

MINUTES



County of Inyo Board of Supervisors

May 16, 2017

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:35 a.m., on May 16, 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 8:35 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (one case); and No. 3 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee Organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, 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: Child Support Director, 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 10:02 a.m. with all Board members present.

PLEDGE Supervisor Pucci 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.

Supervisor Kingsley welcomed Supervisor Pucci back after a two-week hiatus so he could tend to important family matters.

Linda Chaplin of Independence said recent experiences with nuisance lightning led to her discovery that Inyo County does not have any specific ordinances dealing with the issue and suggested the County consider adopting dark sky regulations to protect one of the Eastern Sierra’s best and most attractive features. She said she is afraid lighting regulations will be created by common usage if the County does not address the problem now. (Supervisor Totheroh informed her such an ordinance is actually in the works.)

Earl Wilson of Lone Pine asked that agenda item 11 be pulled from the Consent Agenda for further discussion.

COUNTY DEPARTMENT REPORTS Assistant County Administrator Rick Benson announced the completion of the library automation project and an official kickoff tentatively scheduled for June 2.

Clerk-Recorder-Registrar of Voters Kammi Foote distributed copies of a press release going out across the nation today regarding her office joining a non-partisan coalition to launch an interactive survey on the American Dream. She also reminded the Board of legislation that changed special district elections from odd-numbered to even-numbered years, and said the Board should expect to see requests coming in from the County's 17 special districts for permission to make the change.

CAO Carunchio offered a brief look at the preliminary Fiscal Year 2017-2018 Budget numbers in the wake of department requests and the Governor's May Revise, which includes \$400 million Statewide to mitigate the impacts of the In-Home Support Services shift. He said there will still be a negative impact on Mental Health and Health, since their realignment funds will have to be diverted to Social Services to make up shortfalls to preserve programs and services. He said those divisions will need to find ways to maximize the use of their realignment funding. Carunchio offered a comparative look at the Fiscal Year 2016-2017 Board approved budget and the Fiscal Year 2017-2018 Department Requested budget, which reveals a total budget increase of \$1.5 million to \$2.1 million and an increase of \$2.8 million to \$3.4 million to the General Fund Deficit. He said the total General Fund gap needing to be closed is in the range of \$6.6 million to \$7.2 million. He said he is surprised the gap is not higher, which speaks to the departments being realistic about the financial circumstances facing the County.

INTRODUCTION

CAO Kevin Carunchio introduced new Information Services Director Scott Armstrong.

PRESENTATION – BIG PINE SCHOOL SENIOR GOVERNMENT DAY

CAO Carunchio welcomed members of the Senior Class of Big Pine High School attending a tour for Senior Government Day. The students were presented with packets that included information meant to give them a primer on local government. He stressed to the students the need to remember their right to address their elected officials in public on matters that are important to them. He said in his 30 years in government work, he has never ceased to witness the ability of one individual speaking his or her mind and influencing the actions of five individuals. Chairperson Tillemans said he is proud to be a member of a Board that does listen to its constituents and not shy away from controversial issues. He pointed to the organizational chart in the students' packets, noting that at the very top is the electorate because the Board works for the citizens. Supervisor Griffiths noted that while the Board Room is full today, often times meetings are sparsely attended and said change is made by those who show up, get engaged, vote, and pay attention to the issues. The Supervisors made additional comments about getting involved. County Counsel Rudolph provided an overview of the Brown Act. Chairperson Tillemans opened the floor to any students wishing to speak. One student commented that the valley received a lot of water this year and it all seems to be going south. He said whatever the Board could do to ensure it is put to use here in the valley would be appreciated.

CAO-FILM COMMISSIONER ORAL REPORT

Inyo County Film Commissioner Chris Langley delivered his spring oral report to the Board, saying filming has been moderately busy over the last three months. Recent shoots included a commercial on Lone Pine's Main Street for a Death Valley PipCorn, "Jurassic Planet" shooting in Lone Ranger Canyon, and a student film project using a virtual reality camera on loan from USC. He estimated all projects bringing in about \$8 million to the local economy. He said he can't count the exact number of permits but the permit process itself is going very well thanks to Supervisor Totheroh's liaison work earlier this year with the Forest Service.

COUNTY COUNSEL – GREG JAMES ENVIRONMENTAL ATTORNEY CONTRACT

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the contract between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services for the period of July 1, 2017 through June 30, 2018, at the rate of \$155 for every hour of legal services except travel time which will be paid \$50 an hour, and a contract limit of \$25,000, contingent upon Board's adoption of the Fiscal Year 2017-2018 Budget, and authorize the Chairperson to sign. Motion carried unanimously.

COUNTY COUNSEL/PLANNING – GREG JAMES YUCCA MTN. LEGAL SERVICES CONTRACT

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission, and related court actions, for the period of July 1, 2017 through June 30, 2018, at the rate of \$185 per hour, as further set forth in Attachment B, with travel time paid at \$50 an hour, and a contract limit of \$25,000, contingent upon the Board's adoption of the Fiscal Year 2017-2018 Budget, and authorize the Chairperson to sign. Motion carried

unanimously.

**COUNTY
COUNSEL/WATER
DEPT. – GREG JAMES
WATER ATTORNEY
CONTRACT**

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water Attorney services to the Water Department for the period of July 1, 2017 through June 30, 2018, at the rate of \$155 for every hour of legal services except travel time which will be paid at \$50 an hour, and a contract limit of \$60,000, and authorize the Chairperson to sign contingent upon all appropriate signatures being obtained and the Board's adoption of the Fiscal Year 2017-2018 Budget. Motion carried unanimously.

**ENVIRONMENTAL
HEALTH – IDEXX LAB
SOLE-SOURCE & P.O.**

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) declare IDEXX Laboratories, Inc. the sole-source provider of certain water laboratory supplies for the period of May 16, 2017 through June 30, 2017; and B) approve a blanket purchase order to IDEXX Laboratories for water laboratory supplies in an amount not to exceed \$11,000 for the period of May 16, 2017 through June 30, 2017. Motion carried unanimously. Motion carried unanimously.

**PUBLIC WORKS –
BISHOP AIRPORT
APRON PROJECT
PLANS & SPECS &
BID ADVERTISE**

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) approve the plans and specifications for the Apron Rehabilitation Project at the Bishop Airport, FAA AIP Project No. 03-06-0024-18-2017, Inyo County Project No. TR-16-072; B) authorize the Public Works Director to advertise and bid the project; and C) authorize the Public Works Director to sign the forthcoming Federal Aviation Administration (FAA) Airport Improvement Project (AIP) funding Grant Agreement for the Apron Rehabilitation Project at the Bishop Airport, FAA AIP Project No. 03-06-0024-18-2017, Inyo County Project No. TR-16-072. Motion carried unanimously.

**ROAD DEPARTMENT
– CASCADE
SOFTWARE
AGREEMENT**

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the agreement between the County of Inyo and Cascade Software Systems, Inc. for the provision of Software Maintenance and Support Services for the Road Department's Cost Accounting Program, in an amount not to exceed \$13,438.24 for the period of July 1, 2017 through June 30, 2018, and authorize the Chairperson to sign contingent upon the Board's adoption of the Fiscal Year 2017-2018 Budget. Motion carried unanimously.

**ROAD DEPARTMENT
– ROAD REPORT
PREP SOLE-SOURCE
CONTRACT**

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) declare the State of California a sole-source provider of Annual Road Report preparation services for the Fiscal Year ending June 30, 2017; B) approve a sole-source contract between the County of Inyo and State of California for the preparation of the Annual Road Report for the Fiscal Year ending June 30, 2017, in an amount not to exceed \$4,000; C) authorize the Road Commissioner to sign the contract contingent upon the Board's adoption of the Fiscal Year 2017-2018 Budget; and D) designate the Road Commissioner to sign the Road Report per State Law. Motion carried unanimously.

**PARKS &
RECREATION – PV
VAULT TOILET
RELOCATION SOLE-
SOURCE & P.O.**

Assistant County Administrator Rick Benson reminded the Board that high levels of runoff are eroding an area of Owens River bank that supports a large vault toilet. If the County doesn't take action to relocate the vault toilet, it could end up in the river. He said Parks & Recreation researched the original installer and by coincidence the firm is already working on another project in Inyo County, which is serendipitous given time constraints. Earl Wilson of Lone Pine said he had asked for this agenda item to be moved to Departmental for further discussion because he was concerned the move was temporary but he is now satisfied it is not. Benson assured the Board staff is looking at a new permanent location that is not subject to erosion and is working with LADWP on necessary approvals. Supervisor Griffiths said he imagined LADWP did not want a vault toilet ending up in the river either. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) declare Golden Land Building, Inc. of Apple Valley, CA a sole-source provider of emergency contractor services; and B) authorize a purchase order in the amount of \$20,561 to Golden Land Building, Inc. of Apple Valley, CA for the emergency relocation of a CXT Restroom at the Pleasant Valley Campground. Motion carried unanimously.

**RECYCLING & WASTE
– 4-H CLEAN-UP
FEE WAIVER**

Assistant County Administrator Rick Benson said civic organizations routinely request disposal and gate fee waivers from the County when they are conducting community service clean-up events. Supervisor Griffiths said he wanted this agenda item moved to Departmental for further discussion so he could take a minute to highlight the good work of the 4-H group, which is led by Clerk-Recorder-Registrar of Voters Kammi Foote. Foote said this is the second year for the Citizenship and Government class, whose project this year was a community clean-up. She

said the youth organized the clean-up of the Poleta shooting range area by themselves, and also offered her thanks to the BLM and Friends of the Inyo for their assistance with the event. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh 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 4-H Citizenship and Government Project Clean Up of Poleta Pit." Motion carried unanimously.

**ROAD DEPARTMENT
– HUNTER ROAD
OFFERS OF
DEDICATION**

Public Works Director Clint Quilter said he asked for this agenda item to be moved to Departmental so he could address some minor errors. He said the wrong exhibit was included for the Liggett and Kemp parcels and the Swanson property owner signature page was inadvertently included in the backup but assured the Board the correct documents would be recorded. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to, with the necessary corrections made: A) accept the Irrevocable Offers of Dedication for road, utility and drainage purposes including the roadway infrastructure on Hunter Road; B) accept the Irrevocable Offer of Dedication for drainage purposes as depicted in "Exhibit A"; and C) authorize the Director of Public Works to accept the Irrevocable Offers of Dedication as the Road Commissioner and accept Hunter Road into the County of Inyo's maintained mileage system. Motion carried unanimously.

**PRESENTATION –
IMACA – FEDERAL
BUDGET IMPACTS**

Inyo-Mono Advocates for Community Action Executive Director Charles Broten provided an update to the Board of Supervisors on the potential impacts from the Federal Budget Blueprint on Inyo and Mono counties' residents who rely on IMACA for services. He began by citing what he called the "positive" first: statistics related to the number of community members IMACA served in 2016 in which communities through its food distribution, early education, homeless prevention, energy assistance, and weatherization programs (information he included in a 2016 Annual Report presented to the Board). Broten then discussed the "America First – A Budget Blueprint to Make America Great Again" proposal that was published in March 2017 and which would eliminate approximately \$900,000 – or 30% – of IMACA's federal funding (which was also detailed in an attachment to his report). He described how the Blueprint specifically calls for the elimination of funding for the Community Services Block Grant (CSBG) and Low-Income Home Energy Assistance Program (LIHEAP), which would eliminate energy assistance and energy-saving home modification for at least 881 Inyo-Mono residents, reduce service levels for several hundred other families, eliminate living-wage jobs, and damage the agency's stability. He said the CSBG provides IMACA's core funding and allows it to leverage 12 times that amount from other sources. He added that the loss of funding would impact not just clients but many local vendors with which IMACA has contracts. Broten discussed efforts that are under way to save these programs, including action being taken by the National Association of Counties and bipartisan legislation in the House and Senate. He said IMACA has sent some letters to Congressman Cook and is trying to educate the public. Supervisor Griffiths thanked Broten for the update, and for coming out of retirement to tackle the organizational problems that threatened service delivery at IMACA. Griffiths said it took a tremendous effort by Broten and his staff to turn things around and rebuild the safety net to provide food, housing, jobs, and energy assistance for people in the most desperate straits. Supervisor Kingsley said it is important for the public to know that IMACA is a stable, well-managed organization, which hasn't always been the case. He thanked Broten for his efforts in making IMACA fiscally solvent, so the public can have confidence that the funding it does receive will be put to the most effective use. Supervisor Pucci asked whether IMACA coordinates any programs with local Tribes and Broten said he is currently in talks regarding the possibility of a homeless shelter on the Bishop Reservation. He added he would look into partnering with the Tribes on grants. The Board discussed voicing its political support for sparing IMACA's funding streams and Supervisor Kingsley suggested a letter focusing strictly on local impacts. Supervisor Griffiths said he would get specific information from Broten and work with the Assistant Board Clerk to draft such a letter to bring back for future Board approval.

**PLANNING – UPDATE
ON SHORT-TERM
VACATION RENTALS**

Interim Planning Director Cathreen Richards provided an update to the Board on the issue of homeowners using their residences as short-term vacation rentals. She reminded the Board that because they are not specifically allowed in residential zones, the County has taken the stance that these rentals are not allowed. She said the Planning Department has three open zoning violation complaints regarding short-term vacation rentals in Big Pine, Wilkerson, and Tecopa. Additionally, one complainant and one violator have each threatened to find every advertised rental on online rental sites and file a complaint on each one. Richards reviewed the County's options for regulating the rentals, which include Conditional Use Permits, Zoning Overlays, and a combination of the two. She said the Planning Department is now prepared to

hold a series of public outreach meetings, gather public input, and take that feedback to the Planning Commission and then the Board for help in drafting potential regulations. There was discussion regarding the location and number of proposed community workshops. Richards said the amount was based on the turnout the Department saw at its recent cannabis workshops, where attendance was generally low, and the location was chosen based on where complaints are coming from. Supervisor Griffiths encouraged Richards to reach out to the City of Bishop's Planning Department for additional perspective. Chairperson Tillemans asked that owner-occupied dwellings versus speculation be added as a topic for policy consideration. Supervisor Pucci said he liked the idea of Conditional Use Permits because it ensured surrounding homeowners and residents would have input on a case-by-case basis. Chairperson Tillemans inquired about Mammoth's handling of vacation rentals. He also said there is currently an issue in Independence with several lock-box-type short-term rentals owned by absentee owners where there is no accountability and a negative impact on available housing. Richards said Planning has not received a lot of feedback from Independence on the issue. Independence resident Linda Chaplin said the house next to her is being rented out by an absentee owner on a short-term basis, with high turnover and people coming and going at all hours. She said it is a little unsettling in a residential area. Bishop resident Joann Lijek said her neighbor is an absentee owner and also has strange people coming and going. She said if she wanted to live next to a hotel she could live downtown and pay less for her home. She said she is dead-set against these types of rentals in residential areas – unless they are in Mammoth or the City of Bishop. She also mentioned traffic and lighting issues. Supervisor Griffiths said he thought Planning had enough direction to proceed, based on the Board's various comments. Richards reiterated those comments: find out how the Town of Mammoth Lakes and City of Bishop are proceeding on the issue, add owner-occupied versus absentee-owned dwellings as a policy point, consider rentals be limited to certain times, and point out the impacts to affordable housing. Supervisor Griffiths asked that Planning also emphasize that a Conditional Use Permit would allow for neighbor notification and neighbor input. Treasurer-Tax Collector Alisha McMurtrie said the Board should also consider possible implementation of a business license program, which would relieve Planning from having to oversee compliance and is much more affordable. She said the cost-prohibitive nature of a Conditional Use Permit might drive the industry further underground at a time when she does have residents calling her office looking to pay their Transient Occupancy Tax. Supervisor Pucci said that was an excellent point and noted that there could be liability issues to consider as well in the event of fires and over-occupancy. CAO Carunchio said there could be an opportunity to have local fire departments collect fees – and needed revenue – for inspections. Earl Wilson of Lone Pine also commented, noting that anyone renting out their home for vacation rentals is running a business and should be paying taxes as such. He also said R-1 districts are supposed to be for residential purposes only.

LUNCH BREAK

Chairperson Tillemans recessed the meeting for lunch at 12:18 p.m. and reconvened the meeting at 1:06 p.m. with all Board members present.

*HHS – CDPH
EMERGENCY
PREPAREDNESS
CONTRACT
AMENDMENT 4*

HHS Deputy Director - Public Health and Prevention Anna Scott presented the fourth and final amendment for the current contract year to the agreement between the County and the California Department of Public Health for emergency preparedness services. She explained that the amendment restores funding that the State diverted at the beginning of the year for Zika virus testing, and continues the contract term to allow for the fulfillment of contractual obligations. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify Amendment No. A04 to Standard Agreement No. 14-10507 between the County of Inyo and the California Department of Public Health for the provision of Local Public Health Emergency Preparedness, which extends the term of the agreement through State Fiscal Year 2017-2018 and increases the maximum amount payable under the original agreement by a net amount of \$1,561, for a total amount not to exceed \$880,729; and authorize HHS Director Jean Turner to sign the Standard Agreement and CA Civil Rights Law Attachment. Motion carried unanimously.

*PUBLIC WORKS –
LAWS SEPTIC
SYSTEM REPAIR*

Public Works Director Clint Quilter advised the Board that the Laws septic system failed late last year and after stop-gap measures to address the situation, the system needs to be replaced. He said \$25,000 for the project was included in the Deferred Maintenance budget during Third Quarter Budget Review. Quilter said bids that came in today are for \$27,000, but Quilter said he believes money is available in the Deferred Maintenance Budget to cover the difference. He said Public Works sent out requests to eight different contractors and received

two bids: one for \$27,962 from Kendall Engineering and the apparent low proposal from Doug Clair Construction for \$27,065. Quilter offered some details about the placement of the septic system. Chairperson Tillemans asked whether Quilter anticipated any future amendments coming forward for additional money for the project and he said he didn't think so. Supervisor Griffiths said he appreciated the County taking care of the problem, which has been a big issue for the residents of Laws. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve funding (\$25,000) to replace the septic system at Laws Museum; and B) authorize Public Works to hire a contractor to complete the work needed to install a working septic system at Laws Museum. Motion carried unanimously, 5-0.

*ROAD DEPARTMENT
– 2016 MAINTAINED
MILEAGE
RESOLUTION*

Public Works Director Clint Quilter said the Road Department is required to provide the State with a certified list of the County's Maintained Mileage Log before it can receive its gas tax funding. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled, "Resolution of the Board of Supervisors, County of Inyo, State of California, Annual Certification of the 2016 Maintained Mileage Log," and authorize the Public Works Department to file the resolution with Caltrans District 9 Office of the State of California. Motion carried unanimously.

*ROAD DEPARTMENT
– COUNTY LINE
SIGNS HONORING
VETERANS*

Road Superintendent Chris Cash reported that Caltrans is replacing the existing Inyo County signs at both ends of the county with new ones, and has the option of including on the signs "Where We Honor Veterans." Chairperson Tillemans said it was an incredible opportunity and couldn't think of a better message in an area where more than 90 percent of the land is federally-owned. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to have Caltrans include the phrase "Where We Honor Veterans" on the Inyo County line signs being installed to replace the existing Inyo County line signs. Motion carried unanimously.

*ROAD DEPT. – FOUR
HEAVY EQUIPMENT
OPERATOR I/II's*

Public Works Director Clint Quilter reported on the need to fill vacancies in the Road Department with the anticipated workload this summer, noting that filling some of the vacancies was put off until the Road Repair and Accountability Act of 2017 (SB 1) passed. Supervisor Totheroh asked whether future requests would be forthcoming considering the workload and Quilter said until SB 1 funding starts to ramp up. 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 four (4) Heavy Equipment Operator I/II positions exists in the Road Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy would be filled through an internal recruitment, however an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of four (4) Heavy Equipment Operators I or II, depending on qualifications, at Range 58 (\$3,310 - \$4,027) or Range 60 (\$3,471 - \$4,216), respectively. Motion carried unanimously.

*CAO-LIBRARY – TWO
APAR LIBRARY
SPECIALIST I's*

Assistant County Administrator Rick Benson asked that agenda items 27 (APAR Library Specialist I for Tecopa) and 28 (APAR Library Specialist I for Furnace Creek) be considered together. He said the Furnace Creek library specialist position has been vacant for quite some time and the Tecopa specialist will be leaving May 31. He said both part-time positions are necessary to operate the two libraries. Earl Wilson of Lone Pine said the County needs to hire a part-time librarian for the Lone Pine branch to relieve the current librarian and keep the branch open during regular hours. He said it is a challenge for patrons to know when the branch will be open. Benson conceded the County does run a tight ship at the Lone Pine branch but it is open five days a week. There was additional discussion about the recent library automation project contributing to additional closures at local branches and unavoidable inconvenience to the public, which would cease with the completion of the project. Supervisor Kingsley pointed out the County's commitment to its library system by making the effort to hire staff for the branches in Tecopa and Furnace Creek. Moved by Supervisor Kingsley 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 APAR Library Specialist I position for the Tecopa Library and an APAR Specialist I position for the Furnace Creek Library exists in the Library Budget, as certified by the Library 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 open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of two (2) APAR Library Specialist I's, Range 46A

(\$13.42063 per hour).

**LAND OF EVEN LESS
WATER EMERGENCY**

CAO Carunchio said the hydrological conditions in West Bishop still warrant the continuation of the Land of Even Less Emergency despite the end of the drought, until staff can bring back a revised emergency proclamation. Moved by Supervisor Pucci and seconded by Supervisor Totheroh 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 existed until recently in the County, while considering how to address the ongoing hydrologic issues in West Bishop. Motion carried unanimously.

**HERE IT COMES
EMERGENCY**

CAO Carunchio said the valley has so far been fortunate with regard to the runoff thanks to cooperative weather but the National Weather Service is forecasting hot spells that could accelerate the runoff. He said he hopes the County’s public service announcements have been heeded, that residents are prepared and ready with the 20,000 sand bags made available last week, and that their ditches are cleared and debris-free. Emergency Management Specialist Kelley Williams said yesterday’s Unified Command meeting with various local agencies was very positive with everyone working together on areas that need to be addressed. She said she has asked everyone to provide her with figures on overtime, equipment expenses, labor and other costs so that she can track it to show the feds evidence of the need for assistance. She also noted that somebody pointed out that with the end of the school year approaching, kids will want to be floating the river, so LADWP will be putting up caution signs to dissuade them. Supervisor Kingsley thanked staff for all the preparation to stay ahead of the disaster. Supervisor Pucci noted that the emergency proclamation will also help residents, not just local agencies, and said he appreciated the PSAs being put out by the Sheriff’s Department. Public Works Director Clint Quilter told the Board that LADWP announced it is making good headway on lowering the level of Crowley Lake to accommodate runoff and said flows are up in Bishop Creek as Southern California Edison similarly empties its reservoirs in anticipation of snowmelt. He said those reservoirs are still expected to spill. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to continue the local emergency known as the “Here It Comes Emergency” that was proclaimed in anticipation of run-off conditions from near-record snowpack posing extreme peril to the safety of property and persons in Inyo County. Motion carried unanimously.

**ROCKY ROAD
EMERGENCY**

Public Works Director Clint Quilter provided an update on road work associated with the Rocky Road Emergency, noting that the slurry laid on Whitney Portal Road is holding well and one lane of Horseshoe Meadow Road should be open by June 1. Supervisor Griffiths asked whether the Road Department is discovering additional damage around the county as the snow recedes. Quilter said there was a fair amount of damage farther uphill on Horseshoe Meadow Road and there is a sinkhole just before the reservoir on South Lake Road. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to continue the local emergency known as the “Rocky Road Emergency” that was proclaimed as the result of flooding, mud, and rock landslides and deep snow drifts over portions of Inyo County caused by an atmospheric river weather phenomena that began January 3, 2017 and continued throughout February. Motion carried unanimously.

**GULLY WASHER
EMERGENCY**

Public Works Director Clint Quilter reminded the Board that the contract for last phase of work on Trona Wildrose Road was awarded a couple of weeks ago and rehabilitation work should begin in early June. He said the project should conclude repair work associated with the Gully Washer Emergency. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to continue the local emergency known as the “Gully Washer Emergency” that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013. Motion carried unanimously.

**DEATH VALLEY
DOWN BUT NOT OUT
EMERGENCY**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci 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.

**WATER – OWRT
GRANT AGREEMENT
& ENVIRONMENTAL
WORK**

Water Director Dr. Bob Harrington noted there have been a lot of challenges in proceeding with the Owens River Water Trail Project. He said first and foremost, the project is located on Los Angeles land and requires an access agreement from the Los Angeles Department of Water and Power. In the meantime, there are many unanswered questions and concerns, including the disposal of and actual volume of material excavated from the river – which Harrington said

won't be known until work actually starts – potential impacts to the Lower Owens River itself from channel work, and impacts from moving equipment around on the floodplain. Harrington said the lessee in the area also has concerns about disposal of the spoil in his grazing area, the movement of equipment on his lease, and people recreating on his lease. He said there are also questions about how the project will affect the habitat goals of the Lower Owens River Project. He said at the February 22 Standing Committee meeting, Los Angeles Commissioner Noonan offered for LADWP to underwrite the environmental analysis that would answer a lot of the looming questions and remove the logjam holding up the project. He said once that analysis is complete, the City and County can work together to decide whether to proceed with the project. Harrington added that the ongoing Operations and Maintenance costs of the project are still quite daunting. He also noted that the CAO wrote an extensive recommendation in the Staff Report and he doesn't disagree with anything written. It was recommended the Board accept a State grant today to fund the development of the Owens River Water Trail, contingent upon several factors. The floor was opened to public comment. Philip Anaya of Bishop supported the idea of a river trail and recommended the County look into buying, renting, or building a mechanized cattail cutter. He also said he liked to see opportunities to partner with LADWP because they can be leveraged toward other projects. Richard Potashin of Big Pine said he commended LADWP for offering to pay for the environmental analysis and embracing the CEQA/NEPA process, but said it doesn't seem to have a problem leaving spoils along ditches and canals throughout the Owens Valley from its own channel clearing work. He also said cattle seem to enjoy munching on the spoils. Supervisor Kingsley said he didn't think ranchers shared the same view. Potashin said he still believed there were other options for spoil disposal beyond the floodplain or landfill. He also stressed the economic benefits of the project and said he hoped they would be addressed in the EIR. Mary Roper of Independence, speaking as the Owens Valley Committee President, also expressed gratitude for LADWP's offer. She said she understood the County's financial concerns but said the OVC and its friends have met informally to discuss taking over maintenance of that stretch of the river, which the OVC has previously worked to clear of tules. She said a currently clogged section of the river will likely experience fish kills during the high runoff. Speaking as an individual, and the ex-wife of a Vietnam vet whose demons killed him and the mother of a son about to be deployed for a second tour to the Middle East, she said she believed the project could morph into a very important opportunity for veterans suffering from Post-Traumatic Stress Disorder. Mike Prather of Lone Pine, and a Board member for Friends of the Inyo, said he recognized the concerns of the County but noted the widespread support for the project and its potential to link communities and said it would allow another way to co-exist with the City of Los Angeles. Yaney Maclver of Bishop also expressed her support for the project, and said other options for disposal of the spoils could include compost. She also said she was currently reading a book on local history in which it was reported that muskrats are helpful in controlling tules. Earl Wilson of Lone Pine said composting of the spoils is doable, and while it seems contrary to LADWP to want to spend money on something helpful to the Owens Valley, he is all for it. He also noted there are people in Los Angeles familiar with and fond of the Owens Valley who will likely pitch in as well. Supervisor Pucci said Roper's comments brought tears to his eyes and called this project a perfect example of something that can be positive for both the City and County, for the benefit of many. Supervisor Kingsley also voiced his support for the project, and thanked CAO Carunchio for working so hard to get the County in a better position to move forward. He said it would have been easy for the County to hastily accept the grant without some of the safeguards now available. CAO Carunchio also recognized LADWP's generous offer allowing the County to move forward, but said the fact remains there are still cost uncertainties. He said he was optimistic the environmental analysis would endear LADWP to partner with the County on the project. He also suggested to the supporters in the room that they nevertheless hedge their bets during the environmental process and, speaking to their commitment to the project, look into negotiating cooperative agreements that could help with maintenance costs. He also warned of the need to be careful not to shift responsibility for the LORP, which is a shared responsibility, over to the County. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) authorize the Water Director to sign the attached grant agreement between Inyo County and the State of California, Natural Resources Agency, River Parkways Grant, accepting \$500,032.00 to fund the development of the Owens River Water Trail (ORWT); B) acknowledge that the environmental review, including CEQA, and possibly NEPA, must be completed for the ORWT; C) acknowledge that LADWP has agreed to pay for the preparation of all required environmental review documentation, although the details of that commitment have yet to be formalized; D) direct staff to work with LADWP to formalize LADWP's environmental review funding commitment and to determine who will prepare the required environmental review document(s); E) direct the County

to not undertake any expenditures for which it will need or expect to be reimbursed from grant funds, or otherwise seek any disbursement of grant funds before the completion of the environmental review process and the issuance of all permits required for the project and the Board of Supervisors authorizes proceeding with the Project, unless such disbursement is approved in advance by the Board; and F) acknowledge that the County and/or LADWP will determine whether or not to proceed with the Project once the environmental process has been completed and all required permits have been issued and the costs of the project have been better clarified. Motion carried unanimously.

*RECESS/
RECONVENE*

Chairperson Tillemans recessed the meeting for a break at 2:32 p.m. and reconvened the meeting at 2:41 p.m. with all Board members present.

*PLANNING –
PRESENTATION –
PORTABLE STORAGE
& SHIPPING
CONTAINERS
REGULATION ISSUES*

The Board received a presentation from Planning staff regarding storage and shipping containers on properties in the County, their status as accessory buildings, and setback requirements. Interim Planning Director Cathreen Richards offered an overview on the use of cargo containers in Inyo County and the regulations thereof, including setback requirements and the need for a building permit for larger sized containers. She described how one unit in particular is generating complaints in a West Bishop neighborhood because it has been sitting in a front yard on a “temporary” basis for about a year and creating aesthetic issues. County Code does not include design criteria or visual standard for accessory structures. Supervisor Pucci said he brought this matter forward for Board discussion because he continues to receive complaints from his constituents. He said some potential solutions are requiring a Conditional Use Permit or requiring the structures blend in to their surroundings. Supervisor Totheroh suggested prohibiting the structures in front yards altogether unless on a temporary basis. Supervisor Kingsley said aesthetics are subjective and the Board should be careful about a Countywide front yard ban, because some areas of the County would have no problem with storage containers in front yards. Supervisor Griffiths inquired about the cost of a Conditional Use Permit, which Richards noted is about \$1,400. Supervisor Totheroh asked what level of priority the issue is, considering Planning’s staffing constraints. She said she didn’t know if it qualified as high priority but the department has received three zoning complaints from throughout the County and was asked to analyze the issue. Supervisor Griffiths said he was hesitant to restrict what people can do on their own properties without a really good reason, but also understood why residents in the West Bishop neighborhood didn’t like that particular cargo container being there. He said only allowing accessory buildings in backyards might be the most minimally invasive solution, but also noted that there are sheds being placed in front yards that look really nice. CAO Carunchio suggested a compromise: undertaking the process to amend the current ordinance to prohibit storage containers in front yards except by variance, issued at no charge for six months. He said the process could allow residents to keep applying for and receiving the variance if they’re not upsetting their neighbors, or to seek a Conditional Use Permit if they didn’t want to seek multiple extensions. Supervisor Kingsley said he thought the solution was a great compromise and suggested a 12-month variance, since residents have to go to a lot of trouble and expense to put storage containers on properties in the first place.

*CORRESPONDENCE-
ACTION – INDY FIRE
DISTRICT ELECTIONS*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the re-scheduling of Independence Fire Protection District Governing Body Elections from odd-numbered years to even-numbered years in accordance with Elections Code 1303(b) and Senate Bill 415 (2015-2016 Regular Session), and approve the consolidation of the District’s Governing Body Elections with the Statewide General Election pursuant to Elections Code 10404. 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*

Supervisor Griffiths said he attended an event last Tuesday at Whiskey Creek in Bishop held in conjunction with the Region 5 Forest Service institutional review of the Inyo National Forest. He also attended the graduation ceremonies for the Probation Department’s Drug Court and Re-Entry Court programs, the Standing Committee meeting in Independence on May 11, the Altrusa Tea on Saturday, May 13 (he and Supervisor Totheroh were footmen), and last night’s Inyo Associates event at the Lone Pine McDonald’s.

Supervisor Kingsley reported that he was not a footman at Saturday’s Altrusa Tea.

Supervisor Totheroh said he would be attending a Local Transportation Commission meeting tomorrow and helping to host Bishop High School students on a portion of their Government Day tour in Independence this Thursday.

Chairperson Tillemans noted that he would be volunteering during Mule Days next week and the Board will be dark the next two Tuesdays.

CAO Carunchio reminded the Board of inroads on the economic development front made during Board members' last Washington, D.C. visit. He said there is a Select USA Investment Summit in Maryland June 18-20 to attract foreign investors and he was accepted to attend on behalf of Inyo County. He said he also reserved a slot for a supervisor, thinking it should be Supervisor Tillemans given his role as Chairperson and background in economic development. Carunchio said he was also invited to attend an infrastructure symposium June 20-24, and reminded the Board of its goal to send at least three delegations to D.C. every year. The Board agreed Supervisor Totheroh should accompany Carunchio and Tillemans on the trip to spend additional time lobbying and meeting with federal legislators and their staff.

- CLOSED SESSION* Chairperson Tillemans recessed open session at 3:20 p.m. to convene in closed session with all Board members except Supervisor Totheroh to continue discussions from the morning session.
- OPEN SESSION* Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 4:39 p.m. with all Board members present except Supervisor Totheroh.
- 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 to 8:30 a.m. Tuesday, June 6, 2017 in the County Administrative Center in Independence.



Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant