

# MINUTES



# County of Inyo Board of Supervisors

**December 12, 2017**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 9:16 a.m., on December 12, 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.

Earl Wilson of Lone Pine and Calder Reid of Independence presented hand-outs from the newly formed Inyo County Dark Sky Group, which Wilson said is hoping to encourage the County to enact a dark sky ordinance in the New Year following a workshop with the Board. Reid said the end result, preventing the night skies from being obscured by Vegas-style lighting, will be positive for Inyo County.

*CLOSED SESSION* Chairperson Tillemans recessed open session at 9:20 a.m. to convene in closed session with all Board members present to discuss the following item: 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).

*OPEN SESSION* Chairperson Tillemans recessed closed session and reconvened the meeting in open session at 10:21 a.m. with all Board members present.

*PLEDGE* Supervisor Totheroh led the Pledge of Allegiance.

*REPORT ON CLOSED SESSION* County Counsel Marshall Rudolph reported that no action was taken during closed session that is required to be reported. The Board had not finished its closed session business, however, and would recess to closed session later in the meeting to continue discussions.

*PUBLIC COMMENT* Chairperson Tillemans asked for public comment during the second public comment period.

Philip Anaya of Bishop expressed gratitude for and applauded the County's actions to seek injunctive relief against LADWP over its testing of Well 385 in the Five Bridges Area, which he said would allow immediate and future goals to be addressed. He also encouraged the Board to check out a best practices document titled "Sustainable Management Criteria" on the State Department of Water Resources website.

*COUNTY DEPARTMENT REPORTS* Chief Probation Officer Jeff Thomson said he attended the Chief Probation Officers of California meeting last week where Judge Dean Stout received the Chief Judicial Officer of the Year Award and Julie Weier received Regional Probation Officer of the Year. He said a hot topic of discussion was Prop 63, which requires the relinquishment of firearms when people are convicted of certain crimes. He also announced a Drug Court graduation tomorrow in Bishop and next week, Probation's annual Christmas delivery to Tecopa with the Salvation Army.

Planning Director Cathreen Richards notified the Board that the County was awarded the Caltrans Sustainable Transportation Planning Fiscal Year 2017-2018 Sustainable Communities Grant for the communities of Olancho and Cartago.

HHS Director Marilyn Mann announced HHS and other agencies would be conducting a functional exercise to assess health systems' responses around emergencies.

*INTRODUCTION*

Chairperson Tillemans recognized new Correctional Officer Kelsea Galvin, who is unavailable for an introduction to the Board, and HHS Director Marilyn Mann introduced new Social Worker IV Danilo Reyes.

*CAO-EMERGENCY SERVICES/PW – HAZARD MITIGATION PLAN RESO# 2017-58*

CAO Carunchio introduced the completed Inyo County/City of Bishop Multi-Jurisdictional Hazard Mitigation Plan produced by Michael Baker International, the consultant he said has been great to work with as it engaged dozens of stakeholders, citizens and Public Works staff. Aaron Pfannenstiel presented the plan on behalf of the firm, explaining the final step in the process is having its approved by the County, City and then FEMA. His PowerPoint presentation offered an overview of hazard mitigation and hazard mitigation plans in general, the reasons for producing a hazard mitigation plan, what hazards are included in this particular plan, and the process used to develop this plan, including public outreach and a 30-day draft plan review period. He said adoption today would allow for implementation over the next five years. The Chairperson opened the floor to public comment. Lowell Berry, an AmeriCorps VISTA member working with the Big Pine Paiute Tribe Environmental Department, said the Tribe is pleased to see that coordination with Tribes took place during development but has yet to receive data it requested to develop its own plan. Pfannenstiel said all data gathered will be turned over to the County, but he would also follow up with County staff about further coordinating with the Tribe on the specific data requested. Earl Wilson of Lone Pine asked why the plan did not mention potential impacts to Bishop in the event of a failure of Crowley Dam. Pfannenstiel said it is possible no data was available but there is an opportunity to update that portion of the plan in the future. Supervisor Griffiths asked about funding availability and received clarification. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve and authorize the Chairperson to sign a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Adopting the Inyo County/City of Bishop Multi-Jurisdictional Hazard Mitigation Plan."

