

# MINUTES



# County of Inyo Board of Supervisors

**March 28, 2017**

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 March 28, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Tothoroh, Rick Pucci, Jeff Griffiths and Matt Kingsley.

*PUBLIC COMMENT* Chairperson Tillemans asked for public comment during the first public comment period.

Rick Phelps, executive director of the High Sierra Energy Foundation and Eastern Sierra Energy Initiative, announced that effective May 1, Pam Bold, Efficiency Programs & Special Projects, will be the new Executive Director as he is moving to Central Oregon. He said Bold is very knowledgeable and well prepared to continue the Foundation's efforts. Bold distributed materials to the Board outlining energy-efficiency tips and programs available to consumers through the Eastern Sierra Energy Initiative's partnership with Southern California Edison. She noted there are income-eligible energy programs available through the Inyo-Mono Advocates for Community Action and encouraged residents to check their first. She said she looked forward to continuing to engage Inyo County on energy efficiency and noted the Initiative will be doing continued outreach efforts this spring and summer. Supervisor Griffiths said Phelps will be missed but he is happy to see the programs moving forward under Bold's leadership.

Chris Wickham, past president and lead negotiator with the Inyo County Employees Association, announced he was there to deliver ICEA's last and final wage offer to the Board, unfiltered by administrative staff: 2 percent, 2 percent, and 2 percent across-the-board wage increase for years 1 through 3 respectively with a 350-hour threshold for sick leave buyback. The County has offered 1 percent, 1 percent, and 2 percent for years 1 through 3, respectively. He said the ICEA proposal is 7/10<sup>th</sup> less than the current Consumer Price Index and noted the ICEA has reduced its proposal several times while the County has increased its once. He also accused the County of stalling with an "embarrassing, not generous" 1 percent COLA offer, delaying bargaining by not accepting the offer to negotiate on weekends, and isolating the Board. He added that the proposal on today's agenda to frontload a \$4.5 million payment to cover CalPERS unfunded liability costs over the next 20 years is evidence of the County's fiscal competence.

Janelle Kent, current ICEA President and HHS Behavioral Health employee, said she has been committed to this County for 16 years, working in the trenches alongside other front-line employees who do phenomenal work on behalf of community members. She said the ICEA membership is dismayed and angered by what they feel is a disregard for the value of County employees and a lack of respect for the work they do. She mentioned the recent recruitment for RNs which she characterized as both unsuccessful and a waste of staff time and financial resources, and also asked the Board to consider how insufficient wages affect the local economy through weak local buying power. She said Inyo County residents live in a tourist and service economy and pay tourist prices. The County's proposed COLA adjustments do not help the majority of County employees keep up with those prices, she said.

Laura Wieggers, an HHS Behavioral Health nurse and union steward, said she had been asked to read three statements by her coworkers. The first was from "HHS Public Health and Prevention" in which they noted they were performing hard jobs dealing with people in crisis on a daily basis, yet, a lot of them were single parents who could not afford working vehicles. They said the 1 percent COLA adjustment is not sufficient to be able to continue living and raising families in tourist-priced communities. The second statement was from "Integrated Case Workers" who said the County cannot retain employees because of lack of morale and

stagnant pay scales. They said many workers, despite excellent job performance, have been at the same pay rate for many years, and find it difficult to pay bills when minimum wage increases impact the prices of local goods and services. The third statement contained "Nursing Concerns." Wieggers said the pay being offered for specialized nursing positions is not competitive with other positions in this area. She said flexible scheduling and knowing their work is appreciated and valued at the top levels – and that the County does care about what is right and fair to keep up with rising costs and inflation – would also go a long way to helping retention efforts. She also mentioned that the idea that every employee in Inyo County is replaceable is a myth, and asked the Board to remember what happened at Northern Inyo Hospital over the last few years as employees grew discontent. She said ICEA wants an agreement without a fight and looking at all sides, and asked the Board to come to a fair contract decision for employees and the community they serve.

Robert Bowman, a 12-year County psychotherapist, said two things in particular concern him: 1. The already low pay of administrative staff, who work hard in an area with a high cost of living; and 2. The difficulty in recruiting professionals to work for the County. He said other agencies in the community expect HHS to deal with the most at-risk populations on the front-lines, so the County definitely needs to be able to hire good, long-term professionals.

*CLOSED SESSION*

Chairperson Tillemans recessed open session at 8:49 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 3 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: Information Services Director.

*OPEN SESSION*

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:14 a.m. with all Board members present.

*PLEDGE*

Chairperson Tillemans 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 Tillemans asked for public comment during the second public comment period and there was none.

*DEPARTMENT HEAD REPORTS*

HHS Director Jean Turner said the proposed Meals on Wheels cuts at the federal level will not affect Inyo County's home delivery program, but they will impact some community development block grants that are received by Inyo-Mono Advocates for Community Action. Supervisor Griffiths noted that the low-income energy program cited earlier by the High Sierra Energy Foundation is proposed for elimination along with most programs offered by IMACA.

*PARKS & REC – SOLE-SOURCE BEAR SAVER BINS*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to declare Bear Saver as a sole-source provider for the purchase of 10 trash/recycle bins for the County campgrounds and authorize the purchase of 10 Bear Saver trash/recycle bins in the amount of \$10,283. Motion carried unanimously.

*HHS-FISCAL – AGREEMENT NO. 17-94013 FOR MEDI-CAL ADMIN SERVICES*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) approve Agreement No. 17-94013 between the County of Inyo and Department of Health Care Services, for the contract from July 1, 2017 through June 30, 2020 for the maximum amount of the agreement reimbursement of \$600,000, for approved Medi-Cal Administrative Activities; and B) authorize the Board Chairperson to sign the Standard Agreement, California Civil Rights Laws Certification and Contractor Certification Clause 307, contingent upon the adoption of future budgets. Motion carried unanimously.

<i>HHS-SOCIAL SERVICES – SECOND PITNEY BOWES BLANKET P.O.</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize the issuance of a second blanket purchase order for Pitney Bowes in the amount of \$5,000 for postage in the Social Services Programs for Fiscal Year 2016-2017. Motion carried unanimously.
<i>PW – DAVE’S AUTO PARTS BLANKET P.O. INCREASE</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize an increase in the existing blanket purchase order for Dave’s Auto Parts by \$2,000 from multiple budgets within the Public Works Department, for a total amount not to exceed \$32,000. Motion carried unanimously.
<i>PW – ANNEX BUILDING FLOORING PROJECT CONTRACT BID AWARD</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) award the construction contract for the base bid for Annex Building Flooring Project to Michael Flooring Inc. of Bakersfield, California in the amount of \$131,263; B) do not award the construction contract additive bid item no. 1 for the project to Michael Flooring Inc. of Bakersfield, California in the amount of \$67,915 due to funding constraints; C) authorize the Chairperson to execute the contract, contingent upon all appropriate signatures being obtained; 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.
<i>SHERIFF – KMART BLANKET P.O.</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a blanket purchase order to Kmart in the amount of \$13,800. Motion carried unanimously.
<i>SHERIFF – ADAMSON SOLE-SOURCE &amp; RATIFICATION</i>	Sheriff Lutze presented a request regarding law enforcement supplies. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to declare Adamson Industries of Los Alamitos a sole-source vendor for law enforcement supplies and ratify payments to Adamson in the amount of \$16,660.12. Motion carried unanimously.
<i>HHS-PUBLIC HEALTH – STANDARD AGREEMENT FOR HIV/AIDS SURVEILLANCE</i>	Melissa Best-Baker, HHS Senior Management Analyst, explained that the Standard Agreement between the County and the California Department of Public Health for HIV/AIDS surveillance services is a standard contract entered into between the two entities every year. She said the contract is arriving to the Board late because it was not provided to the County until February 2017. Supervisor Kingsley asked her to provide a brief overview of the surveillance program. She said Public Health has the responsibility for tracking communicable diseases, and must investigate reported HIV/AIDS cases, make ongoing updated reports to the State, conduct surveillance visits or contacts to reporters such as physicians and clinics, and disseminate local information related to disease rate and trends. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to ratify Standard Agreement No. 16-10772 between the County of Inyo and California Department of Public Health for the provision of HIV surveillance services for a total grant amount of \$14,898 for the period of July 1, 2016 through June 30, 2019, contingent upon the Board’s approval of future budgets, and authorize the Chairperson to sign the Standard Agreement, Contractor Certification, and the Darfur Contracting Act Certification. Motion carried unanimously.
<i>PW – UPPER TRONA WILDROSE RD. PLANS, SPECS &amp; ADVERTISE</i>	Public Works Director Clint Quilter said Upper Trona Wildrose repairs are the last remaining from the Gully Washer Emergency. He said it has taken the County a long time to get through the demanding BLM and National Park Service permitting processes. He said Public Works plans to open the bids on April 12 and then bring back a recommended award for Board approval. State OES money will pay for 75 percent of the project with a 25 percent match. Supervisor Kingsley said he wanted to get this going as quickly as the County can, and moved, with a second from Supervisor Totheroh, that the Board adopt the plans and specifications for the Upper Trona Wildrose Road 2013 Storm Damage Project and authorize the Public Works Director to advertise for bids for the project. Motion carried unanimously.
<i>TREASURER-TAX COLLECTOR – SEALED BID AUCTION OFFER</i>	Treasurer-Tax Collector Alisha McMurtrie explained that on October 4, the Board approved a public online auction of tax-defaulted property with a certain parcel on the list. She said it was her error at that time not to ask for a sealed bid auction for the parcel since it does meet various eligibility criteria for a sealed bid auction and a contiguous property owner had approached her years ago with an interest to purchase the property if it ever defaulted. McMurtrie said when the property went to the online auction, the contiguous property owner got in touch with her office. McMurtrie said with small parcels such as these, she believes in doing what is right for the community while still getting a return for taxpayers. She noted that the minimum sealed bid does cover the delinquent taxes, recording fees, and other costs. Kathy Goss of Darwin, the

contiguous property owner, said she has tried for years to purchase the historic building on the property in order to restore it and stabilize it for the community. She offered her gratitude to McMurtrie and the Board for their consideration. Supervisor Kingsley said he appreciated her willingness to take on such a service to her community. Supervisor Griffiths said he was supportive of the sealed bid auction because it benefits taxpayers, the community of Darwin, and the historical structure on the property. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to authorize the Treasurer-Tax Collector to conduct a sealed bid auction 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. Motion carried unanimously.

**AUDITOR-  
CONTROLLER/CAO –  
20-YEAR UNFUNDED  
LIABILITY PAYMENT  
PLAN AND FY17/18  
LUMP SUM**

Auditor-Controller Amy Shepherd presented a recommendation to the Board that it select the 20-year amortization plan offered by CalPERS to pay off its share of the State's pension debt. She said with the five-year plan, the County's payments will be less than on the 30-year plan and the County can stay on a more consistent payment level than with the 15-year plan. She said the 20-year plan also comes with approximately \$14 million in interest savings by the time it's paid off and the County will be paying off the largest liability on its balance sheet 10 years early. She did caution that once the County selects a plan it cannot change its mind, unless it can make a claim for hardship and get approval from CalPERS but she only recommended that move if the County found itself in really bad shape. CalPERS also offered two options for payments: one time in July or 12 monthly payments. She said making the lump-sum payment would save the County \$118,000. Supervisor Griffiths said he appreciated the thorough analysis the Board previously received on this topic and noted that while the 20-year amortization plan does have some initial cost increases at a time when the County isn't exactly flush with money, he personally believed they considered their options with foresight – and the 20-year plan is the best for the County. He wanted it clear that the unfunded liability is a significant cost increase for the County and will have some impact, but also said that, assuming he's alive in 20 years, he expects a thank you note from that Board for the enhanced budget situation they'll be in. Supervisor Totheroh said if the County can get through the next five years of belt-tightening, the savings in the end will be worth it. Supervisor Kingsley said it is important for taxpayers and the county in general to understand what the County is taking on. He said it won't be easy but the County is making the prudent choice to pay this debt off as soon as possible. He noted the Board was asked this morning to be smart Supervisors when they look at their county and that's what they're doing with this amortization plan. He thanked Shepherd for her work on the matter and said he hoped the public understands that the Board is really concerned about the future and thus willing to take this extra cost on now. CAO Carunchio said he also appreciated Shepherd's analysis. He noted that the Board is the steward of the taxpayers' money and makes decisions on how to spend it when it meets every Tuesday. He said this will be tough: belt-tightening could leave to service and maybe even staff reductions over the short-term. He said he wanted to be very transparent and upfront about that. But he added that it is more costly for the County and for taxpayers to do nothing about the unfunded liability, and more costly in the long-term to pay off the unfunded liability via the 30-year plan. The savings from the 20-year plan are half of what the County could save with the 15-year plan, but it costs twice as much as the 20-year plan. He said the 20-year plan is prudent middle ground that saves taxpayer money that could be put toward other services and programs over the long-term. Chairperson Tillemans said he was proud of the Board for once again taking on and tackling a very tough issue. He said the Board would be leaving the County in a good position in 20 years. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) select the 20-year amortization alternative offered by CalPERS to pay down the Unfunded Accrued Liability for both miscellaneous and safety members' retirement plans; and B) authorize the Auditor-Controller to make a lump-sum payment of \$4,496,890 in July, 2017, to CalPERS for Fiscal Year 2017-2018. Motion carried unanimously.

**RECYCLING & WASTE  
– WASTE TIRE  
AMNESTY EVENTS**

Recycling & Waste Management Superintendent Scott Eagan reported that Recycling & Waste Management had partnered with the Environmental Services Joint Powers Authority to obtain \$17,840 in grant funding from CalRecycle to conduct Waste Automotive Tire Amnesty Events at Inyo County landfills. He said the grant will cover advertising as well, and there should be enough money to pay for four or five weekends of amnesty events without any cost from the County at all landfill facilities. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to waive all gate and disposal fees associated with the Waste Automotive Tire Recycling Amnesty events being conducted each Saturday and Sunday in the month of April. Motion carried unanimously.

**RECYCLING & WASTE  
– EARTH DAY CLEAN-  
UP FEE WAIVER**

Recycling & Waste Management Superintendent Scott Eagan explained the Lone Pine Paiute Shoshone Reservation is having an Earth Day litter clean-up and has asked that the landfill fees be waived in conjunction with that event. Recycling & Waste is proposing to give them up to \$100 of free waste disposal. Supervisor Griffiths asked if Eagan thought that was sufficient. He said it should be more than enough because \$100 equals 100 cubic yards of trash and a pickup truck holds three cubic yards. Supervisor Kingsley said this is a great event and thanked Recycling & Waste for bringing this to the Board. 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, Waiving Solid Waste Disposal and Gate Fees for Trash and Litter Removal During the Lone Pine-Paiute Shoshone Reservation Environmental & Air Quality Department Earth Day Roadway Clean-Up Event.” Motion carried unanimously.

**CAO-EMERGENCY  
SERVICES –  
DECLARATION OF  
“HERE IT COMES”  
EMERGENCY**

CAO Carunchio reminded the Board that last week, the Mayor of Los Angeles proclaimed a local emergency, in light of the coming runoff from near-record or record snowpack levels, throughout lands adjacent to the City’s aqueduct and its water gathering and delivery and air quality control facilities in Los Angeles, Kern, Inyo, and Mono counties. He said it is appropriate given the City’s investment in the Owens Valley, unfortunately it has no force or effect outside of the City of Los Angeles. Inyo County’s proclamation, which he noted is different from its usual emergency proclamations because this time it is coming before and not after the fact, focuses on historic snowpack levels and resulting runoff as threats to Inyo County. Campgrounds, highways, buildings, homes, and roads on public, private, and Tribal lands are all at risk, he said. It also mentions the great likelihood that the valley will become a breeding ground for mosquitoes as a result of standing water, and also mentions the likely spread of salt cedar. The resolution also makes it clear that Inyo County is not a flood control agency and its ability to minimize or avoid flooding is dependent LADWP’s ability to successfully manage its property. It also states that any requests for State aid, including regulatory waivers, must be approved through the County’s Unified Command and, whenever possible, the Inyo County Board of Supervisors. Carunchio thanked Sheriff Lutze, Undersheriff Hollowell, Public Works Director Quilter, Assistant County Administrator Rick Benson, Water Director Bob Harrington, and County Counsel Marshall Rudolph for their assistance in drafting the Emergency Proclamation. Sheriff Lutze added that this summer’s runoff could have consequences that last 10 years, so the County is looking at long-term response as well. Supervisor Kingsley said as a representative of one of the communities located below the aqueduct and another down the hill from Lone Pine Creek, which doesn’t have many diversion opportunities, he is glad the resolution highlights the County’s infrastructure and population. Sheriff Lutze noted there will be lifesaving issues if ambulances or police have to travel an extra 40 miles to reach communities in emergency situations because access roads are inaccessible. He said both Lone Pine and Olancho are within one-eighth of a mile of something catastrophic happening with the aqueduct. Assistant County Counsel Benson noted that Diaz Lake has been very high and is eroding recreation areas. At Pleasant Valley Campground, the water in the river has been coming in like a battery ram at one spot where the river turns and two feet of bank has already been destroyed. The real issue is the river is in direct line with a vault toilet, and nobody wants a vault toilet falling into the river, he said. Supervisor Griffiths said that all along the river, banks are eroding and unstable and it is not a good idea to recreate around it. Benson said Parks and Recreation has put up signage in campgrounds to warn the public about the dangerous situation. Sheriff Lutze added that his office’s ongoing series of press releases will include safety information about recreating around water. Supervisor Griffiths asked whether the Sheriff’s Department had any swift-water rescue capabilities and was told help would have to come from Kern Valley if someone fell in the river this summer. Supervisor Kingsley asked if the County should be asking LADWP to put warning signs up along the river. Sheriff Lutze said the idea was discussed at the last emergency planning meeting and they said they would discuss it. Supervisor Pucci recommended keeping sporting goods stores and the chambers of commerce updated on current conditions so they could inform and/or warn visitors. Sheriff Lutze added that debris in the river this summer will be another big concern and hazard. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) consider approving a resolution titled, “A Resolution of the Board of Supervisors, County of Inyo, State of California, Proclaiming the Threatened Existence of a Local Emergency, Known as the ‘Here It Comes’ Emergency,” in anticipation of run-off conditions resulting from near-record snowpack and posing extreme peril to the safety of property and persons in Inyo County that are likely beyond the control of the services, personnel, equipment and facilities of the County of Inyo; and B) authorize the County Administrative Officer or his designee to make revisions to the resolution, as appropriate or if requested by the Office of Emergency Services, and to proceed in executing the resolution without further review by the Board. Motion carried unanimously.

**CLERK OF THE BOARD – APPROVAL OF MINUTES** Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meeting of February 21, 2017. Motion carried unanimously.

**PUBLIC COMMENT** Chairperson Tillemans asked for public comment during the final public comment period and there was none.

**BOARD MEMBERS AND STAFF REPORTS** CAO Carunchio reminded the Board and public about special meetings tomorrow and Friday in Independence.

Supervisor Kingsley said he and staff had a great conference call yesterday with Katharine MacGregor and Kathleen Benedetto with the Department of the Interior regarding the BLM's proposed metallic mineral mining withdrawal. He said as a result, the State BLM Director called and said he would be extending the comment period on the proposal by 60 days and will be publishing another Federal Register notice announcing the extension. He said he also attended the BLM Recreational meeting last Thursday in Bishop regarding grant proposals and the Lone Pine cannabis meeting, which about 30 people attended and offered some great discussion.

Chairperson Tillemans said he attended last night's cannabis forum in Wilkerson, which was also fairly well attended and included concerns about odor. He also thanked Supervisor Totheroh for taking over midway through last week's meeting when he had to leave because of a family emergency. He said he appreciated the support he's received from his colleagues and County staff over the past several months.

**CLOSED SESSION** Chairperson Tillemans recessed open session at 11:17 a.m. to convene in closed session with all Board members present to continue discussions from earlier.

**OPEN SESSION** Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 11:53 a.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 Tillemans adjourned the meeting at 11:53 a.m. to a special session at 9 a.m. March 29, 2017 in the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

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