

MINUTES



County of Inyo Board of Supervisors

October 3, 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 October 3, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Tothoroh, Jeff Griffiths, Rick Pucci, and Matt Kingsley.

PUBLIC COMMENT Chairperson Tillemans asked for public comment during the first public comment period and there was no-one wishing to address the Board.

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 (two cases); No. 3 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Titles: Environmental Health Director; Health and Human Services Director; and No. 4 **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 10:12 a.m. with all Board members present.

PLEDGE CAO Kevin Carunchio led the Pledge of Allegiance.

**MEMORIAL
ADJOURNMENT
ANNOUNCEMENT** Chairperson Tillemans announced that is with heavy hearts that the Board, County staff and members of the public gather today for business in the wake of the deadly shooting over the weekend in Las Vegas. He said today's meeting would be adjourned in memory of the fallen.

**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.

Daris Moxley from Bishop distributed to the Board copies of a letter she received from the Inyo County Water Department and maps showing Type E vegetation on the property she leases from the Los Angeles Department of Water. She then read from a statement in which she asserted her belief that both the County and LADWP are violating the Long-Term Water Agreement by ignoring the provision that states Type E vegetation will be supplied with the same amount of water it was supplied in 1981-82. She said the vegetation is in decline because it is not getting the same supply. She said she has taken her concerns to the Inyo County Water Department, Bishop Creek Water Association, Inyo County Grand Jury, the Inyo-L.A. Technical Group and Inyo-L.A. Standing Committee and has largely been met with silence, but said she will continue raising the point until someone can provide her proof that what is written in the Water Agreement regarding Type E vegetation is not legally binding. Moxley reiterated that she does not get a response when she brings up the issue. Supervisor Griffiths said the Board cannot legally respond to her issue during public comment and pointed

out that the Water Department recently provided her a response via letter.

**COUNTY
DEPARTMENT
REPORTS**

Clerk-Recorder-Registrar of Voters Kammi Foote said her office will be mailing ballots out in the Bishop area for upcoming Community Service District elections. She reminded the Board that the Eastern Sierra Community Service District will be having its first election in 40 years, so residents of the district will likely have questions and can be referred to either the Community Service District or her office. She also announced upcoming voter registration events in Bishop and Lone Pine.

Suzanne Rizo, director of Child Support Services, wanted to express appreciation for the support extended to her department during her extended, unexpected absence – particularly from Deputy Personnel Director Sue Dishion, CAO Carunchio, Child Support Supervisor Emily Casabian and Administrative Analyst Ashlee Alex. She said she hoped to return to the Board soon with her annual department update.

Chief Probation Officer Jeff Thomson invited the Board to attend a mock DUI/impaired driver event October 11 at Lone Pine High School, the goal of which is to help teenage drivers make mature decisions and to show the impact their poor decisions can have on others.

HHS Deputy Director - Public Health and Prevention Ann Scott provided the Board with an update on local West Nile virus activity, noting that with reduced mosquito numbers, it is hoped Inyo County is at the non-West Nile virus risk level now. She said Inyo County had four confirmed cases over the summer, all of whom are recovering, including the individual who did experience some neurological impacts as a result. She also said flu shot outreach dates would be published soon.

INTRODUCTIONS

HHS Deputy Director - Public Health and Prevention Anna Scott introduced to the Board new HHS employees Alicia Salamanca, Prevention Specialist, and Chelsea D. Stockton, Office Clerk III.

**CORONER – DUANE
WHITBEY CONTRACT**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the contract between the County of Inyo and Duane Eugene Whitbey for Personal Services for a total contract amount not to exceed \$45,000 for the term of November 1, 2017 through December 31, 2019, contingent upon the Board's approval of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

**CORONER – JEFFREY
MULLENHOUR
CONTRACT
AMENDMENT 1**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve Amendment No. 1 to the contract between the County of Inyo and Jeffrey E. Mullenhour for Personal Services as a County Officer, amending the contract by: A) changing the end date of the contract to December 31, 2017; B) decreasing the contract amount by \$38,000 for a total contract amount not to exceed \$20,000; and C) changing the Schedule of Fees, effective November 1, 2017 through December 31, 2017, from \$1,350/month to \$675/month. Motion carried unanimously.

**RECYCLING & WASTE
MANAGEMENT –
CATERPILLAR 938M
FRONT-END WHEEL
LOADER**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) approve the purchase of a Caterpillar 938M Front End Wheel Loader; B) award the contract in an amount not to exceed \$262,378.25 to Quinn Company of Lancaster, CA; and C) authorize the County Administrator or designee to sign all documents relevant to the purchase of the loader. Motion carried unanimously.

**ROAD DEPT. – HI
DESERT TRUCKING
SCHOOL SOLE
SOURCE**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) declare Hi Desert Truck Driving School of Lancaster, CA a sole-source provider of training services for obtaining commercial vehicle licensing; and B) approve a purchase order to Hi Desert Truck Driving School of Lancaster, CA in an amount not to exceed \$35,000, including expenses already incurred this fiscal year, for current training services for obtaining commercial vehicle licensing. Motion carried unanimously.

**PROBATION – CASE
MANAGEMENT
SYSTEM AGREEMENT**

Chief Probation Officer Jeff Thomson explained that his department sought out a better case management system a little over a year ago and found Caseload PRO, which has been working well and will eventually be fully integrated with the Court and Sheriff's Department's systems. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to ratify and approve the Master Subscription Services Agreement between the County of Inyo and CaseloadPRO of Salida, CA for the provision of case management services for an online case management system for the Inyo County Probation Department for a beginning period of July 1, 2017 to

renew each month at a monthly rate of \$1,200 for 32 users, contingent upon the Board's adoption of future budgets; and B) authorize Chief Probation Officer Jeff Thomson to sign. Motion carried unanimously.

*HHS – INYO-MONO
HEALTH CARE
COALITIONS CDPH
LETTER OF SUPPORT*

HHS Deputy Director - Public Health and Prevention Anna Scott explained to the Supervisors that the letter before them from the Inyo County Health Officer on behalf of Inyo County to the State is the first step in combining Inyo and Mono counties' health care coalitions for regional emergency preparedness and planning activities. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve a letter of support addressed to the California Department of Public Health Emergency Preparedness Office on behalf of Inyo County for Inyo and Mono County Health Care Coalitions to join as a single Health Care Coalition under the Hospital Preparedness Program, and authorize the Inyo County Health Officer to sign. Motion carried unanimously.

*HHS – FIRST 5
CALIFORNIA LOCAL
FUNDING
AGREEMENT*

The Assistant Clerk of the Board pointed out a typo on the agenda: the term of the contract should state July 1, 2017 to June 30, 2021, not to June 30, 2017. With the typo noted, HHS Deputy Director - Public Health and Prevention Anna Scott presented the allocation letter for First 5 Inyo County, along with the annual small-county allocation. Supervisor Griffiths asked whether allocation amounts have fluctuated in recent years and Scott said they have been fairly steady, but are expected to decline since they are based on revenue from the tobacco tax. Chairperson Tillemans said he was happy to see the agreement, which would allow First 5's great work to continue in Inyo County. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to ratify and approve the Local Area Agreement for First 5 California Funds, for the period of July 1, 2017 to June 30, 2021, in order to receive \$1.5 million, with an annual project allocation of \$375,000, and authorize the First 5 Director to sign the agreement between First 5 California and First 5 Inyo County. Motion carried unanimously.

*HHS-CDPH WIG
CONTRACT
AMENDMENT2*

Anna Scott presented a contract amendment for the Women, Infants, and Children contract with the State, noting that it came just a few days short of the Board meeting, requiring a ratification. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify and approve Amendment A02 to the contract between the County of Inyo Department of Health and Human Services and California Department of Public Health for the California Women, Infants, and Children Contract, shifting funds for years 2 through 4 to reflect actual expenditures invoiced for a total amount not to exceed \$1,479,808 for the period of October 1, 2015 through September 30, 2019, contingent upon the Board's approval of future budgets; and authorize Interim HHS Director Marilyn Mann to sign Standard Agreement No 15-10070 Amendment A02. Motion carried unanimously.

*HHS-BEHAVIORAL
HEALTH – FY 16/17
INVOICE
RATIFICATION*

HHS Deputy Director - Public Health and Prevention Anna Scott presented a request for ratification and approval of expenditures for the prior Fiscal Year (2016-2017), needed because the invoice arrived late. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve payment of the Fiscal Year 2016-2017 invoice for the provision of psychiatric inpatient services in an amount not to exceed \$3,664 for the period of November 28, 2016 until December 2, 2016. Motion carried unanimously.

*HHS – ASSISTANT TO
THE HHS DIRECTOR*

HHS Deputy Director - Public Health and Prevention Anna Scott noted a promotion has created a vacancy in one of the key positions for the HHS Department. She said this person is responsible for the administration details of running the large department, is the point person for communications with the Red Cross, and makes sure Agenda Request Forms are properly routed, the back-up material assembled and everything submitted on time. 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 one (1) Assistant to the HHS Director exists in non-General Fund and I.C. GOLD Fund budgets, as certified by the Interim HHS Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualification for the position, the vacancy could possibly be filled through an internal recruitment, but an external recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Assistant to the HHS Director at Range 70 (\$4,479 - \$5,448). Motion carried unanimously.

HHS-SOCIAL SERVICES – OFFICE TECHNICIAN III

HHS Deputy Director - Public Health and Prevention Anna Scott told the Board that an Office Technician III in Social Service was promoted into another position, leaving a vacancy in a role responsible for assisting with a variety of Social Services programs. 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 one (1) Office Technician III exists in a non-General Fund budget, as certified by the Interim 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 as a State Merit position, an external recruitment would be more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Office Technician III at Range 63 (\$3,791 - \$4,613); and D) if an internal candidate is hired into the Office Technician III position, authorize HHS to backfill the resulting vacancy. Motion carried unanimously.

HHS-SOCIAL SERVICES – INTEGRATED CASE WORKER III

HHS Deputy Director - Public Health and Prevention Anna Scott told the Board a third promotion with the HHS Department has created a vacancy in an Integrated Case Worker III position. Moved by Supervisor Pucci and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Integrated Case Worker III exists in a non-General Fund budget, as certified by the Health and Human Services Interim 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 external recruitment would be more appropriate to ensure qualified applicants apply; C) approve the hiring of one (1) Integrated Case Worker III at Range 67 (\$4,170 - \$5,062); and D) if an internal candidate is hired into the Integrated Case Worker III position, authorize HHS to backfill the resulting vacancy. Motion carried unanimously.

CLERK-RECORDER-REGISTRAR OF VOTERS – DOMINION VOTING SYSTEMS BID/NEGOTIATIONS

Clerk-Recorder-Registrar of Voters Kammi Foote provided a brief overview of the County's efforts to replace its 12-plus-year-old voting system, which entailed releasing a Request for Proposals (RFP) in June that yielded four bids. She said of the bid packages received, one was an incomplete system and one was for a system certified in 2005 and both were immediately dismissed by the team assembled to review the proposals. She said the other two would both work well for Inyo County but Dominion Voting Systems was found to be much less expensive. She said because of monetary concerns, she is asking to declare Dominion the successful bidder, but because Dominion's proposal needs some adjusting to provide the best fit for Inyo County's needs, she is also asking to enter into further negotiations with the firm. Foote also noted that none of the current quotes for a new voting system exceed \$250,000, which means the County will be able to save a lot of money on behalf of constituents by going through an RFP process. Supervisor Griffiths asked a series of follow-up questions, including what the \$250,000 figure was based on. Foote said the figure is based on \$38,000 a year over the life span of the voting systems – 8 to 10 years. She said she would like to bring back a full contract to the Board with all the details hammered out once she and Dominion arrive at the right equipment and price point. Supervisor Griffiths also asked about the money set aside in a trust for the voting system replacement. CAO Carunchio said the trust was set up when the County anticipated a new system costing \$650,000. He said the trust is currently at about \$260,000 and there is additional funding available in the Computer Trust if needed. He noted the responses to the County's RFP were a pleasant surprise. Supervisor Kingsley asked about the nature of Foote's negotiations. She said a big component will be whether the County needs in-person support (she doesn't think so), and a reduced amount of equipment. She also mentioned consideration being given to whether the County will lease or purchase, and noted advantages and disadvantages to both. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to: A) authorize the Clerk-Recorder to declare Dominion Voting Systems as the successful bidder for the lease or purchase of a New Voting System; and B) authorize the Clerk-Recorder to enter into further negotiations with Dominion Voting Systems for the lease or purchase of a New Voting System. Motion carried unanimously.

RECESS/RECONVENE

Chairperson Tillemans recessed open session at 10:58 a.m. for a break and reconvened the meeting at 11:04 a.m. will Board members present.

CLERK-RECORDER-REGISTRAR OF VOTERS – PROPOSED ORDINANCE (REAL PROPERTY

Clerk-Recorder-Registrar of Voters Kammi Foote introduced a proposed ordinance to update an existing ordinance dating back to 1968 that allows for the collection of documentary transfer tax. She said the tax amounts to about \$50,000 to \$78,000 a year for the County budget and a lot of legislative changes have necessitated an update to the existing ordinance to strengthen the portion that addresses collection. Chairperson Tillemans opened the public hearing at 11:06

TRANSFER TAX)

a.m. and, with no-one present to comment, closed the public hearing at 11:06 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) waive the first reading of an ordinance titled, “An Ordinance of the Inyo County Board of Supervisors Amending Sections 3.24.020, 3.24.040, 3.24.050, 3.24.060, 3.24.080, 3.24.100, 3.24.100, 3.24.150, and Adding Section 3.24.180 to the Inyo County Code Pertaining to Real Property Tax Transfer;” and B) schedule the adoption for 11 a.m. Tuesday, October 10, 2017 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously.

*PLANNING –
PROPOSED
ORDINANCE (SILCOTT
PARCEL)*

Planning Director Cathreen Richards presented a proposed ordinance and resolution stemming from a request from owners of property between South Lake Road and Mt. Tom View Drive in Bishop to propose planning and zoning changes to better fit current and future uses of the land, although she noted the couple has no plans to change their current uses. She explained the changes will overall lower the intensity of use and remove the potential for an RV park to be built on the property in the future, which is currently possible – although with substantial conditions being met – as the result of the previous owner subdividing the property and getting his own zoning changes. Richards said staff sent out invitations to local Tribes for consultation and received no responses or comments, and has not received any feedback from the public. She said the Planning Commission voted in August to recommend approval by the Board. After some additional discussion and questions by the Board, the Chairperson opened the public hearing at 11:16 a.m. Hearing no comments, the Chairperson closed the public hearing at 11:16 a.m. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to: A) approve a resolution titled, “A Resolution of the Board of Supervisors of the County of Inyo, State of California, Certifying that the Provisions of the California Environmental Quality Act (CEQA) Have Been Met and Making Certain Findings with Respect to and Approving Zone Reclassification No 2017-02/Silcott and General Plan Amendment No. 2017-02/Silcott;” and B) waive the first reading of a proposed ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2017-02/Silcott and Amending the Zoning Map of the County of Inyo by Rezoning a 8.92-Acre Parcel Located Between South Lake Road and Mt. Tom View Drive, West of the Community of Bishop (APN 014-270-18) from Open Space with a 40-Acre Minimum (OS-40) and OS-40 with a Snow Avalanche Hazard Overlay (SAHO) To Rural Residential with a 5-Acre Minimum (RR-5.0) And RR-5.0 SAHO; and Rural Residential with a 2.5-Acre Minimum (RR-2.5) and RR-2.5 SAHO,” and schedule the adoption for 11 a.m. Tuesday, October 10, 2017 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously.

*PROBATION –
PROPOSED
ORDINANCE (FEE
REVISION)*

Chief Probation Officer Jeff Thomson presented a proposed ordinance to adjust the schedule of fees that Probation charges for the services it conducts. He drew the Board’s attention to the schedule of current and proposed fees included in the agenda backup material and noted that the Penal Code allows for some type of cost recovery for all of the services included. He also said staff conducted an analysis of the time it takes staff to perform the various tasks to show that the proposed fees are in line with the actual average costs. Supervisor Griffiths asked whether any of the fees could be waived at the Department’s discretion if deemed in the best interest of the whole system, since from a financial standpoint it would be counterproductive to jail someone for not being able to afford a fee. Thomson said waivers are one option; Probation also has a sliding scale based on Federal guidelines and can also set up payment plans. He assured the Board that his officers take financial constraints into consideration because ultimately, they want successful outcomes. Thomson also pointed out that the fee for sealing juvenile records has been eliminated for those aged 25 and younger. Chairperson Tillemans opened the public hearing at 11:24 a.m. and, with no-one present to comment, closed the public hearing at 11:24 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to waive the first reading of a proposed ordinance titled, “An Ordinance of the Board of Supervisors, County of Inyo, State of California, Revising Inyo County Probation Department Fee Schedule,” schedule adoption for 11 a.m. Tuesday, October 10, 2017 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously.

*SHERIFF –
PROPOSED
ORDINANCE
(SHELTER FEE
REVISION)*

Sheriff Lutze presented a proposed ordinance to increase fees at the Animal Shelter and make adjustments to impound policy. He said the last fee increase was enacted in 2004 and there have been substantial cost increases since then in housing animals, veterinary bills, staff salaries, and food and cleaning supplies, including a 75 percent jump in the price of disinfectant. He said staff developed an updated fee schedule, based on what other counties charge and Inyo County’s actual costs, so that the County could recoup its costs but still provide affordable adoptions. Chairperson Tillemans opened the public hearing at 11:27 a.m. Discussion ensued

about whether increasing the adoption fee from \$10 to \$50 will deter residents from adopting animals. Supervisor Kingsley pointed out that the longer animals sit at the shelter, the higher the County's overall costs. He asked whether the Sheriff had any concerns about impacting adoption rates. Sheriff Lutze noted that the Shelter manager spoke with residents who have adopted animals from the shelter for their input, and ICARE was also consulted during the preparation of the new fee schedule. He also said that adoption fees at some county shelters run as high as \$150. Supervisor Totheroh said he hoped that if the new fee is approved and it appears adoptions are declining that the Sheriff would come back to the Board to revisit the issue. Sheriff Lutze said he would since his goal is to have every animal adopted. Supervisor Griffiths said the leap from \$10 to \$50 is a big one. He also said the proposed fee for licensing animals that are not spayed or neutered appeared low, and if it were higher, could provide incentive for pet owners to spay or neuter their pets and offset a lower adoption fee. Assistant County Counsel John Vallejo noted that the ordinance allows for future fee adjustments by resolution of the Board. Sheriff Lutze suggested a lower adoption fee of \$35 and higher license fee of \$45 if the animals are not spayed or neutered, but Supervisor Pucci pointed out that pet owners are already hesitant to get their pets licensed. Sheriff Lutze agreed, saying it can become a public health issue because only licensed animals are guaranteed to be vaccinated for rabies and other diseases. Discussion continued about possible options for proceeding with the fee schedule. Sheriff Lutze suggested dropping the adoption fee to \$40 and assessing its impact on adoption numbers, which the Board accepted. Chairperson Tillemans closed the public hearing at 11:40 a.m. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to waive the first reading of a proposed ordinance titled, "An Ordinance of the Inyo County Board of Supervisors Amending Section 8.28.040 to the Inyo County Code Pertaining to Animal Control Shelter Fees," and schedule the adoption for 11 a.m. Tuesday, October 10, 2017 in the Board of Supervisors Room, County Administrative Center, Independence, with the adoption fee changed from \$50 to \$40. Motion carried unanimously.

*COUNTY COUNSEL –
PROPOSED
ORDINANCE (CC FEE
REVISION)*

County Counsel Marshall Rudolph presented a proposed ordinance to address the fee charged to schools and special districts for services that are provided, at their request, by the County Counsel's office in excess of 10 hours. He explained the billable, per-attorney-hour rate has not been adjusted since 1996 and, using the same methodology, would be \$151 today. He said because the old dollar amount is set in County Code, it cannot be changed without changing the Code, which is why he proposes removing reference to a specific rate amount in the Code and adding the provision that the rate can be set by resolution of the Board. He also noted that the policy itself of billing/providing services to special districts has not been addressed in 20 years either and if the Board chose, could discuss that today or at a later meeting, if at all. Auditor-Controller Amy Shephard suggested not giving away free services to school districts if the County didn't have to, and perhaps could institute a sliding fee scale for special districts. Supervisor Griffiths said he was fine with the increase to \$151 and the sliding scale for small districts could be a huge help. He also agreed that it doesn't make sense to give away legal services to a school district with a \$15 million budget. Supervisor Kingsley agreed about the special districts but noted that sometimes even schools with larger budgets are not always in better financial shape and would probably require more than 10 hours of legal counsel if they needed assistance. Supervisor Totheroh said he supported the fee increase but was conflicted about offering 10 free hours of legal service to special districts because taxpayers are subsidizing those 10 hours. Supervisor Griffiths noted that if last year's costs were a typical year – \$8,000 to provide legal counsel to special districts – then it might not even be worth changing the policy. County Counsel Rudolph said he didn't have an issue with his office providing those services as long it doesn't affect the budget or his staff's ability to provide services to other departments. Supervisor Griffiths proposed directing staff to develop a sliding scale for fees so smaller districts were not burdened but larger ones were paying what they could afford; however Supervisor Pucci cautioned that a scale based on budget figures could be misleading. CAO Carunchio said that even if every district availed itself of 10 free hours of legal service, the impact to the County would not be that significant and continuing to offer those hours continues the tradition of the County being of service to the community. Supervisor Kingsley agreed, noting those free hours of service have also probably helped special districts avoid larger legal issues or widespread ramifications. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to introduce and waive further reading of a proposed ordinance titled, "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Amending Section 3.80.030 of the Inyo County Code, Pertaining to the Fee for the County Counsel Legal Services." Motion carried unanimously.

COUNTY
COUNSEL/CLERK OF
THE BOARD –
PROPOSED
ORDINANCE (REPEAL
ORD. 37)

Assistant County Counsel John Vallejo reviewed the proposed ordinance before the Board, noting it is a clean-up item to repeal an ordinance, No. 37 adopted in 1951, that has become redundant with the adoption of a comprehensive wastewater treatment ordinance, No. 1206, earlier this year. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) waive the first reading of a proposed ordinance titled, “An Ordinance of Inyo County, State of California, Repealing Inyo County Ordinance No. 37 (1951);” and B) schedule adoption for 11 a.m. Tuesday, October 10, 2017 in the Board of Supervisors Room, County Administrative Center, Independence. Motion carried unanimously.

WATER DEPT. – FIRST
OVGA MEETING/
RESO#2017-49

Water Department Director Dr. Bob Harrington presented two items for the Board’s consideration: providing direction to the Board’s representative on the Owens Valley Groundwater Authority Board in anticipation of the OVGA’s first meeting October 5; and approving a resolution that will allow the County to file an application for State Groundwater Management Act grant funding. Harrington explained that while the grant funding will be used by the OVGA to develop a Groundwater Sustainability Plan (GSP), only a Groundwater Sustainability Agency (GSA) can apply. He said given the grant deadline of November 13, the OVGA will not become a GSA in time to apply, so the County is applying on its behalf. Harrington also reviewed each item on the OVGA agenda, including presentation of the Draft GSP Development Budget pursuant to the Joint Powers Agreement the various parties signed this past year to form the OVGA, which will eventually become a single GSA for the entire groundwater basin. Harrington said the draft budget will allow the OVGA members to gauge their funding commitment. CAO Carunchio said the budget breaks the cost for administrative functions and preparation of the GSP down to \$235,875. He said that means every one of the 11 members can participate in the process initiated and championed by the County for a contribution of \$21,443 a year with equal voting rights. He said the cost estimate is without the benefit of the SGMA grant, and could go down, but it’s better to move forward with the jurisdictions making their funding commitments before waiting to see if the grant is awarded. Carunchio explained that funding commitments will determine voting structure, and the OVGA cannot conduct business without a voting structure in place. Supervisor Pucci asked about staffing and legal fees. County Counsel Marshall Rudolph explained that his office has thus far served as de facto legal counsel and would be willing to continue, but that would be a decision for the OVGA Board. Carunchio pointed out that the County has fronted legal and other services on behalf of the 11 entities in order to get the OVGA formed. Chairperson Tillemans noted that the County has done so in the face of criticism, and he is proud of the draft budget that was produced and the amount of work and transparency that has gone into the process. Supervisor Totheroh said if no JPA had been formed, the 11 individual entities would be undertaking the same GSP process at the same cost with not nearly the same quality results. The floor was opened to public comment. Yaney MacIver of Bishop said there is concern about the upcoming “pay to play” situation the entities will face. Carunchio stressed that the agreement is democratic, with everyone starting with the same amount of votes. That number can only decrease, not increase, based on funding commitment. Supervisor Totheroh added that no other entity can pay enough to overwhelm the rest of the OVGA board. After additional discussion of additional OVGA agenda items, it was moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve a resolution titled, “A Resolution of the Inyo County Board of Supervisors Authorizing an Application to Be Made to Receive Grant Funding for the Owens Valley Groundwater Basin.” Motion carried unanimously.

RECESS/RECONVENE

Chairperson Tillemans recessed the meeting for lunch at 12:55 p.m. and reconvened the meeting at 1:40 p.m. with all Board members present.

ROAD DEPT. –
EQUIPMENT
MECHANIC I-II

Public Works Director Clint Quilter told the Board he would like to get the vacant Equipment Mechanic position filled before winter, as the Equipment Mechanic proved to be the unsung hero of the Road Department last winter given the age of the department’s equipment. 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 one (1) Equipment Mechanic I/II position 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 could possibly be filled through an internal recruitment, but an external recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) full-time Equipment Mechanic I at Range 58, plus a 2.5% tool allowance, or one (1) full-time Equipment Mechanic II

at Range 60, plus a 2.5% tool allowance, depending on qualifications. Motion carried unanimously.

*ROAD DEPT. – S.B. 1
ALLOCATION/RESO
#2017-48*

Public Works Director Clint Quilter reported that SB: 1 Road Repair and Accountability Act funding will become available November 1. He said among the requirements for receiving those funds is providing a list of projects, including description, location, life of the project, and anticipated start date, which will be put on file and made available to the public. He noted that this year's compressed timeline made comprehensive Board input prohibitive, but he anticipates identifying road projects to be a more interactive process moving forward. Quilter said this being the first year the funds are available, and with the department running at a deficit, they decided to select projects that the department would normally do in-house on routes from Bishop to Tecopa, such as crack-sealing, road striping and pavement marking, and overlays. Supervisor Kingsley said it seems like a good idea to use the SB: 1 funding for in-house projects and use remaining funds for larger projects that have to be contracted out. He also said he appreciated the quick turnaround by staff in getting a project list and other documentation ready for the State. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) approve a resolution titled, "A Resolution of the Board of Supervisors, of the County of Inyo, State of California, Identifying Projects to be Funded by Road Maintenance and Rehabilitation Funds Pursuant to SB 1: the Road Repair and Accountability Act;" B) approve the recommended project lists attached to satisfy the documentation requirements to receive SB 1: Road Repair and Accountability Act 2017 funding from the Road Maintenance and Rehabilitation Account (RMRA); C) authorize the Public Works Department to apply for and submit all required documentation to receive the Inyo County allotment of SB 1: Road Repair and Accountability Act 2017 funding; and D) authorize the Public Works Director, or his designee, to sign for the RMRA funding and all associated supporting documents. Motion carried unanimously. Quilter thanked staff from his and other departments for helping to get the item onto today's agenda.

*CAO –
COUNTY/COURT MOU
AMENDMENT 2*

CAO Carunchio recapped the history of the County's Memorandum of Understanding with the Courts, dating back to the Trial Court Unification Act of 2003-2004 and which was most recently renegotiated in 2011 and then amended in 2013. He then presented another proposed amendment pertaining to Juvenile Dependency Counsel Costs and Responsibilities, which the Court is responsible for providing but has historically negotiated with the County to provide. In summarizing his staff report, Carunchio explained the County was facing an expected \$77,402 shortfall in the Court's ability to fund its obligations per the MOU, as well as an anticipated net increase of \$24,600 a year to provide juvenile dependency counsel services as the result of adding a "fifth" part-time public defender to its roster at the request of the Court. He said in response to the cost issues, he notified the Court in August that he was providing 60 days' notice, per the MOU, of the County's intent to terminate its provision of juvenile dependency services effective October 1, 2017 unless a resolution could be reached. He explained the amendment up for approval today is the attempted resolution and would: result in the Court paying the county the actual cost associated with providing juvenile dependency services for the remaining three quarters of Fiscal Year 2017-2018; requiring the Court to pay for out-of-contract appointments; and allowing either party to terminate the juvenile dependency arrangement if the amendment proves insufficient in meeting the cost needs of either the Court or County. Moved by Supervisor Totheroh and seconded by Supervisor Pucci to: A) approve Amendment No. 2 to the Memorandum of Understanding between the County of Inyo and the Superior Court of California, Inyo County, as it pertains to Juvenile Dependency Counsel Costs and Responsibilities, and authorize the County Administrative Officer to sign contingent on signatures by the Court; and B) authorize the County Administrator, on behalf of the County, to exercise the Termination of Juvenile Dependency Costs Arrangement clause contained in the proposed amendment if, in the future, he determines it is in the County's interests to do so. Motion carried unanimously.

*HERE IT COMES
EMERGENCY*

CAO Carunchio reported that Los Angeles Mayor Garcetti's office informed him the City will be considering terminating its runoff emergency proclamation this month and wants to coordinate so that it coincides with the termination of the County's runoff emergency proclamation. He said he informed the City that the County's proclamation covers two issues that are still outstanding: salt cedar, which after decades of eradication efforts is making a comeback as a result of the Los Angeles Department of Water and Power's emergency water-spreading efforts, and damage to the Bishop Bypass. He said he has yet to hear a response. Emergency Management Specialist Kelley Williams provided an update on Emergency Management meetings she attended last week. Williams also reported that federal emergency flood funding has been suspended because of the hurricanes. Supervisor Pucci said Williams is doing a great job and

it's important Inyo County and its interests are represented at these meetings. 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**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci 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.

**LAND OF EVEN LESS
WATER EMERGENCY**

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.

**GULLY WASHER
EMERGENCY**

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to continue 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.

**DV 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.

**CLERK OF THE
BOARD – APPROVAL
OF MINUTES**

Moved by Supervisor Pucci and seconded by Supervisor Totheroh approve the minutes from the regular Board of Supervisors meeting of September 5, 2017, including the Fiscal Year 2017-2018 Budget Hearings, with an addition requested by the Assistant Clerk of the Board. Motion carried unanimously.

PUBLIC COMMENT

Chairperson Tillemans asked for public comment during the final public comment period and there was no-one wishing to address the Board.

**CORRESPONDENCE-
ACTION – SIFPD
ELECTIONS**

Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the re-scheduling of Southern Inyo Fire Protection District Governing Board 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.

**BOARD MEMBER AND
STAFF REPORTS**

Supervisor Kingsley reported that the basket auction at the Rural County Representatives of California conference netted \$50,000 for charity, \$3,000 alone from Inyo County's basket that contained items donated by local businesses. He also floated the idea with the Board of scheduling an early-morning flower bulb-planting session at the Courthouse during an upcoming meeting.

Supervisor Pucci reported he would not be able to attend the December 19 meeting.

Supervisor Totheroh said the RCRC conference was a good one, with surprisingly relevant topics of discussion.

Supervisor Griffiths said he also enjoyed RCRC and was similarly dubious of some of the topics initially. He said one of the discussions yielded the fact that Inyo County has the highest opioid death rate per capita in California – something he would be following up on with HHS. He also said he attended the Millpond Music Festival, which could be one of the most successful in its history; spent Friday with Sunrise Rotary helping to plant trees in the old Manzanar orchard; and enjoyed a work day at Wild Iris' new housing units on Saturday. He said he has been named to the NACo Justice and Public Safety Committee, and continues to work with the CSAC Cannabis Banking Working Group.

CAO Carunchio complimented the local stewardship groups who came together over the

weekend under National Public Lands Day for the Dick Noles/James Wilson clean-up. He also provided an update on the status of the County's cannabis regulations/ He said the County's working group has drafted three ordinances: one addressing zoning changes, one dealing with permits and one allowing for rapid abatement. He said after receiving feedback from the County's consultant, the ordinances will be sent out to all departments for input and then brought before the Board for a workshop November 7, after which there will be four community meetings to gather additional input before the codification process is initiated.

CLOSED SESSION

Chairperson Tillemans recessed open session at 2:42 p.m. to convene in closed session with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items.

OPEN SESSION

Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 3:10 p.m. with all Board members present. No action was taken during closed session that is required to be reported.

ADJOURNMENT

Chairperson Tillemans adjourned the meeting at 3:10 p.m. to 8:30 a.m. Tuesday, October 10, 2017 in the County Administrative Center in Independence, in memory of the victims of the deadly shooting at the Route 91 Harvest Festival in Las Vegas.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant