

MINUTES



County of Inyo Board of Supervisors

May 9, 2017

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on May 9, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Tothoroh, Jeff Griffiths and Matt Kingsley. Absent: Rick Pucci.

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 8:35 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 (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 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Titles: Environmental Health Director; Health and Human Services Director; and Planning Director.

OPEN SESSION Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10 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.

Philip Anaya of Bishop said he wanted to express his gratitude to the Board for the leadership and courage it displayed in taking a stand on health care and sending a letter to Congressman Cook about supporting the people of Inyo County. He said he guessed Colonel Cook has not yet gotten that message that the Board represents a constituency with special needs. He urged the Board to be persistent in its efforts regarding Congressman Cook's redemption back to a reasonable position and said the Board should also communicate with both Senators. He said he thinks the Board can talk to Colonel Cook and help him understand the issues at stake.

Richard Cervantes of Lone Pine identified himself as a representative of seniors in Inyo and Mono counties through his membership on the California Senior Legislature and said he was addressing the Board on behalf of County employees regarding the current wage impasse. He said his senior constituents, who are acutely aware of budget impacts, believe the current offer from the ICEA is a fair one. He said he would remind the Board that the last time it was too tight with wages it cost three Supervisors their jobs.

Buck Grace, an artist from Lone Pine, said he would also like the Board to consider giving a Cost of Living Adjustment because it would be fair to do.

*COUNTY
DEPARTMENT
REPORTS*

Clerk-Recorder-Registrar of Voters Kammi Foote distributed two press releases that she is issuing regarding public meetings she will be hosting to establish a Voting Accessibility Advisory Committee and Language Accessibility Advisory Committee.

Agriculture Commissioner Nate Reade reported that the Owens Valley Mosquito Abatement Program is not seeing very many mosquitoes yet but the valley keeps getting water. He mentioned that Chairperson Tillemans facilitated a meeting with drone pilot David Williams who offered a demonstration of visual surveillance he has offered to provide free of charge to the County this summer. He said OVMAP was interested in seeing how the UAV (unmanned aerial vehicles) technology might be used in the field this summer to control mosquito populations without the program having to purchase its own drone. Reade said follow-up research revealed pesticides cannot be applied from drones unless a fully licensed pilot is operating the UAV, but the UC system can do the applications as part of research. He said the Farm Advisor has gotten in touch with a researcher about the possibility and OVMAP is contacting vendors to see if they want to be a part of the project, which would be a first for California. CAO Kevin Carunchio said the concept is exciting but UAV technology also comes with a lot of regulations. Risk Management is currently working on a volunteer policy to accommodate the offers from Williams and others, and urged Reade to coordinate with the Risk Manager and County Counsel so the liability and responsibility is clearly established between the County and UC system.

*AG-OVMAP –
PURCHASE 2 ATVS*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) award a bid in the amount of \$17,814.76 to Chaparral Motorsports of San Bernardino, CA as the low bidder for the purchase of two (2) 2017 Polaris Sportsman 570 EPS ATVs; and B) approve the purchase of two (2) 2017 Polaris Sportsman 570 EPS ATVs from Chaparral Motorsports of San Bernardino, CA in an amount not to exceed \$17,814.76. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*MOTOR
POOL/PARKS&REC/
RECYCLING&WASTE –
HIGH COUNTRY
LUMBER BLANKET
P.O.*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve a blanket purchase order in the amount of \$13,000 to High Country Lumber of Bishop, CA for the purchase of equipment parts, maintenance of grounds, and general operating expenses for the Parks and Recreation Department, Motor Pool, and Recycling and Waste Management. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*CHILD SUPPORT –
CALSERVE
CONTRACT
AMENDMENT 2*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Amendment No. 2 to the agreement between the County of Inyo and CalServe Inc. for the provision of nationwide service of process, increasing the not-to-exceed amount to \$14,000, extending the term from June 30, 2017 to June 30, 2020, and modifying the schedule of fees; and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*CHILD SUPPORT –
LAB CORP CONTRACT
AMENDMENT 2*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Amendment No. 2 to the agreement between the County of Inyo and Laboratory Corporation of America Holdings for the provision of genetic testing services, increasing the not-to-exceed amount by \$18,000 and extending the term from June 30, 2017 to June 30, 2020 (\$6,000 per year); and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*COUNTY
COUNSEL/WATER
DEPT. – GREENAN,
PEFFER ET AL
CONTRACT*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Amendment No. 1 to the contract between the County of Inyo and Greenan, Peffer, Sallandar & Lally, LLP for the provision of specialized legal services, extending the term for the period of July 1, 2017 through June 30, 2018; and authorize the Chairperson to sign contingent upon the Board's adoption of future budgets. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-ESAAA –
17/18 AREA
UPDATE PLAN*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) approve the 2017-2018 Area Plan Update for Services for Planning and Services Area 16 (Inyo and Mono Counties); B) set the minimum percentages for the subcategory of Supportive Services, as recommended by the Advisory Council, at 50% for transportation, 10% for legal services, and 3% for in-home services; and C) authorize the Chairperson to sign two copies of the required Transmittal Letter. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-ESAAA – CALIF.
DEPT. OF AGING
CONTRACT*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve Contract No. AP-1718-16 between the County of Inyo and California Department of Aging for regional services to seniors, provided through the Eastern Sierra Area Agency on Aging, in the amount of \$722,960 for the period of July 1, 2017 through June 30, 2018, and authorize HHS Director Jean Turner to sign the Standard Agreement (STD 13) and the Contractor/Vendor Statement of Confidentiality (CDA 1024), contingent upon the Board's adoption of the Fiscal Year 2017-2018 budget. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-HEALTH –
TELECONFERENCE/
TELEMEDICINE
EQUIPMENT
PURCHASE*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the purchase of the following teleconferencing/telemedicine equipment: desktop computers and laptop computers from Dell/Premier in an amount not to exceed \$8,809.56 plus tax, shipping and handling costs; audio conferencing systems, monitors, and other required hardware from SCW in an amount not to exceed \$11,819.34 plus tax, shipping and handling costs; and ventilated locking cabinets from Displays2go in an amount not to exceed \$1,834.32 plus tax, shipping and handling costs. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS/RISK
MANAGEMENT –
PRIVACY OFFICER
APPOINTMENT*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to appoint Topah Spoonhunter, Health and Human Services Administrative Analyst, as Privacy Officer for Inyo County for purposes of the Federal Health Insurance Portability and Accountability Act (HIPAA), and authorize the Privacy Officer to modify and/or develop required processes and procedures necessary to comply with HIPAA requirements. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*ROAD DEPT. –
GRANITE AND
BOWMAN SOLE-
SOURCE ASPHALT*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to declare Granite Construction Company of Watsonville, CA a sole-source provider of plant mix asphalt and approve a purchase order to Granite Construction Company in an amount not to exceed \$30,000 plus tax for plant mix asphalt material for various projects in Independence and the remainder of Inyo County to the north; B) declare Bowman Asphalt Inc. of Bakersfield, CA a sole-source provider of plant mix asphalt and approve a purchase order to Bowman Asphalt Inc. in an amount not to exceed \$10,000 including tax for plant mix asphalt material for various projects for Independence and the remainder of Inyo County to the south. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*CLERK-RECORDER-
REGISTRAR OF
VOTERS – AB 668
SUPPORT LETTER*

Clerk-Recorder-Registrar of Voters Kammi Foote informed the Board that AB 668, the Voting Modernization Bond Act of 2018, would allow a bond measure to be placed on the June 2018 ballot to assist counties in the purchase of voting equipment and technology, and asked that the Board send a letter in support of the legislation. She said a General Fund item paying for the systems would be preferable, but the bill would allow citizens to decide how they should be funded. Supervisor Griffiths asked whether it is State or Federal regulations making voting systems so expensive for counties. Foote said it was both for a while, but now, post-SB 360, elections are governed by only one set of regulations through the Secretary of State, although those regulations are modeled after federal regulations. She noted that this is the first bill in 10 years that sets aside money at the State level to reimburse counties for their costs, and moving forward, it's unknown if there will be another opportunity like it. Chairperson Tillemans asked Foote to highlight the problems with Inyo County's current, outdated voting system and she obliged, noting that a Request for Proposals for vendors offering new voting technology would be forthcoming. She said it is especially imperative that voting equipment is working in Inyo County because elections here have been won by as few as two votes. Supervisor Griffiths expressed annoyance that the systems are so expensive and that the federal government is not helping to cover the costs. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) approve a letter of support for AB 668 – The Voting Modernization Bond Act of 2018 (Gonzales-Fletcher) and authorize the Chairperson to sign; and B) consider adding to the General Government section of the Inyo County Legislative Platform, when it is next updated: "**Support** legislation that would authorize Federal and State Governments to assist counties in the purchase of voting equipment and technology." Motion carried unanimously 4-0, with Supervisor Pucci absent.

*PLANNING – TWO
NRAC
APPOINTMENTS*

Interim Planning Director Cathreen Richards recapped the process that led to the two latest candidates for the Natural Resource Advisory Committee: as the Planning Commission prepared to recommend the appointment of two candidates earlier this year, questions were raised about how alternatives were notified of the vacancies and the Board ultimately directed that the positions be re-advertised. Randy Keller and alternate Earl Wilson applied during that period. (The alternate who questioned the notification process did not apply, nor did one of the

incumbents who had re-applied the first time around.) Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to appoint Randy Keller and Earl Wilson to the Natural Resource Advisory Committee. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-BEHAVIORAL
HEALTH – 2 SOCIAL
WORKER IV/
PSYCHOTHERAPISTS*

Assistant HHS Director Marilyn Mann explained that two vacancies in Behavioral Health resulted from a longtime employee retiring and another accepting a position as a counselor with the Bishop School District. 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 two (2) Social Worker IV/Psychotherapist positions exists in the non-General Fund Mental Health budget, as certified by the HHS Director and concurred with by the County Administrator and Auditor-Controller; B) whereas it is unlikely that the positions could be filled by internal candidates meeting the qualifications for either level of the positions, an open recruitment would be appropriate to ensure qualified applicants apply for the specialized positions; C) approve the hiring of two (2) Social Worker IVs at Range 73 (\$4,709 - \$5,728) or two (2) Psychotherapists at Range 81 (\$5,692 - \$6,921), or a combination of one (1) Social Worker IV and one (1) Psychotherapist, contingent upon qualifications; and D) if candidate is hired as a Social Worker IV (which also serves as a Psychotherapist Intern), authorize HHS to advance the position to Psychotherapist upon completion of internship and meeting California licensure requirements. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-FIRST 5 –
PROGRAM SERVICES
DIRECTOR*

Assistant HHS Director Marilyn Mann noted that the previous First 5 Director transferred to a different position. She said the Director, Jody Veenker, did an amazing job, and her departure is a loss for First 5 but she is also an asset in her new position. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for a full-time Program Services Director position exists in a non-General Fund 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 possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure qualified candidates apply for this higher level position; and C) approve the hiring of a Program Director for First 5 Inyo County at Range 74 (\$4,826 - \$5,865). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS – OFFICE
CLERK III*

Assistant HHS Director Marilyn Mann told the Board HHS is requesting to hire an Office Clerk III in an effort to shore up the front office at Behavioral Health, and Adult and Children Services as well as provide support to other divisions. Moved by Supervisor Griffiths 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 a full-time Office Clerk III position exists in non-General Fund Behavioral Health and Social Services budgets, 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 possibly be filled through an internal recruitment, however it would be more appropriate to fill the position from an existing list since the County recruited and has an eligibility list was created and approved for this position; and C) approve the hiring of one (1) full-time Office Clerk III at Range 52 (\$2,880 - \$3,500). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*PW/PLANNING –
PROJECT
COORDINATOR*

Public Works Director Clint Quilter told the Board that the previous Project Coordinator for the Public Works and Planning departments recently retired. He said the position has worked out really well, filling holes in both departments by performing tasks that require a lot of effort and initiative but not necessarily technical expertise. He said they think there are internal candidates who can fill the position. Chairperson Tillemans said he thought the retired Project Coordinator did a good job and that the position was beneficial. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for a Project Coordinator position exists in the Public Works and Planning Department budgets, as certified by the Public Works Director and Interim Planning Director, and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the position, an internal recruitment would be appropriate; and C) approve the hiring of one (1) Project Coordinator at Range 66 (\$3,987 - \$4,853). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*PW-BUILDING &
MAINTENANCE –*

Public Works Director Clint Quilter explained that Public Works has been trying to get a contract in place with Terra Verde Renewable Partners, LLC for three years now but efforts have been

TERRA VERDE SOLE-SOURCE CONTRACT

delayed by staffing changes so the work has been paid out of the deferred maintenance budget. He said they can provide a lot better analysis than can be provided in-house. Moved by Supervisor Kingsley and seconded by Supervisor Kingsley to: A) declare Terra Verde Renewable Partners, LLC of Larkspur, CA a sole-source provider of asset management services to Inyo County Solar Arrays; B) ratify and approve a contract for asset management services with Terra Verde of Larkspur, CA in the amount of \$29,500; and C) authorize the Chairperson to sign the contract, contingent upon adoption of future budgets and all appropriate signatures being obtained. Motion carried unanimously 4-0, with Supervisor Pucci absent.

PW – UPPER TRONA-WILDROSE BID AWARD

Public Works Director Clint Quilter said the biggest delay and problem in repairing damage to Trona-Wildrose Road from the 2013 “Gully Washer” storm has been working with and getting approvals from all the different agencies involved. He said the costs have jumped along the way, from an overall estimate of \$582,000 in 2015 to an estimated \$743,000 now. He said it is believed the Office of Emergency Services will pay for 75 percent of the total, but if the OES decides to pay on the original project estimate, the County will have to fund an additional \$160,000. Supervisor Kingsley said it is ironic that the agencies who will benefit most from having a repaired road are the ones making the project so expensive and difficult. Quilter said a lot of the mandated environmental work was set in motion prior to the new Death Valley National Park Superintendent, who recognizes Supervisor Kingsley’s sentiments exactly. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) award the bid for the construction contract for the Upper Trona-Wildrose Road Storm Damage Repair Project to Bowman Asphalt Inc. of Bakersfield, CA in the amount of \$409,787; B) approve the construction contract with Bowman Asphalt Inc. of Bakersfield, CA in the amount of \$409,787 and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; C) 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 laws; and D) amend the Fiscal Year 2016-2017 Inyo County Budget as follows: increase appropriation in Road Budget (Budget 034600) Construction in Progress (Object Code 5700) by \$409,787 and reduce Road Budget (Budget 034600) Professional Services (Object Code 5265) by \$409,787 (*4/5th vote required*). Motion carried unanimously 4-0, with Supervisor Pucci absent.

PW – QUINN CAT RENTAL AGREEMENT EXTENSION

Public Works Director Clint Quilter said the excavator the County rented under the Rocky Road Emergency for work on Whitney Portal Road is now being used on Horseshoe Meadow Road. He said it would not surprise him if Public Works needed to come back before the Board to extend the rental agreement again for use during the Here it Comes Emergency, since this piece of equipment is hard to come by at this stage in the runoff season. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to: A) approve a two-month extension to a rental agreement with Quinn Cat of Lancaster, CA for the rental of a 336F Hydraulic Excavator, for an amount not to exceed \$35,000, to complete Emergency Opening work on Horseshoe Meadow Road under the proclamation of the “Rocky Road Emergency”; and B) amend the Fiscal Year 2016-2017 Inyo County Budget as follows: increase expense in Road Budget (Budget 034600) Rent & Leases – Equipment (Object Code 5281) by \$35,000 (*4/5th vote required*). Motion carried unanimously 4-0, with Supervisor Pucci absent.

PW – INTRO TO 2017 ROAD REPAIR AND ACCOUNTABILITY ACT

Courtney Smith with Public Works provided an overview of SB 1, the Road Repair and Accountability Act of 2017, which was approved by the State Senate and Assembly on April 6 and awaits the Governor’s signature. The bill raises the gasoline excise tax by 12 cents, the diesel excise tax by 20 cents and the diesel sales tax by 5.75% and creates a new annual vehicle fee and \$100 annual fee on zero-emission vehicles in order to raise a project \$52.4 billion over 10 years that will be split 50/50 between State and local street and roads. He said the bill also includes a Constitutional amendment, to ensure the funding cannot be diverted to other sources, that will be placed on the June 18 ballot. Smith said the tax increases are permanent. The new Road Rehabilitation and Maintenance Program created by the bill will increase Inyo County’s road funds from \$2,338,545 in Fiscal Year 2016-2017 to an average of \$6,038,545 over the 10-year period, although the Road Department will only see about \$1.1 million in new funds in Fiscal Year 2017-2018 because the tax increases will not be enacted until November. Smith listed eligible projects under the new program and said the money could also be used as matching dollars for grants and to leverage additional funds. Smith said the County is required to submit a list of proposed projects to the California Transportation Commission (CTC) and report back on the amount spent and estimated useful life of the project. He said it is expected there will be flexibility to change the list as time progresses as long as it is reported on later. Smith said the bill also adds funding and stability to the State

Transportation Improvement Program, but details are not clear at this time. Smith said after the taxes have been enacted for several years, new funding will significantly expand the Road Department to complete needed improvements to local streets and roads. He said staff will bring forward a list of projects to pursue when the project list submittal requirements have been formalized by the CTC. Smith said that because the Road Department has been operating at a deficit, the first priority will be re-establishing the basic maintenance program that includes potholes, crack sealing, sign installation, road marking and painting, and tree removal. He said once funding for the maintenance program has been established, the remaining funds can be used for specific maintenance and rehabilitation projects. Chairperson Tillemans said it's exciting the Road Department will be getting funding. Road Superintendent Chris Cash said staff is looking forward to doing some catching up on projects. Supervisor Kingsley asked how Inyo County's pavement conditions index compared to that of other counties and cities. Smith said Inyo's was a little low, noting that the County has a significant amount – 530 miles – of paved roads. Public Works Director Clint Quilter said Inyo County is getting more money than other places because of its high mileage, which helps counterbalance the part of the funding formula based on population. Supervisor Griffiths said it might still be worth looking at converting some of the rarely used paved roads to chip/seal in order to build a road system that can be maintained from a fiscal standpoint. Supervisor Kingsley said such a move would also appropriately adjust public expectations. Quilter said the projects the Road Department is considering submitting for the first million dollars are pothole and crack seal projects around Bishop and Big Pine. He said the Board would approve the projects as part of the budget and then they would be submitted to the CTC. He said that as more funding comes in, the Road Department would start looking at larger projects. He said that conservation should probably start this year as well.

*CLERK OF THE
BOARD – APPROVAL
OF MINUTES*

Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve the minutes of the regular Board of Supervisors meeting of April 4, 2017. Motion carried unanimously 4-0, with Supervisor Pucci absent.

RECESS/RECONVENE

Chairperson Tillemans recessed the meeting at 11:04 a.m. for a break and reconvened the meeting at 11:17 a.m. with all members present except Supervisor Pucci.

*RECYCLING AND
WASTE – GATE FEE
ADJUSTMENT FOR
NON-SCALE
LANDFILLS*

Assistant County Administrator Rick Benson reviewed the process the County went through to adjust the gate fees at the Bishop-Sunland Landfill, which started with the installation of a scale. He said that at the time of that gate fee adjustment, it was noted that the fees at the other landfills would have to be adjustment to bring parity with the Bishop landfill. Benson referenced backup material and distributed a revised schedule of charges to fix a typo. He said by law, the charges cannot exceed what it costs to provide the service and they do not. In fact, he said, the County's waste enterprise fund is currently running at a deficit and will continue do so even with the new fees. He added that a lot of the fees are based on estimates and may have to be revised later. He also pointed out that the schedule eliminates any discount for chippable wood because is not useful at the other landfills without the right equipment to recycle it. Chairperson Tillemans opened the public hearing at 11:21 a.m. Earl Wilson of Lone Pine asked for clarification about landfill users in Bishop getting a discount on chippable wood because there is a chipper at that facility, and the only way he can get the same discount is to take his chippable wood to Bishop, where he can dispose of it for half price. There was some confusion and additional discussion as staff attempted to explain the situation, with Recycling and Waste Management Superintendent Scott Eagan ultimately clarifying that there is a chipper in Lone Pine for slash and other yard waste, just not traditional lumber, and that the type of wood Wilson is talking about bringing to the landfill is considered yard waste, not "chippable wood." Yard waste can be disposed of for \$5 up to three cubic yards. Rick Vahl of Bishop Waste said the proposed adjustments are part of the bigger picture, which include Bishop Landfill and the franchise agreements with local waste haulers. He asked when the gate fees might take effect, and wanted to know when the franchise agreements might be approved. Chairperson Tillemans closed the public hearing at 11:32 p.m. CAO Carunchio said that in reviewing the proposed franchise agreements he does not see anything that would necessitate delaying the gate fee adjustments. He said there was a mistaken belief in January that the both the gate fees and franchise agreement would affect the haulers' floor rates, but that is not the case. Benson said the goal is to have a new floor rate set by July 1 to accommodate for the new gate fees. Chairperson Tillemans re-opened the public hearing at 11:37 a.m. to allow for additional comment. Dale Comontofsky of Preferred Septic and Disposal said he is opposed to the rate increase taking effect before a new franchise agreement is in place. He said the haulers have been working without one for the last several years and it is only right for the County to give

them the security of a franchise agreement when impacting their cash flow. Chairperson Tillemans closed the public hearing at 11:38 p.m. CAO Carunchio clarified that it is the County's goal to have everything wrapped up at the same time, but if for some reason the franchise agreements are delayed, there is no reason to wait on initiating the rate increases. Supervisor Kingsley said the County is going to have to be charging more at its landfills because the State keeps adopting costly regulations, but he is in favor of the gate fee adjustments because they are reasonable. He added that he doesn't like the Board being in a position where it has to set the haulers' base rates and wishes it felt more like competition. Chairperson Tillemans said this is another tough issue the Board is willing to take on and appreciates the input. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) consider and approve the rates as outlined in report submitted by Department; B) approve a \$10 fee for untarped loads at County landfills not equipped with scales; and C) approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Establishing a Schedule of Solid Waste Management Service Charges (Gate Fees) at County Waste Facilities Without Scales." Motion carried unanimously 4-0, with Supervisor Pucci absent.

**WATER DEPT. –
STANDING
COMMITTEE
DIRECTION**

Water Director Dr. Bob Harrington direction went before the Board to get direction for the County's Inyo County/Los Angeles Standing Committee representatives with regard to the Standing Committee meeting scheduled for May 11, 2017 at the County Administrative Center in Independence. He noted a large delegation from Los Angeles would be in attendance and that Supervisor Pucci, one of two Board members representing Inyo County, would be absent. Chairperson Tillemans recommended Supervisor Griffiths as his alternate and Supervisor Griffiths agreed. Harrington reviewed the meeting's agenda items, including a runoff and operations update, a report on LADWP's 2017-2018 Owens Valley Annual Operations Plan, an action item to set the Lower Owens River Project seasonal habitat flow, a report on Blackrock Waterfowl Management Area flooded acreage, and a report on LADWP funding for the CEQA analysis of the Owens River Water Trail Project. He commented that the most recent data shows the runoff coming fast with the warm weather; reiterated the County's comments on the Operations Plan, which he delivered to the Board during Department Reports on May 2; noted that the County and LADWP have sent a joint letter to the Department of Fish and Wildlife describing the two-week seasonal habitat flows (peaking at 200 cubic feet per second) that staff will be recommending to the Standing Committee and which LADWP indicated it would like to start next week; and said the Blackrock flooded area would likely be a lot more than the required 500 acres. Chairperson Tillemans said the idea of permanently increasing reservoir capacity has been missing from discussions, and LADWP also seems to have abandoned the past practice of spreading excess water on alluvial fans where it will be most beneficial – instead of re-digging the MacIver Canals to the east of the valley. Harrington said LADWP has been preparing for alluvial spreading later this summer but Chairperson Tillemans pointed to a 1972 letter from LADWP where they were spreading as early as March as a preventative measure so they were not having to spill excess water in Indian Wells Valley. Supervisor Kingsley noted there is an issue with the alluvial fan in Lone Pine that could impact the highway if too much water is spread on it. Harrington said the Water Department has been pretty happy with LADWP's spreading efforts in Laws and Big Pine, which staff identified as areas needing mitigation, but will monitor the spreading as the season progresses. CAO Carunchio said with regard to the Owens River Water Trail environmental analysis funding that he hoped the agreement with LADWP is proceeding in a simple, straightforward manner and staff is aiming to present the project grant for Board approval next week. Chairperson Tillemans solicited public comment. Earl Wilson of Lone Pine distributed copies of a map from the BLM showing where LADWP received permits to discharge water from the aqueduct, from Rose Valley to Los Angeles. He said as much as 300 a.f. was dumped per site, and wanted to know why LADWP was getting rid of excess water outside of the Owens Valley when Lone Pine and Olancho need it so desperately. It was explained that LADWP is releasing the water because of aqueduct capacity issues south of Inyo County from creeks feeding the aqueduct. Supervisor Griffiths questioned why LADWP is putting any water into the aqueduct if it's having capacity issues down the line and said that water should be spread on the valley floor instead. He also questioned how LADWP's actions relate to the County's water export ordinance. Philip Anaya of Bishop distributed copies of a press release issued by LADWP in which it says it has spread a total of 4,300 a.f. of water from the aqueduct south of Haiwee Reservoir while Northern Haiwee is near capacity, according to data from the LADWP website that he also distributed. He said LADWP is doing this without the benefit of approval from the Lahontan Regional Water Quality Control Board or environmental review through CEQA. He said the County should raise concerns at the Standing Committee and raise the idea that this epic runoff is the miracle needed to get the water tables up before baseline management can begin. Supervisor Griffiths

said a lot of great information had been brought up and the County's Standing Committee representatives will have to think of creative ways to bring up the issues within the parameters of the agenda items.

PUBLIC COMMENT

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

*BOARD MEMBER
AND STAFF REPORTS*

Public Works Director Clint Quilter told the Board that the County had a visit from OSHA last Wednesday that was initiated by an anonymous complaint. The OSHA representative inspected the Annex Building and the Courthouse. He said the County will get cited and fined, probably less than \$1,000. Issues discovered included water intrusion in Information Services and egress issues in the library area of the courthouse because of boxes stored in the hallway. He said there are a number of documents needing to be filed and he would keep the Board updated.

Supervisor Griffiths said the Inyo National Forest is undergoing a general management review by the Regional Office and as part of that, Board members have been invited to a no-host dinner tonight in Bishop with the Regional Forester. He also noted he attended last night's City Council meeting where the Council approved an update to Municipal Code regarding accessory dwelling units in response to State law that says they must be allowed in R-1 zones. He also mentioned that the Board might want to consider a letter opposing AB 1250, which requires a full cost-benefit analysis before governments can contract for personal services and creates a de facto ban on government contracts.

Supervisor Totheroh said he attended the Regional Forest Service Planning meeting to offer the County's perspective regarding the Inyo National Forest Plan Update process. He learned that INF will be able to select economic impact evaluation criteria of their own when moving forward. He said he discussed the County's Memorandum of Understanding with the Forest Service and suggested that, because it was a lengthy process, there is no reason it cannot start before work on the plan starts. He said he received feedback that the MOU was helpful and the County's economic feedback was extremely helpful.

Supervisor Kingsley said he participated in mock job interviews with the seniors of Lone Pine High School last Wednesday.

CAO Carunchio said the new Information Services Director is on board and busy meeting with the various departments but will be formally introduced to the Board next week. He said staff is in the midst of the budget preparation process, with Department Requested budgets due this Friday. He said he will be working hard to provide an update to the Board. He said in addition to the unfunded liability costs, the County is looking at \$2.1 million in new salary and benefit costs that departments will have to find ways to offset and accommodate. Referring to the comments made earlier by senior representatives, he said it is the County's effort, because it is Board's priority, to continue local senior programs but it will be very difficult to maintain them in light of the additional salary and benefit costs. With regard to the OSHA inspection, which he said the County should be grateful for, it will end up costing about \$250,000 to address and eat up any other deferred maintenance funds.

CLOSED SESSION

Chairperson Tillemans recessed open session at 12:47 p.m. to convene in closed session with all Board members except Supervisor Pucci to continue discussions from the morning session.

OPEN SESSION

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 1:40 p.m. with all Board members present except Supervisor Pucci.

*REPORT ON CLOSED
SESSION*

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

ADJOURN

Chairperson Tillemans adjourned the meeting at 1:40 p.m. to a special session at 8:30 a.m. Friday, May 12, 2017 in the May Street Conference Room in Bishop.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant