

# MINUTES



# County of Inyo Board of Supervisors

**December 6, 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 December 6, 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* Chairperson Griffiths asked for public comment and there was none.

*CLOSED SESSION* Chairperson Griffiths recessed open session at 8:31 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 (two cases); 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, Information Services Director Brandon Shults, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 4 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – (Government Code Section 54956.8) – Property: APN 010-490-12, Bishop, California. Agency Negotiators: Kevin Carunchio, County Administrator, and Marshall Rudolph, County Counsel. Negotiating parties: Inyo County and Inyo County Development, LLC. Under negotiations: price and terms of payment. County Counsel Marshall Rudolph noted that the closed session item was listed on the agenda request form and agenda with the incorrect APN of 010-490-08. A correction to the agenda was published prior to the meeting.

*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* CAO Carunchio led the pledge of allegiance.

*REPORT ON CLOSED SESSION* County Counsel Marshall Rudolph reported that during closed session agenda item No. 2, the Board, with all members present, voted unanimously to authorize counsel to initiate litigation. He said the Brown Act does not require the County to divulge any more details than that. The Board had also not finished its closed session business, and would recess to closed session later in the meeting to continue discussions.

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

*COUNTY DEPARTMENT REPORTS* Auditor-Controller Amy Shepherd gave a report on Assembly Bill 2476 which was passed in September and which she said won’t have much direct impact on the County. However, cities, other counties, and special districts that are imposing new parcel taxes will now be required to notify anyone who owns a taxable parcel in their district, but who lives outside of the district, about the new taxes. Shepherd also distributed budget books to the Board.

Health and Human Services Director Jean Turner told the Board that Inyo County was cited in a recent report published by CSAC as one of the counties doing a “100 percent job” on the issue of finding healthcare for inmate populations. She also noted she was on a First 5 panel at a conference in Sacramento in November that focused on declining tobacco tax revenue. She said she felt Inyo First 5 is out in front of many counties with regard to the issue. Turner also

said she attended an HHS legislative conference last week where questions about upcoming, potential impacts on federal dollars could not easily be answered.

Planning Director Josh Hart notified the Board that Inyo County won an award through the SunShot SolSmart program for being second in the nation in implementation of local solar. He recognized Assistant Planning Director Cathreen Richards for spearheading the County's program and working with Building and Safety to expedite the permitting process. Hart also recognized the leadership efforts of Chairperson Griffiths. He distributed to the Board copies of a press release that was sent to local media.

County-Recorder Kammi Foote reported that SB 2 was introduced into the California legislature yesterday. She said the bill should be familiar as it's been introduced and defeated the last three cycles. Defeating it this year will be more difficult because of the makeup of the legislature, she said. The bill imposes a \$75 tax on all documents recorded with the County with the exception of new home purchases. Examples of documents that can be taxed are refinances, affidavits of deaths, and mining claims. She said an individual came into her office yesterday and filed 500 mining location notices for \$7,000. Had the bill passed last year, he would have had to pay \$44,500. Foote said she has already reached out to the Pepperdine and Davenport institutes in an effort to form a working group that can look for a resolution to the issue so that it is not rehashed every year.

Museum Director Jon Klusmire gave an update on the engine house being built at the Eastern California Museum. He said when the Slim Princess is eventually relocated from Dehy Park, the museum will probably have a public celebration. He noted the relocation overall will be a good promotional effort for the museum and County as a whole. He also addressed security concerns, and noted the train would be in a well-lit area in the vicinity of both security cameras and law enforcement. Klusmire also provided a brief update on the Community Project Sponsorship Program grant application process, noting he hoped to be back in December with projects for funding approval. He also reported the Big Pine America Legion stepped up to host a derby in Big Pine.

Chief Probation Officer Jeff Thomson said Probation would be having its second Moral Recognition Therapy training course graduation tonight – the culmination of adult probationers meeting with staff every Tuesday night for 24 weeks. He also noted that Shop with a Cop would be happening this weekend.

Dr. Bob Harrington said he attended a meeting in Olancho regarding the Lahontan Water Quality Control Board's investigation of CG Roxane's unpermitted arsenic disposal pond. He said Lahontan was requiring CG Roxane to do series of investigations there and the results overall showed that the arsenic was staying near the surface, the highest concentrations tended to be near the dry lake, and the groundwater moves laterally away from domestic wells in Cartago. He said the findings should provide a lot of reassurance to the residents there. Harrington also noted that while there are reports indicating precipitation levels are way above normal in Northern California, the local snowpack is still about 47 percent of normal.

#### *INTRODUCTIONS*

Marilyn Mann of HHS introduced Alisa Rodriguez, Health and Human Specialist III, and Sally Faircloth, Office Clerk III, to the Board. Public Works Director Clint Quilter introduced Denver Brown, Equipment Operator, Bodie Kruse, Equipment Operator, and Steve Loven, Airport Tech, to the Board.

#### *PRESENTATION – DR. LISA FONTANA, ICSOS*

Inyo County Superintendent of Schools Dr. Lisa Fontana introduced the ICSOS' One Million Acts of Kindness Program. She said the idea is to recognize acts of kindness seen all over the county. There were three motivating factors for the program, she said: 1. She has met the kindest people since moving here in July; 2. A high school student said she has experienced hate at her school; and 3. A plea from the State level to promote harmony, because schools are seeing an uptick in bullying of minorities since the presidential election. Fontana said residents are encouraged to record acts of kindness by visiting [www.inyokindness.us](http://www.inyokindness.us) and clicking a button. She said as of this morning, 98 acts of kindness had been registered. Supervisor Tillemans said he thought the program was wonderful and registered the 100<sup>th</sup> act of kindness via his smart phone. Chairperson Griffiths thanked Fontana for her initiative.

*REGISTRAR OF VOTERS – STATEMENT OF VOTES CAST* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to issue an order accepting the Statement of All Votes Cast at the Presidential General Election held November 8, 2016 and declare elected those officials under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.

*CAO – ALLAN D. KOTIN & ASSOC. AMENDMENT 10* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 10 to the contract between Allan D. Kotin & Associates and the County of Inyo, extending the term of the contract an additional 18 months to June 30, 2018, and authorize the Chairperson to sign contingent upon appropriate signatures being obtained and the Board’s adoption of future budgets. Motion carried unanimously.

*CAO – PERSONNEL – MOU WITH DSA* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the July 1, 2016 to June 30, 2019 Memorandum of Understanding between the County of Inyo and the Deputy Sheriff’s Association and authorize the Chairperson to sign. Motion carried unanimously.

*CAO – PUBLIC DEFENDER AMENDMENTS 1* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the following amendments for public defender services: A) Amendment No. 1 between the County of Inyo and Sophie C. Bidet for the Provision of Professional Services as a Public Defender (Misdemeanors – North County), extending the end date to June 30, 2020 and increasing the contract amount by \$432,000, pending adoption of future budgets, and authorize the Chairperson to sign; B) Amendment No. 1 between the County of Inyo and Kristine L. Eisler for the Provision of Professional Services as a Public Defender (Felonies), extending the end date to June 30, 2020 and increasing the contract amount by \$450,000, pending adoption of future budgets, and authorize the Chairperson to sign; and C) Amendment No. 1 between the County of Inyo and Josh D. Hillemeier for the Provision of Professional Services as a Public Defender (Misdemeanors – South County), extending the end date to June 30, 2021 and increasing the contract amount by \$540,000, pending adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

*I.S. – TECH REFRESH DESKTOP/LAPTOP PURCHASE* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the purchase of 75 desktop computers and 67 laptop computers and associated peripherals from Dell in an amount not to exceed \$138,265, pursuant to the technology refresh initiative. Motion carried unanimously.

*I.S. – JALAN SUPPORT RENEWAL* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the renewal of support services for licensed programs referred to as the JALAN Criminal Justice System from Sungard Public Sector, Inc., for the period of December 1, 2016 through November 30, 2016, in an amount not to exceed \$25,313. Motion carried unanimously.

*CAO/COUNTY COUNSEL – GREG JAMES AMENDMENT 6* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 6 to the contract between Gregory L. James, Water/Environmental Attorney-Natural Resources, and the County of Inyo, extending the term of the contract an additional 18 months through June 30, 2018, and authorize the Chairperson to sign contingent upon appropriate signatures being obtained and the Board’s adoption of future budgets. Motion carried unanimously.

*CAO/PLANNING – GRUEN + GRUEN AMENDMENT 16* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 16 to the contract between Gruen Gruen + Associates (GGA) and the County of Inyo, extending the term of the contract an additional 18 months through June 30, 2018, and authorize the Chairperson to sign contingent upon appropriate signatures being obtained and the Board’s adoption of future budgets. Motion carried unanimously.

*D.A. LEGAL SECRETARY II STEP INCREASE* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the E Step for newly hired Legal Secretary II in the District Attorney’s Office, authorizing a change from Legal Secretary II, Range 60, Step C (\$3,823), to Range 60, Step E (\$4,216). Motion carried unanimously. CAO Carunchio clarified that the agenda request form, and subsequently the agenda, mistakenly requested the position be changed from Legal Secretary II, Range 60, Step C, to Range 70, Step E. He said the Range would remain at 60.

*D.A. – OES GRANT ACCEPTANCE* Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) authorize acceptance of the Inyo County Victim/Witness Assistance Program (VW16150140) Grant from the Governor’s Office of Emergency Services for Fiscal Year 2016-2017; B) amend Fiscal Year 2016-2017 Budget Unit 620416 as follows: increase estimated revenue in State Grants (4498)

by \$28,164, increase appropriations in Medical Insurance by \$75, increase General Operating Expenses by \$1,791, and vehicle revenue in Vehicles (5655) by \$26,298 (4/5ths vote required); and C) authorize District Attorney Thomas L. Hardy to sign any documentation to accept and utilize the grant on behalf of the County. Motion carried unanimously.

**HHS – TELEMEDICINE PILOT PROJECT FUNDING APP** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Department to submit an application for the County Medical Services Program County Wellness and Prevention Pilot Project, for a three-year funding allocation of \$150,000, to be used to support telemedicine infrastructure throughout Inyo County, including in the jail. Motion carried unanimously.

**PLANNING – USGS JOINT FUNDING AGREEMENT** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Chairperson to sign the Joint Funding Agreement with the U.S. Geological Survey for wells and springs monitored in the Amargosa Desert, in the amount of \$8,000. Motion carried unanimously.

**PLANNING – YUCCA MTN. FUNDING USE CERTIFICATION** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) certify that \$109,784.30 in funds provided to Inyo County as an Affected Unit of Local Government under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provisions of that Act, Public Law 97-425; and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); B) authorize the Chairperson to sign the certification; and C) direct staff to submit the certification to the U.S. Department of Energy. Motion carried unanimously.

**PLANNING – AZAI ASSIGNMENT OF AGREEMENT TO PARTNER ENGINEERING** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the Chairperson to sign the correspondence from Andy Zdon & Associates, Inc. (AZAI) approving assignment of the agreement between the County of Inyo and AZAI for the provision of hydrological consulting services to Partner Engineering & Sciences, Inc. Motion carried unanimously.

**PW – FFA FLIGHT INSPECTION AGREEMENT** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) accept the agreement with the Federal Aviation Administration to pay \$40,535.88 for the commissioning flight inspection of the Precision Approach Path Indicators on Runways 17/35, 12/30, and 08/26 and the Runway End Identifier Lights on Runways 17/35 and 12/30 at Bishop Airport (KBIH), Bishop, CA; B) authorize the Public Works Director to sign the agreement, contingent on the appropriate signatures being obtained; and C) authorize the payment of the invoice in advance of the flight inspection. Motion carried unanimously.

**PW – COUNTY ROOFING PROJECT PLANS & SPECS** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the plans and specifications for the County Buildings Roofing Project and authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.

**PW – QUINCY ENGINEERING AMENDMENT 1** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve Amendment No. 1 to County of Inyo Standard Contract No. 156 between the County of Inyo and Quincy Engineering to increase the amount of the contract \$45,900 for a total not-to-exceed amount of \$140,650, contingent upon the adoption of future budgets, and authorize the Chairperson to sign contingent on the appropriate signatures being obtained. Motion carried unanimously.

**PW – INDEPENDENCE RUNWAY CRACK REPAIR NOC AND RESO** 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 Authorizing the Recording of a Notice of Completion for the Independence Airport-Runway 14-32 Pavement Crack Repair, Sealing and Markings Project.” Motion carried unanimously.

**SHERIFF – MORPHOTRUST SOLE SOURCE** Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) declare MorphoTrust USA, Inc. as the sole-source provider for the purchase of a new Livescan Fingerprint machine to be located at the Bishop Police Department and; B) approve the purchase of a new Livescan Fingerprint machine from MorphoTrust USA, Inc., in the amount of \$34,024.84 (includes shipping and tax). Motion carried unanimously.

**HHS – BEHAVIORAL HEALTH FULL-TIME RESIDENTIAL CAREGIVER** HHS Director Turner said she was requesting permission to backfill an existing position that would become vacant during the holidays due the retirement of a longtime employee. She said any vacancy at Progress House would result in overtime for existing staff. 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 a Residential

Caregiver position exists in the non-General Fund Mental Health budget, as certified by the Health and Human Services Director and concurred with the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment though an open recruitment may be required if there are no internal candidates; and C) approve the hiring of one full-time Residential Caregiver, Range 53 (\$2,950 - \$3,587). Motion carried unanimously.

*HHS - BEHAVIORAL  
HEALTH SOCIAL  
WORKER IV/  
PSYCHOTHERAPIST*

HHS Director Turner explained that an employee who previously retired and returned to the department was now retiring for good, leaving a vacant position in Behavioral Health. 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 a Social Worker IV/Psychotherapist position exists in the non-General Fund Mental Health budget, as certified by the Health and Human Services Director and concurred with the County Administrator and Auditor-Controller; B) whereas it is unlikely that the Social Worker IV/Psychotherapist position could be filled by internal candidates meeting the qualifications for either level of the position, an open recruitment would be appropriate to ensure qualified applicants apply for that specialized position; C) approve the hiring of one full-time Social Worker IV at Range 73 (\$4,709 - \$5,278) or Psychotherapist at Range 81 (\$5,692 - \$6,921), depending on qualifications; and D) if the candidate is hired as a Social Worker IV (which also serves as a Psychotherapist Intern), authorize the Department to advance the position to Psychotherapist upon completion of internship and meeting California licensure requirements. Motion carried unanimously.

*HHS- SOCIAL  
SERVICES  
SPECIALIST III*

HHS Director Turner reported another vacancy as a result of an employee who lives in Mammoth no longer wanting to commute to Inyo County for work. 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 an HHS Specialist III position exists in the various non-General Fund HHS and one General Fund budgets, as certified by the Health and Human Services Director and concurred with by the County Administrator, and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, but as a State Merit System position, an external recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one HHS Specialist III, Range 57 (\$3,232 - \$3,927). Motion carried unanimously.

*PW – ROAD DEPT.  
ROAD MAINT.  
SUPERVISOR  
DELETION/  
EQUIPMENT  
OPERATOR LEAD  
ADDITION*

Public Works Director Quilter explained that any time there is a change in position in the Road Department, he takes a look at where the Department can save money. He said the current authorized strength ratio is off and this request should help fix that. He said he assumed the Department could be successful in recruiting internal candidates to fill the requested positions, and then backfill resulting vacancies. Supervisor Kingsley said he appreciated Quilter's ongoing attempts to re-evaluate staffing levels and structure. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans for the Board to: A) change the authorized staffing for the Road Department by deleting one (1) Road Maintenance Supervisor position (Range 71) and adding one (1) Equipment Operator Lead position (Range 66); B) find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for the requested Equipment Operator Lead position comes from non-General Fund sources and exists in the Road Budget if the Road Maintenance Supervisor position is deleted, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates meet the qualifications for the position, the vacancy should be filled through an internal recruitment; 3) approve the hiring of one (1) full-time Equipment Operator Lead position, Range 66 (\$3,987 - \$4,853); and C) find, upon filling the Equipment Operator Lead position, that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for an Equipment Operator I/II position comes from non-General Fund sources and exists in the Road Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates may meet the qualifications of the position the vacancy could be filled through an internal recruitment, however there exists a list of qualified applicants from the recent join Road/Solid Waste recruitment that, if used, will add talent to the department; and 3) approve the hiring of one (1) full-time Equipment Operator I/II position, Range 58 (\$3,310 - \$4,027) to Range 60 (\$3,471 - \$4,216). Motion carried unanimously.

*PW – ROAD  
DEPARTMENT ROAD*

Public Works Director Quilter said one of the road supervisors will be retiring effective January 1 so he is asking to backfill the position. He said there was a total of five supervisor positions and

*SUPERVISOR*

by the Board's action on the previous agenda item, No. 32, it eliminated one, leaving four total. He said he thinks he can get the department down to just three supervisor positions at some point. 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 a Road Maintenance Supervisor position exists in the Road Budget, certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) authorize an internal recruitment for the position; and C) approve the hiring of one full-time Road Maintenance Supervisor, Range 71 (\$4,493 - \$5,462). Motion carried unanimously.

*PLANNING –  
ASSOCIATE PLANNER*

Planning Director Josh Hart told the Board one of the department's associate planners is relocating to Mammoth. He said the planner's last day will be December 16 and he will be missed. Moved by Supervisor Pucci and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Associate Planner position exists in the Planning Department General Fund budget, as certified by the Planning Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, however an external recruitment is more appropriate; C) approve the hiring of one Associate Planner at Range 74 (\$4,731 - \$5,750), dependent upon qualifications; and D) authorize the filling of an Associate Planner. Motion carried unanimously.

*PLANNING –  
RESPONSE TO DOE'S  
NUKE WASTE  
DISPOSAL EIS*

Planning Director Josh Hart explained to the Board that Inyo County has had a robust program, in which a lot of resources have been invested for many years, to examine the groundwater issues in Amargosa Valley, specifically potential harmful impacts from the Department of Energy (DOE) storing high-level nuclear waste underneath nearby Yucca Mountain. In 2008, the Nuclear Regulatory Commission (NRC) issued a report concluding the DOE didn't adequately address groundwater issues in its Environmental Impact Statement, which eventually resulted in a draft Supplemental EIS being released for public review in August 2015. Hart said the County submitted comments at that time, expressing concerns raised by County hydrogeologists, noting potential impacts to Southeast Inyo communities and identifying social justice concerns for low-income communities and Native American tribes. Hart said staff and County consultant Andy Zdon & Associates have now reviewed the Final SEIS and find the NRC once again did not adequately address the County's concerns. Hart said in his estimation, the NRC said the County was wrong and basically Planning staff feels that is inappropriate. Staff presented a draft response letter indicating as much for the Board's review. Hart noted that while the environmental review process for groundwater issues is now essentially over, sending the letter preserves the County's right to object during licensing proceedings if proceedings presume. There were further discussions regarding the status of the Yucca Mountain project, which has been essentially dormant save for mandated environmental work but which might see a revival given the retirement of Nevada Senator Harry Reid and a change in the presidential administration. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to authorize the Chairperson to sign correspondence in regards to the Final Supplemental to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. Motion carried unanimously.

*ENACTMENT OF  
ORDINANCE 1202 –  
COMMERCIAL  
CANNABIS TAX*

Per Measure I, which was approved by 64 percent of the voters on November 8, 2016, the Board was asked to enact Ordinance No. 1202. The ordinance essentially establishes a 5 percent gross receipts tax on commercial cannabis operations. Supervisor Tillemans explained that the County is unsure of what its administrative costs will be if it allows commercial cannabis operations, and needs to know it can at least break even. CAO Carunchio reiterated that the tax is general revenue the County can use to offset its costs for regulating commercial operations. Tecopa resident Steve McNeill said the licensing/tax system is moving at lightning speed in Nevada, where tax proceeds are going to help school districts and the like. He thanked the County for looking into permitting commercial operations. Supervisor Kingsley said he was proud of Inyo County for being one of the counties at the forefront of the statewide issue and thanked County Counsel Rudolph and his staff for putting Measure I together on such short notice. He noted that during the preceding weekend's CSAC conference, one of the forums on Prop 64 was so well attended there was not enough room for the all the supervisors who wanted to attend. Kingsley said he thought Inyo County could address the issue in a way that would benefit everyone. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to enact Ordinance 1202: "An Ordinance of Inyo County, State of California, Adding Chapter 3.50 to the Inyo County Code Pertaining to Taxes on Commercial Cannabis Businesses."

Motion carried unanimously.

**PLANNING – REVIEW  
PROP 64, MEASURES  
G&H RE:COMMERCIAL  
CANNABIS**

Michael Draper with the Planning Department presented an overview of the County's options in the wake of Prop 64 passing in the November election and legalizing adult cannabis use and local voters indicating through two advisory questions that the County should regulate both recreational and medicinal marijuana operations. Draper explained that retail sales will become legal on January 1, 2018, at which time the state will implement a 15 percent excise tax as well as a cultivation tax. The law will allow local jurisdictions to ban outdoor cultivation entirely if they want, or allow it through permissive zoning. The County can also place a moratorium on commercial operations for up to two years, but since they don't become legal until 2018, the only reason to do that would be to buy more time to further study the issue. Draper explained that implementing any sort of regulatory structure will involve several departments, including Environmental Health, the Ag Department, Sheriff's Department, and Public Works. A couple of options for moving forward include establishing a marijuana overlay zone or allowing commercial operations through a Conditional/Special Use Permit. He said the Planning Department recommends procuring the services of a technical expert and initiating an outreach effort to seek input from affected communities. He said the County should proceed as expeditiously as possible. CAO Carunchio said if the Board decides to hire a consultant, it should act quickly. Chairperson Griffiths agreed, noting these types of services are going to be in high demand. Carunchio said he could have a contract back for the Board's approval by the end of the year. He suggested holding a workshop to discuss the scope of issues and then in the new year holding neighborhood-by-neighborhood meetings to narrow down those issues to see if one-size-fits all regulations will work or if they need to be neighborhood-specific. Alena Wagener of PALS Collective asked to be kept in the loop regarding the local 5 percent gross receipts tax that is supposed to take effect in January 2017 courtesy of the County's Measure I, which CAO Carunchio pointed out allows the County to tax operations that are considered illegal until 2018. He said the safest thing for Wagener to do would be to contact Tax Collector Alisha McMurtrie. McMurtrie said she will be putting out press releases, and will help in any way, shape or form. She also said she was happy to see a vendor being proactive and willing to pay their taxes. She also noted she will have a form for commercial operators to fill out that will be very simple.

**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**

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 – APPROVAL  
OF MINUTES**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the minutes of the regular Board of Supervisors meeting of November 15, 2016. Motion carried unanimously.

**PUBLIC COMMENT**

Chairperson Griffiths asked for public comment and there was none.

**CORRESPONDENCE –  
ACTION**

The Planning Department asked that the Board review the Scoping Notice for the Inyo National Forest's Oak Creek Post-Flood Stream Restoration Project, and potentially direct staff to prepare correspondence in regards thereto and authorize the Chairperson to sign. Planning Director Josh Hart said the project, among other things, consists of widening the flood plain. He said he was not aware of any issues that should be cause for concern. He said it does appear the Forest Service will not be doing any formal environmental review. The Board declined to direct staff to draft any related correspondence.

**BOARD AND STAFF  
REPORTS**

CAO Carunchio said he attended a really good CSAC conference. Among his fellow CAOs, there is growing angst and concern over the Affordable Care Act possibly being repealed and what impacts that will have on counties – including the loss of \$14 billion in underpinnings.

Health and Human Services budgets will be hit especially hard. Carunchio said the best case scenario would be eliminating the ACA over a two-year period so the rug isn't pulled out immediately, especially on top of an almost \$2 billion shortfall projected in the State budget. He added that he needed to follow up with HHS Director Jean Turner regarding all the talk surrounding Medicaid assistance for inmate healthcare.

Supervisor Pucci reported that there was discussion at CSAC about the State possibly subsidizing some of the costs of establishing cannabis regulations at the local level. He said he doubted that would ever happen and thought the County should continue moving forward and apply for funding assistance if it can, but not count on it.

Supervisor Kingsley said when he was at the meeting regarding the CG Roxane arsenic investigation and he could definitely feel much less tension in that community. He noted one former Grand Juror was in attendance. On Thursday, he would be attending an Indian Wells Valley Groundwater Sustainability Agency meeting.

Chairperson Griffiths reviewed the CSAC vote for second vice president, which resulted in the election of Keith Carson from Alameda County. He planned to attend a Continuum of Care meeting for the Homelessness Coalition and the City-County Liaison Committee, and on Thursday a Sierra Nevada Conservancy Board meeting in Auburn. He also reported on the trip to Washington, D.C. that he, Carunchio and Supervisor Kingsley took. He said they had some of the best access to legislators they've ever had, including Senator Cantwell and Senator Feinstein, who politely and firmly refused to separate the Alabama Hills bill out of her larger bill. Griffiths said he reached out to her staff yesterday to implore once more for the separation. The supervisors also had good meetings with staff in the Commerce Department regarding Digital 395 and broadband, and nice visits with the Department of the Interior about energy corridors.

Supervisor Kingsley said Congressman Cook's office is working hard to get Senator Feinstein to pull the Alabama Hills bill from her legislation so that it can pass as a stand-alone. The two staffs were supposed to have discussions today.

The Board agreed to cancel the December 27 meeting.

*CLOSED SESSION*

Chairperson Griffiths recessed open session at 12:31 p.m. to convene in closed session with all Board members present to continue discussions from earlier.

*OPEN SESSION*

Chairperson Griffiths recessed closed session and reconvened the meeting in open session at 1:27 p.m. with all Board members present.

*REPORT ON CLOSED SESSION*

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

*ADJOURNMENT*

Chairperson Griffiths adjourned the meeting at 1:27 p.m. to Tuesday, December 13, 2016 at 8:30 a.m. at 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*

