

MINUTES



County of Inyo Board of Supervisors

November 21, 2017

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:31 a.m., on November 21, 2017, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Mark Tillemans, presiding, Dan Totheroh, 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 9:31 a.m. to convene in closed session with all Board members present to discuss the following item: No. 2 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Employee organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPOA); IHSS Workers; Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo.

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

PLEDGE Supervisor Griffiths 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.

Diane Satchwell, Bishop resident and new executive director of the Inland Library System (ILS), introduced herself to the Board and provided an overview of the services and benefits Inyo County receives by virtue of its membership in the ILS. CAO Carunchio extended his appreciation for all of the support that ILS has given to Inyo County's library system to date.

COUNTY DEPARTMENT REPORTS Planning Director Cathreen Richards updated the Board on the Community Block Development Grant applications due in December, noting that no applications were received and as such staff would not be holding a public hearing as previously directed.

HHS Director Marilyn Mann and Chief Probation Officer Jeff Thomson informed the Board that collaborative and cooperative efforts between their two departments continue with regard to Juvenile Services, with staff having just met to discuss weekend and after-school youth activities as well as focused recruitment of resource families for youth on probation. They said a more formal update would be forthcoming in the new year.

Thomson provided a separate update on Probation related activities, including Drug Court graduations on November 29 and December 13 and recently teaming up with the Salvation Army to deliver 20 Thanksgiving dinners to the Death Valley area. He also noted that meetings hosted by the Superintendent of Schools continue to help get school superintendents and service providers better understand everyone's roles in assisting at-risk youth. He said Eastern Sierra Transportation Authority Executive Director John Helm will be at the next meeting to

discuss options for helping students get to Keith Bright School in Bishop, noting that while it is neither the responsibility of schools nor the County to make sure students get to school on time, if lack of transportation is a hindrance, they can certainly try to figure out a solution.

Clerk-Recorder-Registrar of Voters Kammi Foote announced that the e-filing system for Fictitious Business Statements will go live November 27. She also reported on a change in election law that gives candidates additional time to gather signatures in lieu of filing fees, and lowers the threshold for signatures.

Public Works Director Clint Quilter presented the Board with the first brochure published by the Adventure Trails proponents, which shows the trails and end-points in the Bishop area as well as the rules of the system. He said the brochure will hopefully help ensure riders are riding in the right areas, and noted that brochures for other areas will be follow.

*CLERK-RECORDER –
ORDER ACCEPTING
NOV. 7, 2017 VOTES*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to issue an order accepting the Statement of All Votes Cast at the UDEL Election held November 7, 2017 and declare elected those offices under the Board's jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.

*PARKS & REC –
BOATING &
WATERWAYS
GRANT/RESO#2017-57*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Authorizing the Acceptance of the State of California, Department of Parks and Recreation, Division of Boating and Waterways Grant and Authorizing the County Administrator to Sign Grant Related Documents." Motion carried unanimously.

*CAO-PERSONNEL –
PROTHMAN
RECRUITING
CONTRACT*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the agreement between the County of Inyo and The Prothman Company for the provision of executive recruitment services, in an amount not to exceed \$30,000, and authorize the County Administrator to sign. Motion carried unanimously.

*WATER DEPT. – 16-17
LORP ACCOUNTING
REPORT*

Larry Freilich presented the 2016-2017 Lower Owens River Accounting Report on behalf of Water Director Dr. Bob Harrington, explaining the report describes the work accomplished pursuant to the previous year's LORP Work Plan and the differences between costs incurred, actual work performed, and what was budgeted. He reported that the consultants paid by the County charged \$21,336 less than what was budgeted. Half will be credited to LADWP from the County's LORP credit. Freilich noted that this report will be used to develop a budget for the coming year. CAO Carunchio asked whether there will be discussions about the LADWP's response to the spring runoff, which was both effective and appreciated but could also impact the LORP's goals. Freilich noted that LADWP did not charge the County for a lot of the work it did to channel runoff through the LORP, but it also flooded spreading basins that hadn't been flooded in 30 years, reintroducing invasive species after decades of successful eradication efforts. He said the salt cedar eradication program is under-funded as is, and will be something to negotiate with LADWP. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to approve the 2016-2017 LORP Annual Accounting Report. Motion carried unanimously.

PW – OFFICE TECH I-II

Public Works Director Clint Quilter requested permission to replace an Office Technician that transferred to the Auditor-Controller's Office, creating a vacancy in a critical position. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Technician I or II position exists within various Public Works Department budgets, 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) authorize the hiring of one (1) Office Technician I-II at Range 55 (\$3,150 - \$3,830) to Range 59 (\$3,457 - \$4,201), depending on qualifications. Motion carried unanimously.

*CAO/COUNTY
COUNSEL – JUDICIAL
COUNCIL LEASE
AGREEMENT
AMENDMENT 1*

CAO Carunchio noted that last year, under County Counsel Rudolph's leadership, the County was able to conclude eight years of negotiations with the California Judicial Council for County property to be used for the future site of the new Independence courthouse. He said it was recently brought to the County's attention that one of the sections of the negotiated lease was inadvertently not incorporated into the document and therefore not approved, thus an

amendment was required as a clean-up item to add the language in both parties' interests. Chairperson Tillemans asked about construction of the new courthouse and Carunchio said he did inquire but the Judicial Council staff member he was working with did not know the status of any groundbreaking. Moved by Supervisor Totheroh and seconded by Chairperson Tillemans to approve the First Amendment to Lease Agreement by and between the County of Inyo and the Judicial Council of California for County Property to be Used for Construction and Operation of the New Independence Courthouse and, if approved (*4/5ths vote required*), authorize the Chairperson to sign contingent on all appropriate signatures being obtained. Motion carried unanimously.

**CAO-PERSONNEL –
REAL PROPERTY
APPRAISER I-III**

CAO Carunchio presented a request to hire a Real Property Appraiser in lieu of an Auditor/Appraiser and possibly change the authorized staffing in the Assessor's Office, in order to address recruitment challenges and staffing shortages. He offered background on the history of the position classifications being changed and subsequent recruitment efforts, and said the recommendation presented to the Board is intended to meet the Assessor's stated needs and the urgency the Assessor expressed. Chairperson Tillemans asked whether the Assessor was in attendance. Assistant Assessor Phil Lyle said he was in attendance in his stead to answer any questions. He explained that it is difficult to find applicants with accounting degrees, but they have found two strong candidates that can be of help elsewhere in the office – as a Real Property Appraiser and an Auditor. Chairperson Tillemans asked whether the office would feel supported by the Board approving the request and Lyle said it would help a lot. Supervisor Kingsley said he was frustrated with the constant shifting of positions and classifications in the Assessor's Office which doesn't feel stable. He said he also has constituents who are having trouble engaging with the Assessor's Office, some of whom are ready to give up trying. He said he had hoped to convey his frustrations to the Assessor himself, and hoped Lyle would not take his comments personally but rather relay them to the Assessor. Chairperson Tillemans asked that his frustrations with the Assessor not being in attendance be conveyed as well. Lyle, noting he deals primarily with businesses and is personally available by phone, said he would pass along the comments. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize possibly filling a vacant Auditor/Appraiser I or II position (Range 70-72) with a Real Property Appraiser I/II/III position (Range 68-70-72) and, if the recruitment results in the vacant position being filled as a Real Property Appraiser, change the Office's Authorized Staffing by deleting one (1) Auditor/Appraiser I or II position and adding one (1) Appraiser position. Motion carried unanimously.

**CAO-PERSONNEL –
CHRISTIE
MARTINDALE
CONTRACT**

CAO Carunchio presented a proposed personal services contract with Christie Martindale, Assistant Auditor-Controller, who voluntarily asked to switch from the Merit System to an at-will contract this past spring following the October 2016 MOU approved by the Elected Officials Assistants Association, which allows for such a change. He explained she was asked to wait until after the budget process in the fall, and she patiently did so, after which staff concluded that County Code needed to be amended by ordinance to allow for the provisions of the MOU. Carunchio asked that Martindale's at-will contract be approved contingent upon Ordinance 1219 being enacted later in the meeting and it taking effect in 30 days. Chairperson Tillemans thanked Martindale for her patience. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to designate and authorize the County Administrator to sign a personal services contract with Christie Martindale as Assistant Auditor-Controller at Range 84 (\$6,254 - \$7,601) Step D contingent on the Ordinance Amending Section 2.80.055 of the Inyo County Code Pertaining to Exemptions from the Competitive Service being enacted and taking effect. Motion carried unanimously.

**CAO-PERSONNEL –
MERIT SYSTEM
ASSISTANT
TREASURER-TAX
COLLECTOR**

CAO Carunchio presented a request to fill the Assistant Treasurer-Tax Collector position as a Merit System position, instead of as a contract position as the Board approved in September as part of budget. He noted that at the time, the Treasurer-Tax Collector had expressed her preference to fill the position as a Merit System position. He said she subsequently found a candidate for the position who expressed a similar sentiment and because the change is permissible, he recommended making the position a Merit System position as originally requested. Supervisor Griffiths asked Treasurer-Tax Collector Alisha McMurtrie whether the recommendation was good with her, she said yes, and Chairperson Tillemans said the Board is happy to support her office. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize filling the vacant Assistant Treasurer-Tax Collector position Range XXXX (\$6,574 per month) as a merit system position pursuant to Chapter 2.80 of the Inyo County Code instead of as contract position as previously approved. Motion carried unanimously.

**CAO-ADVERTISING
COUNTY RESOURCES
– CPSP GRANT
AWARD BUDGET
AMENDMENT**

Assistant County Administrator Rick Benson explained that the Board approved \$20,984 in Community Project Sponsorship Program grants in February and by the end of the fiscal year, \$4,484 of it had not been paid to the grantees yet but due to an oversight, the funds were not encumbered for the current fiscal year. He said the County could choose to not award the grants, pay the funds out of the current fiscal year pot (which would lower the amount available this grant cycle), or pay the money out of Contingencies through a budget amendment. Supervisor Griffiths said the third option sounded fair. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) amend the Fiscal Year 2017-2018 Advertising County Resources Budget (011400) by increasing the Annual New CPSP Grant Award object code (5511) by \$4,484 and amend the Fiscal Year 2017-2018 Contingencies Budget (087100) by decreasing the Contingencies object code (5901) by \$4,484 (*4/5ths vote required*); and B) approve a total payment of \$4,484 from the Advertising County Resources Budget for three unpaid Fiscal Year 2016-2017 Community Project Sponsorship Program grants. Motion carried unanimously.

**PARKS & REC –
BUDGET AMENDMENT
& TRAILER P.O.**

Assistant County Counsel Rick Benson reported that the Road Department decided to purchase a trailer from Parks & Recreation, allowing Parks & Recreation to purchase a trailer that better fit its needs. He said a budget amendment was now needed to recognize the revenue. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to: A) amend the Fiscal Year 2017-2018 Parks and Recreation Budget (076999) by recognizing revenue of \$8,500 in the Sales of Fixed Asset (Object Code 4911) and increase the Equipment object code (5650) by \$8,500 (*4/5ths vote required*); and B) authorize a purchase order to Sundowner Trailers of California in Auburn, CA in the amount of \$7,742.15 for the purchase of a 6 x 10 dump trailer for use at County parks and campgrounds. Motion carried unanimously.

**HERE IT COMES
EMERGENCY**

CAO Carunchio reported it was his understanding the L.A. City Council would be taking action at its meeting today regarding its emergency proclamation. He said LADWP notified him last week it intended to begin taking steps to repair its diversion structure on Bishop Creek. Carunchio added that the Federal disaster aid package released Friday does not include aid for California, despite the fact thousands lost their homes in the Northern California wildfires. He called the omission intentional and an indication of the current political climate. 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 Totheroh 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 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.

**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.

**PLANNING – ENACT
ORDINANCE 1217**

Associate Planner Tom Schaniel presented a request for the Board to enact an ordinance to establish an overlay district in the Pearsonville area, as a follow-up to his presentation last week when the Board held a public hearing and waived the first reading of the ordinance. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to enact an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California adding Chapter 18.67 titled Non-groundwater-Neutral Agricultural Use Overlay District to the Inyo County

Code.” Motion carried unanimously.

*PLANNING – ENACT
ORDINANCE 1218*

Associate Planner Tom Schaniel presented a request for the Board to enact an ordinance discussed last week when the Board held a public hearing and waived the first reading of the ordinance. He again noted the ordinance would change the majority of the town of Shoshone’s zoning to more accurately reflect current and future use and development. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to enact an ordinance titled, “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Approving Zone Reclassification No. 2017-01/Sorrells and Amending the Zoning Map of the County of Inyo by Rezoning a 225-acre Parcel and a 229-Acre Parcel That Constitute the Majority of the Community of Shoshone (APN 046-120-25 & 046-120-040) as Shown in Attachment A (Current Zoning Map) and Attachment B (Proposed Zoning Map).” Motion carried unanimously.

*CAO-PERSONNEL –
ENACT ORDINANCE
1219*

CAO Carunchio presented the request to enact an ordinance discussed last week when the Board waived the first reading and set enactment for today. He noted that as part of last week’s consideration, there was substantial discussion and as directed by the Board, both he and County Counsel Marshall Rudolph met with a member of the public to try to answer the questions she had in relation to the ordinance. He also pointed out that the staff report attempts to clarify the need for the ordinance to amend County Code. Moved by Supervisor Griffiths and seconded by Supervisor Tothoroh to enact an ordinance titled, “An Ordinance of the County of Inyo, State of California, Amending Section 2.80.055 of the Inyo County Code Pertaining to Exemptions from the Competitive Service.” Motion carried unanimously.

PUBLIC COMMENT

Chairperson Tillemans asked for public comment during the final public comment period.

Michele Hartshorn thanked County Counsel and the CAO for meeting with her and taking the time to go over some issues and her questions regarding proposed Ordinance 1219, which she appreciated it. She said all over her questions were answered.

*BOARD MEMBER AND
STAFF REPORTS*

Chairperson Tillemans noted three new employees of the Sheriff’s Department – Correctional Officers Adam Emley and Steve Davis and Dispatcher Steve Davis – who are unavailable for introduction to the Board but who he is nevertheless happy to welcome aboard and to whom he will try to get honorary golden trout pins.

Supervisor Kingsley reported he was invited, as an Honorary Base Commander, on a tour of Edwards Air Force Base. He said the tour included a look inside an enormous soundproof hangar where radar and anti-radar systems testing takes place. He also attended a cannabis meeting in Tecopa that included lively discussion, and a Death Valley National Park Partner’s Dinner. He said he invited Public Works Director Clint Quilter and his wife because Quilter has been working with the Park Service on road issues within Death Valley.

Supervisor Pucci said he attended last Wednesday’s cannabis meeting in Bishop, as well as the Fish and Wildlife Commission meeting where it was reported that more than 100 deer, mostly bucks, have died due to slipping on ice and falling down the mountainside this winter. He said this is the third such loss in recorded history and will have a devastating impact on the local herds, especially after the tremendous traffic collision mortality rates seen this past year on U.S. 395.

Supervisor Tothoroh said he attended the same cannabis meeting, which was moderately attended and yielded comments similar to those shared with the Board previously.

Supervisor Griffiths also attended the Bishop cannabis meeting and noted there were questions about the legality of smoking cannabis in lounge-type retail establishments. He said he also served as the impromptu speaker for the Bishop Chamber of Commerce meeting, where he fielded many cannabis related questions, suggesting that despite the many meetings the County has held, the facts are still not getting out to the public. Supervisor Griffiths said he also attended Inyo Associates last night, and participated in a conference call last week for the newly formed NACo Gateway Communities Caucus, a subset of the Public Lands Committee and spearheaded by Mono County Supervisor Bob Gardner. He also attended the ESTA meeting on Friday where Executive Director John Helm announced his retirement.

CAO Carunchio reported wrapping up the cannabis community meetings last week in Tecopa, where the meeting was very productive. He said discussion will continue at the Board level on

December 5 and during the ordinance codification process, which includes public hearings. He announced the upcoming NACo Legislative Conference and asked the Supervisors to let the Assistant Clerk of the Board know if they planned to attend. He also noted the transformation ESTA underwent under John Helm's leadership. He also mentioned attending the Carson & Colorado Barn Warming on Saturday and complimented the volunteers' continued hard work, and informed the Board that the Bishop Museum and Historical Society is interested in obtaining an easement from LADWP to extend its track another half-mile to a mile south. Carunchio also noted a December 7 Mammoth Inyo Airport Working Group meeting, and wished the Board a safe and blessed Thanksgiving.

CLOSED SESSION

Chairperson Tillemans recessed open session at 11:25 a.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 at 11:41 a.m. so the Board could reconvene in open session with Supervisors Griffiths, Kingsley, and Pucci present. County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.

ADJOURN

Supervisor Griffiths adjourned the meeting at 11:41 a.m. to 8:30 a.m. Tuesday, December 5, 2017 in County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant