

# MINUTES



# County of Inyo Board of Supervisors

**October 4, 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 October 4, 2016, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Jeff Griffiths, presiding, Dan Tothoroh, Rick Pucci, Mark Tillemans, and Matt Kingsley.

**PUBLIC COMMENT** Chairperson Griffiths asked for public comment and there was none.

**CLOSED SESSION** Chairperson Griffiths recessed open session at 8:35 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 Section 54956.9 (one case); and 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); 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.

**OPEN SESSION** Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 10:04 a.m. with all Board members present.

**PLEDGE** Assistant Clerk of the Board Ellis 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. The Board had not finished its closed session business, however, and would recess to closed session later in the meeting to continue discussions.

**PUBLIC COMMENT** Chairperson Griffiths asked for public comment. Susanne Rizo of Inyo County Child Support Services thanked all local law enforcement for the assistance they provided the Bishop schools during last week’s lockdown, resulting from a domestic violence suspect hiding out on the Bishop High School campus.

**COUNTY DEPARTMENT REPORTS** HHS Director Jean Turner provided an update on the ongoing Juvenile Services transition. She reported a positive reception from local foster families – at least five of whom stated their willingness to accept teenagers who might need placement – and from HHS and Probation staff, who have completely filled the spots for this fall’s upcoming training.

Planning Director Josh Hart reported that an intensive public workshop for the North Sierra Highway Corridor Plan is scheduled for Wednesday, October 19 at the Cultural Center on West Line Street in Bishop. He handed out flyers for the workshop.

Water Director Dr. Bob Harrington reported there will be an Inyo-L.A. Technical Group meeting at 8 a.m. Thursday, October 13 at the LADWP offices in Bishop. The agenda will include Greenbook Revisions. The Inyo-L.A. Standing Committee will then meet in Los Angeles on Thursday, October 27.

*PROCLAMATION*

Wild Iris requested the Board approve a proclamation declaring October Domestic Violence Awareness Month. Chairperson Griffiths read the proclamation aloud. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to approve the proclamation. Motion carried unanimously. After the vote, Chairperson Griffiths noted that Inyo County has had some traumatic domestic violence incidents this year, including a murder and last week's incident that led to the lockdown of Bishop High School. He called them high-profile reminders of the types of domestic violence that goes on every day. He invited Wild Iris Director Dr. Trina Tobey to speak. She explained that Wild Iris got its name from the flowers that spring up in the valley each year and are then trampled by cattle – the same effect she said domestic violence has on the community as a whole. She provided statistics on crisis hotline calls and noted Wild Iris can't fight domestic violence alone. They need volunteers, indirect service volunteers, monetary donations, and donations of household supplies. She circulated a flyer announcing upcoming volunteer training. Supervisor Kingsley said he always worries about the southeast part of the County because it is so isolated and residents might not want to call for help. Tobey said Wild Iris just hired six new employees, one of which is a traveling advocate who will be visiting those outlying communities and another of which is a youth outreach coordinator who will be visiting all the schools in the County.

*AG DEPT. CONTRACT FOR ECONOMIC STUDY*

This item was pulled from the agenda for additional work. It will be re-introduced at a future meeting.

*HHS RESOLUTION FOR SUD SLIDING FEE SCHEDULE*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Establishing a Sliding Fee Schedule for the Provision of Substance Use Disorder (SUD) Services." Motion carried unanimously.

*PW CONTRACT AWARD FOR JAIL FIRE SPRINKLER HEAD PROJECT*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) award the construction contract for the Inyo County Jail Fire Sprinkler Head Replacement Project to Sierra Fire Sprinkler, Inc. of Bishop, CA in the amount of \$32,736.45; B) do not award the construction contract additive alternative bid for the project to Sierra Fire Sprinkler, Inc. of Bishop in the amount of \$11,164.95 due to funding constraints; C) authorize the Chairperson to execute the contract, contingent upon obtaining appropriate signatures; and D) authorize the Public Works Director to execute all other contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law. Motion carried unanimously.

*BOARD NOMINATIONS OF CSAC BOARD REPS*

Chairperson Griffiths explained that the annual convention of the California State Association of Counties (CSAC) is coming up at the end of November and the Board needed to choose a director and alternate before then to serve on the CSAC Board of Directors. Earlier in the year, the Board approved committee assignments, at which time it appointed Chairperson Griffiths as the CSAC director and Supervisor Totheroh as the alternate. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to nominate Griffiths as the CSAC director and Totheroh as the alternate. Motion carried unanimously.

*TREASURY LOAN TO OLANCHA COMMUNITY SERVICES DISTRICT*

Treasurer-Tax Collector Alisha McMurtrie told the Board that interim loans such as the one requested by the Olancha Community Services District cannot exceed 85 percent of the district's anticipated current fiscal year revenue. She said the Auditor-Controller determined the district's request of \$20,000 does not exceed that amount. She said the loan would provide cash flow to the district for the fiscal year, and noted that the law requires loans of this nature to be approved by the Board. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a resolution titled, "A Resolution of the Inyo County Board of Supervisors approving an Interim Loan to the Olancha Community Services District from the Inyo County Treasury Pursuant to Article XVI (16), Section 6 of the California Constitution." Motion carried unanimously.

Treasurer-Tax Collector Alisha McMurtrie explained to the Board that the Revenue & Taxation Code allows her, with Board approval, to auction off residential property that has been tax-defaulted for five or more years and commercial property that has been tax-defaulted for three or more years. She said the main purpose of the auction, which would be conducted online December 2-5, 2016, was to put the properties back into the hands of assessees who were willing and able to pay their taxes. Secondly, the auction is a means of recouping money the County has already distributed to special districts. McMurtrie said the schools, for example, get almost 50 percent of the taxes the County collects. She discussed the list of properties with the Board, noting that one taxpayer had paid what he owed so his property was removed from the list, leaving 97 parcels to be auctioned off with Board approval. McMurtrie said once the Board approved the list, it could not withdraw its approval nor have any of the properties removed from the auction block. The only entity with the authority to do that is the IRS, she said. McMurtrie pointed out that some of the parcels on the list were actually homes, one of which is currently occupied. Supervisor Kingsley asked what would happen if the Board approved the list and then somebody paid their back taxes. McMurtrie said anyone has until 5 p.m. on December 1 to redeem their properties. She said anything not sold at the auction would be reoffered at a January auction, and the property owners' rights of redemption are reinstated until the date of that reoffer. Pastor Chris Costello of the Oasis of Grace Four Square Church in Bishop told the Board that one of the properties on the list was his home, located next door to the church. He said it should be exempt from property tax assessment because it is a parsonage. He explained that the church tried to file for the exemption in 2010, when Tom Lanshaw was County Assessor. He said Lanshaw was extremely uncooperative, hostile, and vindictive, refusing to even look at the Church's paperwork. He said the Church never even got a written reply from him. When the County got a new Assessor, Costello said he met informally with him to talk about the exemption and was told he would work on it and then two months ago the Assessor stopped taking Costello's phone calls. Costello said he believed he was going through the proper channels and said this should have been resolved six years ago. County Counsel Marshall Rudolph interjected that Costello's exemption request was not on the agenda, and he was basically raising an assessment issue – the proper process for which includes filing an assessment appeal during the appropriate timeframe and then having his case heard by the Board of Equalization. Chairperson Griffiths asked Costello if he was ever told to file an appeal and he said no. Rudolph said that every tax bill includes instructions on how to file an appeal. He said from a Brown Act standpoint, the Board could discuss the property on the list, but the assessment and Costello's failure to pay his property is a matter that has long passed. Phil Lyle, Assistant Assessor, said the issue at hand had nothing to do with religion but rather employee housing. He said the State BOE's opinion as of September 30, 2016 was that employee housing was convenient but not necessary. He also clarified that when claiming an exemption, the taxpayer files for a refund instead of filing an appeal. Rudolph said regardless of the remedy, the law requires property owners to pay their taxes. McMurtrie reminded the Board that the taxes had not been paid in more than five years, and her office had given the property owner a lot of notice. She concurred with Rudolph that a righteous opinion does not relieve someone of their tax obligations. She said if the Board pulled the property from the list, the property owner would get an additional two years before facing consequences for the delinquent taxes. She said there were probably a lot of property owners on the auction list who would appreciate the same consideration. Costello said it was his "bad" for letting the situation go unresolved for so long, but the bottom line was the church did not have the money to pay the taxes and would have no choice but to let the Four Square team of attorneys come in and sue the County. He said none of the appeals process was ever explained to him. Chairperson Griffiths said if the County did its due diligence, then the auction should proceed with Costello's property included. But if the processes and procedures were not explained to Costello, he should maybe be given more time in which to try to redeem his property. Rudolph said regardless of what Costello did or did not know, there were administrative remedies at his disposal that he did not engage. He said it is the individual's responsibility to know what those remedies are. He said notifications are courtesies. Rudolph said you have to continue paying the taxes even if you dispute them. He also said that if you want to sue somebody, you have to have exhausted all administrative remedies first. He said he was not concerned about any exposure to the County in this case. Supervisor Totheroh said he was searching for a way to resolve the matter before the auction but he wasn't hearing any way of doing that besides Costello paying his back taxes and then going through the administrative process. Supervisor Kingsley said he appreciated the position Costello was in, but there were almost 100 other property owners on the list in the same position. He said the good news for Costello was it sounded like he had legal aid at his disposal and was part of a large organization that could maybe shoulder some of the financial burden. Church member Sherry Tiedemann spoke on

Costello's behalf, saying that he tried to resolve this six years ago but it was not easy working with the County. She said not only was the Assessor unresponsive, but his staff was very rude. She said the Church had no intention of defrauding the County of taxes. She also said she would bet her life that numerous churches in the County had the parsonage exemption. She said Oasis of Grace knew what they had to do, and let it go on for too long and they apologize. Lyle clarified that no churches in Inyo County have a parsonage exemption. Chairperson Griffiths said he understands it is everyone's responsibility to know the law, but he was sympathetic to the idea that the remedies were not explained to Costello. He said when he spoke with the Assessor he was told the tax was not appealable at all. Griffiths said pulling Costello's home from the list and giving him two more years to redeem his property wasn't a huge amount of time. McMurtrie cautioned that pulling the parcel would set a negative precedent that could impact other counties as well. Supervisor Tillemans said hopefully Costello could find a remedy at some point, but he felt staff had done a good job and its due diligence. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to conduct a public auction, via the Internet, to offer for sale to the highest bidder certain tax-defaulted parcels of land that are subject to the Tax Collector's Power to Sell, and allow the Tax Collector to reoffer the parcels that don't sell at a later date. Motion carried 4-1, with Chairperson Griffiths opposed.

*D.A. FTE LEGAL  
SECRETARY I-II*

Moved by Supervisor Totheroh 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 Legal Secretary I-II position comes from the General Fund, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) FTE Legal Secretary I, Range 56 (\$3,163 - \$3,839), or one (1) FTE Legal Secretary II, Range 60 (\$3,471 - \$4,216), depending on qualifications. Motion carried unanimously.

*PUBLIC WORKS  
ASSISTANT CIVIL  
ENGINEER I*

Public Works Director Clint Quilter said that not long after the new Assistant Civil Engineer I was introduced to the Board did she take a position out of the area, thus leaving the department with a vacancy. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Assistant Civil Engineer I position comes from the Public Works budget, as certified by the Public Works Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Assistant Civil Engineer I, Range 73 (\$4,709 - \$5,728). Motion carried unanimously.

*CHILD SUPPORT  
OFFICER I-II*

Child Support Services Director Susanne Rizo said that not long after the new Child Support Officer was introduced to the Board did she take a position out of the area, thus leaving a vacancy in the department. She also said this is the fourth recruitment for this position in the last six months. Moved by Supervisor Tillemans 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 the requested Child Support Officer I-II position comes from the non-General Child Support Fund, as certified by the Child Support Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Child Support Officer I, Range 57 (\$3,232 - \$4,027), or Child Support Officer II, Range 60 (\$3,471 - \$4,216), depending on qualifications. Motion carried unanimously.

*HHS BPAR  
BEHAVIORAL HEALTH  
SPECIALIST IV*

HHS Director Jean Turner said this vacancy was the result of a part-time employee being promoted to full-time. She said HHS was proud of its track record in promoting and advancing employees. She said during the last fiscal year, 10 percent of her employees applied for and received promotional opportunities. 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 the requested part-time (BPAR) HHS Specialist IV exists in the non-General Fund Behavioral Health budget as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) part-time (BPAR) HHS Specialist IV, Range 60 (\$3,471 - \$4,216). Motion

carried unanimously.

*HHS PUBLIC  
HEALTH/REGISTERED  
NURSE OPTIONS*

Effective October 14, 2016, the sole nurse currently employed in the HHS Public Health and Prevention division will resign, leaving two full-time nurse vacancies in the division. HHS Director Turner said this request is different given the difficulty the County has had recruiting nurses over the years. She said the recruitment challenges were not unique to Inyo County, but rather experienced nationwide. Turner praised Deputy Personnel Director Sue Dishion and CAO Kevin Carunchio for their hard work and creative approach to filling the upcoming vacancies. She also gave credit to Melissa Best-Baker for her idea to direct-mail flyers to more than 50,000 nurses listed in a database, targeting those nurses from counties whose residents are known to visit Inyo County. Chairperson Griffiths asked about one of the hiring options presented, the CPAR position. Turner explained it is one of the more successful recruitment strategies being used and basically allows nurses to work three, 12-hour days a week. Supervisor Kingsley said the proposal sounds like an interesting approach to attracting professionals and said if the County can be flexible with scheduling and still fulfill its obligations then that was great. 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 the requested positions exists in multiple budgets and does not come from the General Fund, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) two full time nurses at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; two CPAR nurses (at a prorated amount based off of hours worked) at either the Public Health Nurse (Range 80, \$5,559 - \$6,761, up to Step E), or Registered Nurse (Range 78, \$5,303 - \$6445, up to Step E) level, depending upon qualifications; or three BPAR nurses at either the Public Health Nurse (Range PT80, \$29.78-\$36.23/hr., up to Step E), or Registered Nurse (Range PT78, \$28.41-\$34.54/hr., up to Step E) level, depending upon qualifications. Motion carried unanimously.

*HHS SOCIAL  
SERVICES  
REGISTERED NURSE*

HHS Director Turner said this position was being offered through Merit Systems and was also mentioned on the flyer that was to be direct-mailed. She said this vacancy was created by another person who moved here from out of the area and decided the County was not for her. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of non-General Fund Social Services funding for the requested Registered Nurse position exists, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled by an internal candidate, but an open recruitment would be more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) Registered Nurse, Range 78 (\$5,303 - \$6,445). Motion carried unanimously.

*PLANNING  
PRESENTATION ON  
R.O.D. FOR DRECP*

Planning Director Josh Hart offered some background on the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA), noting that the County has been working on the issue with a multitude of participating agencies for many years. He said at the end of 2015, the Board reviewed the Draft Environmental Impact Report (DEIR) and approved the submittal of a protest to the BLM regarding mapping errors/unclear areas for designation, conservation designations, socioeconomic analysis, and coordination with the County. He said the Board subsequently withdrew its protest related to coordination. In its Record of Decision (R.O.D.) for Phase I, released September 14, 2016, the BLM denied the County's protest. Overall, Hart said, the R.O.D. includes little substantive change from the Proposed Action. Some names have been changed ("unallocated" to "General Public Lands," for example), several small Development Focus Areas along U.S. 395 east and north of the Owens Lake were removed, and lands that were designated unallocated in the DEIR had been removed from the General Public Lands list – or, as the Board put it, they were un-unallocated. Chairperson Griffiths asked whether the County could write a letter to the BLM expressing its concern with the R.O.D. Hart said the County's only other real remedy at this point is litigation. County Counsel Marshall Rudolph noted that if the Board did want to pursue litigation, a closed session discussion on the matter would have to be scheduled. Supervisor Kingsley said he thought that, locally, the County has had good interaction with the BLM and he didn't think he wanted to litigate over unallocated or un-unallocated lands. Hart said the real issue from his perspective is the scale of the conservation, which he said locks up most of the BLM lands as

mitigation for projects that are happening outside of Inyo County. He said the County could write another letter but he felt the County had already clearly stated its position on the record and he didn't recommend any additional correspondence. Earl Wilson of Lone Pine commented that it seemed like the same old bait and switch was going on with the BLM changing the names of land designations. He also told the Board that a new West Mojave (WEMO) Route Network Project and Plan Amendment is in the works that does not appropriately manage for tribal interests, i.e. the protection of artifacts. Chairman Griffiths thanked the Planning Department for their years of strong work in regards to the DRECP.

*LEASE AGREEMENT  
BETWEEN COUNTY  
AND JUDICIAL  
COUNCIL*

CAO Carunchio introduced the proposed Lease Agreement by and between the County of Inyo and the Judicial Council of California for the use of County property located next to the Jail. He said should the Board approve the agreement, it would conclude an odyssey the County embarked upon seven-and-a-half years ago and which he said was painfully detailed in the staff report. He said concluding the matter now would not be possible without the counsel, wisdom, and friendship of County Counsel Marshall Rudolph. Carunchio also said that letting the Judicial Council use County property for a new courthouse was good for the community and good for the Superior Court. He noted the agenda item was publicly noticed in the newspaper on September 27, as required by law. Supervisor Tillemans asked whether the Lease Agreement was any indicator of the Judicial Council's plans to not build a brick-and-mortar courthouse in Independence. Carunchio said he thought the Lease Agreement secured one option for the Judicial Council but he wouldn't read too much into it. Supervisor Kingsley asked whether the Courts would actually move forward with a project if the Board approved the Lease Agreement. Carunchio said it depended on who you asked, but the Superior Court reported having a modular facility being stored out-of-county. He also noted the County added a three-year "use-it-or-lose-it" clause to the Lease Agreement, which prompted the Judicial Council to assure the County that it could have a modular facility at the site within that timeframe. Supervisor Kingsley said he hoped the Judicial Council would realize a brick-and-mortar facility was doable, and he wanted confirmation that the Lease Agreement didn't mean there would be no chance that Independence would get an actual courthouse. Carunchio said staff couldn't make commitments on behalf of the State, only continue to reiterate its willingness to make land available for any court facilities at minimal cost. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) find that County-owned property located at 750 S. Clay Street in Independence is not required for use by the County of Inyo; and B) consider the Lease Agreement by and between the County of Inyo and the Judicial Council of California for County property to be used for construction and operation of the new Independence Courthouse and, if approved (4/5<sup>th</sup> vote required), authorize the Chairperson to sign contingent on all appropriate signatures. Motion carried unanimously.

*CAO – MOU FOR USE  
OF HISTORIC  
COURTROOM*

CAO Carunchio provided a brief history of the County and Judicial Council's joint occupancy of the Courthouse and the financial obligations of both parties since 2009. He mentioned the Council's insistence on claiming an equity interest in the Historic Courthouse that must be re-purchased by the County, which has been an impediment to property negotiations. (Carunchio said the County has taken the position to disagree.) He explained that the MOU up for approval basically allows the Superior Court to move out of the Courthouse but still be able to use the historic courtroom for ceremonial purposes. Carunchio said that, in effect, the County would be giving back 20 percent of the Courthouse that the Judicial Council just gave up paying for, but that is the greatness of the Board. Superior Court Executive Officer Pamela Foster thanked the Board for putting up with a cumbersome and difficult process. She noted the move to a new Courthouse has been a long time coming, and will provide better service, security, and ADA access, whether in a modular facility or something grander. Supervisor Tillemans said he appreciated the detail and history included in the staff report, as well as staff representing the County and its best interests. Carunchio added that the County would have full access to the entire Courthouse as it purchased the equity interest. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the Memorandum of Understanding between the County of Inyo and Inyo County Superior Court regarding the disposition and use of the Historic Courtroom post-termination of the Joint Occupancy Agreement for the Historic Courtroom in Independence, and authorize the County Administrator to sign. Motion carried unanimously.

*GULLY WASHER  
EMERGENCY*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci 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 Tillemans 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.

*BOARD CLERK – APPROVAL OF MINUTES* Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the minutes of the regular Board of Supervisors meetings of September 6, 2016, September 13, 2016, and September 20, 2016. Supervisor Totheroh congratulated the Assistant Clerk of the Board for getting the County caught up on its meeting minutes. Motion carried unanimously.

*CORRESPONDENCE – ACTION* The Planning Department requested the Board review the LADWP’s Notice of Intent to Adopt a Mitigated Negative Declaration for the Haiwee Power Plant Penstock Replacement Project and potentially direct staff to prepare correspondence in regards thereto and authorize the Chairperson to sign. After some brief discussion, the Board declined to have staff prepare any correspondence.

*RECESS FOR LUNCH* Chairperson Griffiths recessed the meeting at 12:37 p.m. for lunch and reconvened the meeting at 1:30 p.m. with all Board members present.

*WATER DEPT. GSA WORKSHOP* Water Director Dr. Bob Harrington provided an overview of the goal of the Sustainable Groundwater Management Act (SGMA), which is to achieve sustainable groundwater management, which is defined by the absence of several “undesirable results,” such as degradation of water quality and chronic lowering of groundwater levels. He explained that under SGMA, all local agencies in medium- or high-priority groundwater basins must form Groundwater Sustainability Agencies (GSA) by June 30, 2017 or be subject to state intervention, a very undesirable result itself. Then, by the middle of 2020 or 2022, depending on the overdraft status of the basin, the GSA has to have a Groundwater Sustainability Plan (GSP) in place, and sustainability achieved by 2040 or 2042. Harrington said if a GSA fails to develop a plan, the State steps in and declares a basin probationary and develops an interim plan for that basin until the local agency can get its act together. A “local agency” can be a city, county, water district, etc. Harrington said there is a lot of incentive to take control of the basins because SGMA grants local agencies considerable power and governmental authority, including the ability to implement fees and impose limitations. Harrington said that on July 1, 2017, counties have to declare whether they will be taking responsibility for any unmanaged areas in their basin, because if nobody undertakes the GSA effort it automatically defaults to the counties. Options for meeting the requirements of SGMA include the local agency forming single or multiple GSAs with single or multiple GSPs. He said the law requires that the entire basin be covered by a plan or plans. Los Angeles Department of Water and Power lands are not subject to SGMA because they are considered adjudicated lands, he said. Harrington said the Owens Valley Groundwater Basin extends all the way from Haiwee Reservoir through the Tri-Valleys to Nevada. Harrington said California Department of Water Resources will require that Fish Slough be added as a subbasin. The Tri-Valley Groundwater Management District (TVGMD) will be the exclusive GSA for their area unless they opt out, in which case management would default to Mono County. Harrington stressed to the Board that the County needs to determine its course of action soon, because the County does not want the State coming and charging fees to groundwater users. He recommended consulting this fall with other agencies – Mono County and the TVGMD, for example – holding public meetings/workshops, and then bringing the information gathered back to the Board at the start of the new year. Chairperson Griffiths opened the discussion to public comment. Yaney MacIver of Bishop wanted to know whether SGMA would force Los Angeles to do the mitigation it is supposed to do in the valley but doesn’t. Phillip Anaya questioned whether both adjudicated and non-adjudicated lands have to meet the deadlines set forth by SGMA. He said some interpretations hold that SGMA applies whether land is considered adjudicated or not. He added that when the GSA is formed, LADWP should have an advisory role, while the rest of the governing body should be comprised of Inyo County, representatives of private well owners, Tribal representatives, the TVGMD if it decides not to become an exclusive GSA, the City of Bishop and Mono County. He said Inyo should consider requesting a seat on Mono County’s Board as well. Anaya said this is the best Board of Supervisors to deal with current groundwater issues, and after five years of drought SGMA is the tool the County needs to achieve the sustainability he knows the Board all supports. Grant

Swain of Chalfant Valley said private well owners in his area are worried that SGMA will mean exorbitant taxes. Sally Manning of Bishop didn't care for Dr. Harrington's definitions of SGMA's goals, which she said were too negative. She also said LADWP's lands are not adjudicated, the Long-Term Water Agreement does not regulate pumping and that on/off provisions are only for monitoring sites. She said SGMA will allow a GSA to regulate pumping in the Owens Valley, especially any wells that aren't currently regulated under the Water Agreement. In response to public comment, Harrington said mitigation obligations would be addressed through the quasi-adjudication of the Water Agreement. He said SGMA designated wells that pump fewer than two acre-feet per year for domestic purposes as de minimis wells that are exempt from reporting requirements, meters, and GSAs applying fees to them if they're not regulated under the sustainability plan. Chairman Griffiths asked if two a.f. was a typical amount for a household well and Harrington said it's hard to say since the wells aren't metered but noted that two a.f. is quite a lot of water for domestic use. Supervisor Kingsley commented that a community water system could have 40 users and each one could be using fewer than two a.f. of water but the system itself would not be considered de minimis. Harrington said that is one of the reasons to maintain local control, because the local agencies can control the fee scale and raise the bar for de minimis from two a.f. to 75 a.f., for example, or levy a property tax instead of a pump tax. Kingsley said that the Indian Wells Valley GSA will take approximately \$500,000 to operate, so it's important to remember that any GSA Board will have to impose some kind of fees. Both Supervisors Pucci and Totheroh said the fees threatened by the state were frightening and it was extremely important to avoid state intervention. Harrington said if he moved forward with stakeholder and public meetings, he could be ready at the start of the year to prepare a notification to the State of the County's plans for a GSA and what type of funding it will need. After further discussion, Chairman Griffiths noted it was the consensus of the Board that the County move forward with stakeholder discussions.

*RECESS/RECONVENE* Chairperson Griffiths recessed the meeting at 2:50 p.m. for a brief break and reconvened the meeting at 3:03 p.m. with all Board members present.

*BOARD MEMBERS AND STAFF REPORTS* Supervisor Kingsley reported on the RCRC Conference held September 28-30 in Olympic Valley. He said the auction raised \$41,000, which is a new record. He also said the RCRC Board of Directors took the position of not having a position on Props 64 and 57, which was somewhat controversial and out of character for the Board and was not unanimous. He said the Board is usually more in agreement. Kingsley also mentioned the Planning Department's Specific Plan meetings Wednesday in Charleston View and Thursday in Tecopa.

Supervisor Totheroh said the RCRC conference was good and he felt the common, underlying message was that if leaders are proactive they can save money and save lives.

Chairperson Griffiths said he won the RCRC raffle, and his prize included a basket of wine – including two, 20-liter bottles of wine he doesn't know what to do with – a party boat rental in Trinity County, a basket of boutique soaps, luffas, and nail scrubbers, and a handmade quilt. He also mentioned appearing at two Fifth District events on behalf of Supervisor Kingsley: the send-off for the second phase of Walking Water at the PPG plant south of Lone Pine and a groundbreaking ceremony in Death Valley Junction for a marijuana grow facility the Timbisha Shoshone Tribe plans to erect across the road from the opera house. Griffiths said the facility will have the capabilities of producing 1,000 pounds of product a month.

Supervisor Tillemans said the RCRC Conference including an interesting policy discussion about drones, which he said was something Inyo County should probably put on its radar. He said the idea of their uses here should be explored, and utilizing drones to monitor vegetation could be beneficial.

CAO Carunchio said he always comes back from conferences like these grateful and proud to work for the Board he does. He said he thought the Public Policy Institute of California gave a sobering analysis of the impacts of criminal justice realignment. He said it was interesting to hear about the property related crime bump associated with Prop 47 and said it was not what he expected. Carunchio added that he did have a chance to speak with PPIC Senior Fellow Magnus Lofstrom after the talk to ask him about the trend being observed locally and around the state where Probation Departments' caseloads have decreased by 50 percent or more since the inception of criminal justice realignment. It wasn't something Lofstrom had really taken a look at, Carunchio said, so Inyo County was able to provide the PPIC with its initial analysis. The County is now going back and graphing data year by year to definitively determine whether

the drop can be tracked to Prop 47. Carunchio also noted that the Placer County presentation on continuum of care reform spoke to the Board's leadership in getting out in front of the issue. He said one of the things they do in Placer County that Inyo might want to duplicate is having all letters pertaining to juvenile services and continuum of care jointly signed by the HHS Director and Chief Probation Officer.

Supervisor Kingsley spoke again, noting that "tiny houses" were also discussed at RCRC and are an emerging issue worth looking into. He also said that Paul Smith, RCRC's senior legislative analyst, said he thought Prop 64 would give local governments the most control they'll ever hope to have with marijuana legislation.

*PUBLIC COMMENT*

Earl Wilson of Lone Pine provided follow-up information to the Board on the Desert Renewable Energy Conservation Plan related to the earlier agenda item. He also talked about power towers and solar troughs that are part of solar projects, and noted a power tower actually caught fire at the Ivanpah facility. Supervisor Kingsley said there's no really great way to fight fire 400 feet in the air and the fire ended up burning a big hole in the tower and posing a danger to employees. CAO Carunchio noted how ironic it was that Brightsource resisted paying public safety money, particularly to the Southern Inyo Fire Protection District, when it proposed its large-scale solar facility in Southeast Inyo.

*CLOSED SESSION*

Chairperson Griffiths recessed open session at 3:20 p.m. to convene in closed session with all Board members present to continue discussions on Item #3.

*OPEN SESSION*

Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 3:30 p.m. with all Board members present.

*REPORT ON CLOSED SESSION*

County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported.

*ADJOURNMENT*

Chairperson Griffiths adjourned the meeting at 3:30 p.m., with the Board scheduled to meet next on October 11 at 9:30 a.m. in the County Administrative Center in Independence. The meeting was closed in memory and honor of retired county employee Monty Brannigan, who passed away on Friday, September 30, 2016. CAO Carunchio said Brannigan was a park ranger for the County back when it had a full-fledged parks department. He said he was a loyal employee and fierce advocate for Southern Inyo and upon his retirement in 1982 the Board passed a Resolution recognizing his contributions to the County, which is a rare honor.

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Chairperson, Inyo County Board of Supervisors

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

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