

MINUTES



County of Inyo Board of Supervisors

April 11, 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 April 11, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths and Matt Kingsley.

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

CLOSED SESSION Chairperson Tillemans recessed open session at 8:32 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 §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); 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.

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

PLEDGE County Counsel Marshall Rudolph led the pledge of allegiance.

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

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

COUNTY DEPARTMENT REPORTS Public Works Director Clint Quilter updated the Board on the passage of Senate Bill 1, which he said will allocate an average of \$3.7 million per year in road funds over the next 10 years. He said Public Works is still researching a lot of the details but is pretty excited because it has had to use its fund balance the last few years in the absence of this kind of funding.

Museum Services Director Jon Klusmire provided an update on the construction of the Larry Pecham Engine House at the Eastern California Museum. He said the tracks have been lain inside and the contractor will soon be putting a skin and roof on the frame. He also noted the impending completion has led to work with the Friends of the Museum to fix up some of the historic outbuildings on the property. Klusmire then shared about an effort funded by the Park Service and undertaken by the Museum to restore the second of two murals from Manzanar National Historic Site that had been in storage for 40 years. The first mural is on loan to Manzanar and the other, depicting a famous samurai battle from 1100, will be incorporated into the Manzanar exhibit in time for the Pilgrimage. He said the artist is unknown but the other mural was painted by an artist once photographed by Ansel Adams.

Probation Chief Jeff Thomson invited the Board members to the May 24 Drug Court graduation at 8:30 a.m. at the Bishop Superior Court. Drug Court is a collaborative program between HHS, Probation, the Courts and the D.A. which sees offenders go through an intensive rehabilitation

program anywhere from 15 to 18 months. Thomson said the graduations are a great experience. He also noted that through with work HHS and the Courts, Probation's re-entry courts have begun.

Deputy County Administrator Brandon Shults offered an Information Services project status update, noting that the Department for various reasons is currently down to two techs, including himself. He said he has a meeting this week with Thomson-Reuters regarding their progress on the Property Tax Management System and I.S. just finished getting the D.A.'s Office online at its new location. Work continues on the effort to stream Board meetings live online. He said they got the hardware in place and wrote custom software for the Assistant Board Clerk but there are still some areas that need to be addressed before going live. Shults said he is also making preparations for the transition to the new Information Services Director.

INTRODUCTION

Assistant HHS Director Marilyn Mann introduced to the Board new HHS Registered Nurse Wendy Fogelstrom.

PROCLAMATION – LP GEM & MINERAL SOCIETY 20th ANNIVERSARY

Supervisor Kingsley noted that while nobody is in attendance from the Lone Pine Gem and Mineral Society to accept the County's Proclamation recognizing the group's 20th anniversary, he did attend their meeting last week and read it aloud to them. He also pointed out that the LPGMS has brought so much attention to amateur geology and rock-hounding that the legislation to designate the Alabama Hills a National Scenic Area specifically mentions "recreational prospecting" as an activity enjoyed in the Hills. He said he believes the bill is one of the first pieces of legislation to recognize the activity. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a proclamation commemorating the 20th anniversary of the Lone Pine Gem and Mineral Society. Motion carried unanimously.

D.A. – BISHOP FORD BID AWARD

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to award a bid to Bishop Ford as the low bidder for the purchase of one (1) 2017 Ford Escape in the amount of \$23,093.65. Motion carried unanimously.

PW – COUNTRY GLASS P.O. INCREASE

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to authorize an increase of \$1,692.39 to the blanket purchase order to Country Glass for the purchase and installation of various windows, for a total amount not to exceed \$15,175.39. Motion carried unanimously.

PW – SOUTH ST. HVAC CONTRACT AWARD

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to: A) award the Construction Contract for the South Street HVAC Replacement Project to Mojave Desert Heating and Cooling Inc. of Bishop, California in the amount of \$12,980; B) approve the Construction Contract with Mojave Desert Heating and Cooling Inc. in the amount of \$12,980 and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; and C) authorize the Public Works Director to execute all other contract documents, include contract change orders, to the extent permitted by Public Works Contract Code Section 20142 and other applicable laws. Motion carried unanimously.

PW – STEVE'S AUTO, MISSION LINEN, QUINN COMPANY P.O. INCREASES

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to: A) authorize an increase of \$3,200 to the blanket purchase order for Steve's Auto Parts, for a total amount not to exceed \$28,145.68 from multiple budgets within the Public Works Department; B) authorize an increase of \$8,900 to the blanket purchase order for Mission Linen, for a total amount not to exceed \$42,810.34 from multiple budgets within the Public Works Department; and C) authorize an increase of \$600 to the blanket purchase for Quinn Company, for a total amount not to exceed \$10,600 from multiple budgets within the Public Works Department. Motion carried unanimously.

PW – TRONA WILDROSE REHAB N.O.C. AND RESOLUTION

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Recording of a Notice of Completion for the Trona Wildrose Rehabilitation and Reconstruction Project." Motion carried unanimously.

BOARD OF SUPERVISORS – IMBC NOMINEE SELECTION

Chairperson Tillemans, the County's representative on the Eastern Sierra Council of Governments (COG) along with Supervisor Griffiths, listed the candidates for the Inyo-Mono Broadband Consortium (IMBC) Advisory Council as a result of recruitment efforts. Nominees approved will be presented to the COG, which doubles as the IMBC Board of Directors, for final approval at its next meeting. The Board was in agreement with the nominations. Moved by

Supervisor Griffiths and seconded by Supervisor Pucci to nominate Charles James to serve on the IMBC as a representative of the private sector, Justin Norcross as a representative of the public sector, and Jesse Archer as a representative of the Tribal sector. Motion carried unanimously.

**AG COMMISSIONER –
FIELD PROGRAM
MANAGER**

Brent Calloway, ag biologist, presented a Field Program Manager recruitment request for the Ag Commissioner's Office. He explained the Mosquito Abatement Manager retired and he personally vacated the Weed Manager position to move into an ag biologist post. The Field Program Manager position would cover both empty positions. Moved by Supervisor Griffiths and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of non-General Fund funding exists for the Field Program Manager position, as certified by the Agricultural Commissioner and concurred with by the County Administrator and Auditor-Controller; B) due to the type of position it is unlikely it could be filled by internal candidates meeting qualifications for the position, an open recruitment is appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Field Program Manager, Range 72 (\$4,601 - \$5,589), contingent upon adoption of future fiscal year budgets. Motion carried unanimously.

**PW – BRITTS DIESEL
& SILVER STATE P.O.
INCREASES/ BUDGET
AMENDMENT**

Public Works Director Quilter explained that the heavy winter had placed additional demands on his Department, resulting in additional purchasing requirements. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) authorize an increase of \$21,600 to the blanket purchase order for Britt's Diesel, for a total amount not to exceed \$56,600 from multiple budgets within the Public Works Department; B) authorize an increase of \$8,000 to the blanket purchase for Silver State International for a total amount not to exceed \$18,000 from the Road Budget within the Public Works Department; and C) amend the Fiscal Year 2016-2017 County Budget as follows: increase appropriations in Road Budget (Budget 03400) Maintenance of Equipment (Object Code 5171) by \$5,000, increase Maintenance of Equipment Material (Object Code 5173) by \$23,000 and reduce Road Budget (Budget 034600) Road Materials (Object Code 5309) by \$28,000 (*4/5ths vote required*). 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 March 14, 2017. Motion carried unanimously.

**BOARD AND STAFF
REPORTS PART I**

(The Chairperson opened the floor to Board and Staff Reports while waiting to start the 11 a.m. timed item.)

Supervisor Kingsley said there was a spirited, public meeting in Tecopa last week about commercial cannabis with about 30 residents in attendance. He said for some reason they never received the post cards notifying them of the meeting but it was the best attended of any of the cannabis meetings held throughout Inyo County. He said there was a lot of support for allowing commercial cannabis in many different ways. Kingsley also mentioned a meeting in Darwin tomorrow where there will be a mini-presentation on cannabis as other elected officials discuss tax issues with constituents.

Supervisor Pucci noted he will be unable to attend the May 11 Standing Committee meeting as he will be out of the area for a family matter during the first half of May.

Supervisor Totheroh said he attended a Behavioral Health Advisory Board meeting yesterday where the issue of multiple nursing vacancies was discussed. He also said the regional Forest Service office has asked him to sit on a panel to offer insight on Inyo County's experience as the Inyo National Forest Plan was being updated. He said he'd be happy to do it if there were no objections from the rest of the Board. CAO Carunchio suggested scheduling a workshop with Planning Department during an upcoming Board meeting so that the supervisors could discuss talking points first.

Supervisor Griffiths said he also received a call from the Inyo National Forest, which is apparently undergoing an institutional review and looking for County input. He said he referred to the inquiry to the Board Chair. He said he also received communication from an employee of the Inyo County Superintendent of Schools Office wanting to do Senior Days at the County May 4 and May 18 and asking for his participation. Griffiths referred that request as well to the Board Chair. He noted that both he and the Chair are unavailable on the dates requested by the

employee. Griffiths said he also attended the Tecopa cannabis meeting where residents provided great input and attended a Bishop City Council meeting where they approved a resolution to apply to become the Groundwater Sustainability Agency for the City and discussed an ambitious sidewalk plan.

*COUNTY CLERK –
ENACT FEE
ORDINANCE (#1205)*

County Clerk-Recorder-Registrar of Voters Kammi Foote reported that she has received no comments regarding the proposed fee increases and decreases since the last meeting, which featured a public hearing at which no one appeared to speak. She said there was no feedback even with a newspaper article on the topic. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to enact an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Establishing, Increasing, or Decreasing Fees for the Offices of the County Clerk, Recorder, and Registrar of Voters.” Motion carried unanimously.

*WORKSHOP –
ENVIRONMENTAL
HEALTH – ONSITE
WASTEWATER
TREATMENT POLICY*

Environmental Health Director Marvin Moskowitz and Environmental Health Specialist Jerry Oser updated the Board on the preparation of the Inyo County Local Area Management Program (LAMP), an onsite septic system policy that all California local agencies that are authorized to regulate onsite wastewater treatment systems may submit as an alternative to the State Onsite Wastewater Treatment Policy (Policy). Oser went over the history of the Policy, and provided a look at how the County currently deals with septic systems and how the Policy will require stricter guidelines and regulations, as well as changes in local policy. Oser said there are two types of systems: conventional (a septic tank leading via gravity to a leachfield) and alternative (where conditions don't allow a conventional set-up). The latter can cost upwards of \$25,000, Oser said. He said, basically, if a system is small (wastewater flows of under 10,000 gallons per day) the County handles the permitting, sites the system, does percolation tests, and sizes the system based on the number of bedrooms of the home and per rate, and inspects the system construction. The Policy will require Environmental Health to now also monitor the operations of some new septic systems and monitor water quality for signs of significant degradation caused by septic systems. Environmental Health will also have to report everything regarding septic system activities every year to the Lahontan Regional Water Quality Control Board. Oser said the Policy does recognize California's extreme range of geological and climatic conditions and as such, Tier 2 of the Policy allows customized management programs – LAMPs – that address conditions specific to local jurisdictions. Oser said Inyo County's LAMP will be more restrictive but not as restrictive as the state's Policy. He said Environmental Health has tried to maintain the status quo as much as possible in the LAMP, considering most of the land in Inyo County is owned by the federal government and not open to development, the majority of residents live in population centers where septic systems are not allowed, and over the past 10 years the County has averaged four new conventional and one new alternative septic systems per year. But there will be impacts, such as Environmental Health having to issue operating permits to all new alternative systems anywhere in the county. New conventional systems will have some additional siting and construction requirements, including septic system densities of one per 2.5 acres – which Environmental Health is trying to fight. The requirement to gauge impacts on receiving water may require drilling of monitoring wells and Oser said the County's LAMP asks that existing domestic wells be used for this purpose. Oser said existing conventional and alternative systems that are operating properly will not otherwise be affected – unless the latter are located on Mustang Mesa. He said all existing alternative systems on the Mesa will require operating permits, which will mean routine monitoring and maintenance. Routine monitoring and maintenance is supposed to be happening under a groundwater management program for Mustang Mesa through a Memorandum of Understanding with Environmental Health and Lahontan but it's not, Oser said. Oser said Inyo County's LAMP has been reviewed by County Counsel and will need to be submitted to and approved by Lahontan no later than May 18. If the timeline is met, the LAMP will go into effect May 18, 2018. Before the LAMP can be submitted, the County must adopt an Onsite Wastewater Treatment System ordinance, which is a two-step process: first, a public hearing and then first reading or waiving of first reading; and then enactment. Both have been scheduled for upcoming meetings, he said. Supervisor Griffiths asked how much outreach has been done with Mustang Mesa. Moskowitz said Mesa residents are aware of the MOU and its requirements. He said they finally have a quorum again for their Community Services District and understand they need to re-activate their management plan. Supervisor Totheroh confirmed they had a board meeting in February and seem aware of their responsibilities.

*BOARD REPORTS
PART II*

CAO Carunchio reported that next week's special Board meeting in Tecopa will likely begin with a tour in Death Valley near Furnace Creek at 11 a.m., followed by a public barbecue and optional tour after that. He said the goal is to leave Death Valley by 2 p.m. to get to Tecopa by 4 p.m. for the rest of the meeting. He said staff is trying to keep the agenda fairly light and Southeast Inyo-centric. Carunchio also noted that Caltrans has asked the County to participate in Litter Day this Thursday. He also reported that this morning a former representative of the Lone Pine Fire Department approached staff with a letter highlighting the fact that Southern Inyo Hospital's bankruptcy plan includes raising the Transient Occupancy Tax over the next couple of years from 12% to 14%. The Fire District asked when the Board endorsed this move. Carunchio said the answer is, the Board didn't, and only the Board can authorize such an increase being placed on the ballot for voter approval. He also reminded the Board of how back in June, when the County was wading into the Juvenile Services Redesign issue, the former Superintendent of Schools announced he would be initiating an after-school program for all school districts and requested the savings the County would see from closing Juvenile Hall during the week to help pay for it. The Board did set aside some money in the budget for the program, but nothing was formally agreed to. Carunchio reported that some school districts have apparently started the after-school programs based on the former Superintendent of School's promise, without any assurance of funding. He said he has been working with the current Superintendent of Schools and she has no money for the program, so some of the districts are now looking to the County for the funding. He said he certainly understands how the financial situation of the Superintendent of Schools' Office can change, but he doesn't understand how in some eyes it automatically becomes the County's rock to carry.

ADJOURNMENT

Chairperson Tillemans adjourned the meeting at 11:54 a.m. to the annual Death Valley meeting beginning at 8:30 a.m. in the County Administrative Center in Independence before moving out to Death Valley.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant