeting at 11:30 a.m., with the Board scheduled to meet next on Tuesday, Oct. 4, 2016 at 8:30 a.m. in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisor

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

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