*SUPERVISOR TOTHEROH/CAO/ WATER DEPT./CC*

Water Department Director Dr. Bob Harrington briefed the Board on the October 26, 2017 meeting of the Owens Valley Groundwater Authority (OVGA), where the Board of Directors unanimously approved the budget for the Groundwater Sustainability Plan prepared by the Water Department. He explained that each member was directed to go back to their respective governing bodies and, based on that budget, determine their funding commitment. He said staff was recommending the Board authorize Supervisor Totheroh, its representative on the OVGWA, to present a range of possible amounts the County is willing to fund, from \$22,264 per year for three years (a figure that represents 1/11<sup>th</sup> of the budget and is based on all 11 members contributing the full amount) up to no more than 50% of the entire cost of preparing the Groundwater Sustainability Plan, \$124,596, every year for three years. Harrington said the County putting its funding limit at 50% should allay some of the fears of the smaller OVGA members that the larger agencies would assume undue voting clout. Harrington noted that the funding commitments are being requested before the County finds out whether the grant it applied for on behalf of the OVGA has been awarded. CAO Carunchio said the OVGA will likely have to foot the bill upfront and then seek reimbursement through the grant later; any overages, he said, could be used as fund balance. Harrington informed the Board that the Bishop City Council voted to contribute up to 50% as well, and Mono County is also reportedly willing to fund more than its minimum share. He said there are also two members who have indicated they will not be providing any funding. Carunchio said it's critical to know now who will be committing funding and who won't, so that the OVGA can identify how much shortage there is and who will cover it. Supervisor Pucci said it's important not to lose sight of the fact that the OVGA will become a Groundwater Sustainability Agency that will be using that funding to produce a Groundwater Sustainability Plan to benefit the region. Philip Anaya of Bishop encouraged the Board to support staff's recommendation. Supervisor Kingsley said it has been difficult for all parties to wrap their heads around the game plan developed by the County, but the process has been so much more fair and democratic than those being created by other entities around the state. He also thanked the City of Bishop for being on board. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to authorize the County's OVGA Director represent the County's annual funding commitment the OVGA's three-year Groundwater Sustainability Plan Development Budget (GSPDB) to the OVGA Board of Directors pursuant to Article IV of the joint powers agreement, up to an amount not to exceed 50% of the annual GSPDB (\$124,596) contingent upon all Members of the OVGA making their respective commitments on or before December 31, 2017. Motion carried unanimously.

*ROAD DEPT. – SNOW REMOVAL POLICY WORKSHOP*

Road Commissioner Chris Cash presented the Board with a workshop on the County's current Snow Removal Policy, which has not been updated since 2006 when none of the current members of the Board were in office. With the assistance of Public Works Clint Quilter and a

PowerPoint presentation that featured dramatic photos of last year's excessive snowfall, Cash identified areas of the policy that worked well last winter, lessons learned during the massive snow year, and other areas of the policy that might need some updating, as well as challenges faced by Road Department crews in general when plowing during heavy storms – whether related to geography, labor laws, or public interference. He also attempted to gather feedback on the policy from the Board on what additions or other changes it might like to see made to the policy, which would be brought back for approval at a later time. Some possible changes include revisiting the priority section involving non-residential outlying paved roads, to address stranded/stuck motorists; adding the CodeRed alter system to Standard Operations; establishing a standard Closed/Open schedule for mountain roads; and possibly changing the guideline so that if snow is a certain depth, crews can plow to the center of the road. After additional discussion, it was the consensus of the Board to have staff work on incorporating these and other proposed changes and additions to bring back for consideration at another time.

**CAO-EMERGENCY SERVICES/SHERIFF – NIELSON EQUIPMENT SOLE-SOURCE**

Undersheriff Hollowell said the Sheriff's Department has long had issues with its radio link system from Independence to Rogers Peak in Southeast Inyo, as the system is only as good as its weakest link. He said every time a problem arises, it creates fire, public and officer safety issues. He said a solution was devised to send signals directly to the peak with microwave radio equipment. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to: A) declare Nielson Equipment Maintenance of Mammoth Lakes, CA a sole-source provider of specialized microwave radio communication equipment; B) ratify and approve the purchase of specialized microwave radio communication equipment and authorize the payment to Nielson Equipment Maintenance in an amount not to exceed \$15,558.25; and C) approve an additional payment to Nielson Equipment Maintenance in an amount not to exceed \$4,500 for the installation of the specialized microwave radio communication equipment, after the installation has occurred. Motion carried unanimously.

**WATER DEPT. – FILL 3 WATER COMMISSION VACANCIES**

Water Director Dr. Bob Harrington requested the Board fill three vacancies on the Water Commission, two with four-year terms ending December 31, 2021 and one with an unexpired four-year term ending December 31, 2019. He listed the seven candidates who applied for the positions and noted that one of them, Mike Carrington, was seeking re-appointment to a term ending in 2021 and only one other candidate, Nate Gratz, specified which term he was applying for: the one ending in 2019. Supervisor Griffiths suggested that since the Board was in the unusual position of having so many candidates, it form a subcommittee to interview them before making recommendations for appointments. Disagreement ensued as to whether the incumbent and Mr. Gratz should be appointed first, and whether that was fair to the others, or whether it should be taken for granted that the other candidates did not want to apply for the term ending in 2019 because they failed to specify which term they wanted to fill. Supervisors Pucci and Tillemans also suggested that forming a subcommittee represented a change in the appointment policy. Supervisor Pucci moved to appoint Nate Gratz to an unexpired term on the Water Commission ending December 31, 2019. The motion died for lack of a second. Candidates in the room were asked if they wanted to be considered for both slots or one. Rob Barker, Doug Thomson, and Randy Keller said they had no preference and applied because the application period had been extended due to lack of interest and they wanted to be of service. After further discussion, it was moved by Supervisor Kingsley and seconded by Chairperson Tillemans to re-appoint Mike Carrington to the Water Commission, to a four-year term ending December 31, 2021, appoint Nate Gratz to an unexpired term ending December 31, 2019, and appoint Randy Keller to a four-year term ending December 31, 2021. Motion carried 3-2, with Supervisors Griffiths and Tothoroh voting no. Supervisor Griffiths clarified he supported all the candidates but felt the process should have included interviews.

**RECESS FOR LUNCH/CLOSED SESSION**

Chairperson Tillemans recessed the meeting for lunch at 12 p.m. and to convene in closed session with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items. Chairperson Tillemans reconvened the meeting in open session at 1:52 p.m. with all Board members present. No action was taken that is required to be reported.

**AUDITOR-CONTROLLER – PROPERTY TAX REDUCTION BUDGET AMENDMENT**

Auditor-Controller Amy Shepherd informed the Board that she and CAO Carunchio were informed on November 16 by the Assessor's Office that a negative supplemental assessment adjustment was being processed that would result in a fairly large refund to Coso Geothermal of almost \$500,000, with the County's share at \$147,061. She said the unanticipated expense could come from Contingencies which would still have about \$100,000 remaining if the Board

approved the necessary budget amendment. She also noted that unrelated assessment appeals by Coso Geothermal were withdrawn. Assessor Dave Stottlemyre was asked what triggered the adjustment, and he explained it was essentially a change in ownership after the lien date. He added that the County will see a big difference in Coso's evaluation next year when its tangible property, or fixtures, can be assessed on the unsecured roll. He said his guess is that it is going to be more favorable to the County of Inyo. After lengthy discussion that included additional explanations of the supplemental assessment, change in ownership or controlling interest, and re-appraisals, it was noted that the \$500,000 refund will have a significant impact on special districts next year and an as-yet unknown impact on the County budget. Moved by Supervisor Kingsley and seconded by Supervisor Tothoroh to amend the Fiscal Year 2017-2018 General Revenue & Expenditures (Budget 011900) as follows: increase appropriation in Prior Year Refunds (Object Code 5499) by \$147,061; and amend Fiscal Year 2017-2018 Contingencies (Budget 087100) by decreasing the Contingencies object code (5901) by \$125,351 and decreasing the Contingencies – Prior Year Encumbrance object code (5902) by \$21,710 (4/5ths vote required).

#### CAO – ELECTED OFFICIAL SALARY REVIEWS

CAO Carunchio opened discussions by noting that State law permits a holder of elected office to request a change in the base salary of their office at any time. He said Inyo County's elected officials rarely do so for understandable reasons, so a few years ago the Board adopted a policy whereby the salaries are reviewed one year prior to the expiration of the official's current term. Part of the review involves staff conducting a survey of the same offices' base salaries in 15 like counties. He said the purpose of the review is to ensure qualified individuals continue to seek office and helps prospective candidates decide whether they want to run for office. Carunchio noted that the Board is excluded from the policy. The Board invited the office-holders, one by one, in alphabetical order, to address the Board.

Assessor Dave Stottlemyre said he was content with his current salary.

Auditor-Controller Amy Shepherd thanked the Board for the opportunity to seek salary increases in a group setting rather than individually, which can be nerve-wracking, but said she was not seeking any change to her office's salary at this time.

Neither the Clerk-Recorder nor Coroner was in attendance.

D.A. Tom Hardy said the D.A. base salary seems to be appropriate, given the results of the 15-county survey.

Public Administrator Patricia Barton also thanked the Board for the venue and the staff who compiled the 15-county survey. She said the two counties most similar are Amador and Tehama in terms of caseloads and other features but are still an apples-to-oranges comparison. She noted that overall, her salary is below the 15-county average. CAO Carunchio said the average of both Amador and Tehama is \$7,067 a month, and also still below the average of all like counties.

Sheriff Lutze said he was not requesting any change, as a state survey shows is salary in line with other counties.

Treasurer-Tax Collector Alisha McMurtrie said if the salaries are truly going to be a salary for the office and not the person, then more equity is needed. She cited the fact that one office's salary is 12.67% below the 15-county average and another is 8.66% above, and said all offices should be at the same percentage above or below the like-county average. McMurtrie provided the Board with a comparison chart of department heads' positions and additional salary/benefits information such as vehicle allowance and longevity pay. Supervisor Tothoroh asked whether the salary information included in the 15-county survey included longevity pay and the Assistant Clerk of the Board said it did not.

After the discussions with the individual elected officials concerning the base salary for their positions, the Board continued to discuss and review the information provided concerning the base salaries for elected officials. It was the consensus of the Board that with the exception of three offices, the base salaries for the elected officials were in acceptable ranges of the 15-county averages and did not warrant increases. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) adjust the salary of the Clerk-Recorder to the average reflected in the 15-county survey to a monthly amount of \$8,300.39 effective January 8, 2019 and direct

staff to begin the multi-step process to draft an ordinance to reflect this change, as well as other changes that may be deemed necessary by staff to amend Inyo County Code Section 2.88 - Officials Salaries and Expenditures; B) adjust the salary of the Public Administrator-Public Guardian to the average reflected in the 15-county survey to a monthly amount of \$6,350.43 effective January 8, 2019 and direct staff to begin the multi-step process to draft an ordinance to reflect this change, as well as other changes that may be deemed necessary by staff to amend Inyo County Code Section 2.88 - Officials Salaries and Expenditures; and C) adjust the salary of the Treasurer-Tax Collector to the average reflected in the 15-county survey to a monthly amount of \$8,555.67 effective January 8, 2019 and direct staff to begin the multi-step process to draft an ordinance to reflect this change, as well as other changes that may be deemed necessary by staff to amend Inyo County Code Section 2.88 - Officials Salaries and Expenditures. Motion carried unanimously.

**CHILD SUPPORT SERVICES – CHILD SUPPORT OFFICER I/II**

Child Support Services Director Susanne Rizo requested authorization to replace a caseworker. 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) Child Support Officer I/II comes from the non-General Fund Child Support budget, as certified by the Child Support 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) Child Support Officer I, Range 57 (\$3,232 - \$4,027), or one (1) Child Support Officer II, Range 60 (\$3,471 - \$4,216), depending on qualifications. Motion carried unanimously.

**HHS-PUBLIC HEALTH – FY 17/18 MCAH AGREEMENT**

HHS Director Marilyn Mann presented for approval and ratification an agreement between the County and California Department of Public Health. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) ratify and approve the Maternal Child and Adolescent Health (MCAH) agreement #201714 between the County of Inyo and California Department of Public Health in the amount of \$129,565 for the period of July 1, 2017 through June 30, 2018; B) authorize Dr. James Richardson, MCAH Director, to sign the Agreement Funding Application Policy Compliance and Certification and the Attestation of Compliance with the Sexual Health Education Accountability Act of 2007; and C) authorize the Chairperson to sign the AFA Policy Compliance and Certification. Motion carried unanimously.

**HHS-BEHAVIORAL HEALTH – 2017-2020 SUD CONTRACT**

HHS Director Marilyn Mann presented for approval and ratification a multi-year contract between the County and Department of Health Care Services, pointing out a typo in the written Departmental Recommendation where it says “DMC” instead of “SUD.” Moved by Supervisor Totheroh and seconded by Supervisor Pucci to ratify and approve the three-year contract between the County of Inyo and the Department of Health Care Services for DMC services for substance use prevention and treatment for an annual amount of \$430,194, and a total contract amount not to exceed \$1,290,582, for the period beginning July 1, 2017 through June 30, 2020, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign five (5) Standard Agreements (STD Form 213), one (1) Contractor Certification Clauses (CCC 04/2017) and one (1) California Civil Rights Laws Certification. Motion carried unanimously.

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

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the regular Board of Supervisors meetings of November 14, 2017 and November 21, 2017. 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 – EASTERN INDEPENDENCE SANITARY DISTRICT ELECTIONS**

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve the re-scheduling of Eastern Independence Sanitary 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 Totheroh reminded the Board of his commitment to try to meet everyone's expectations as best he can when recommending committee assignments as Chairperson in 2018, and distributed to the Board a form on which to indicate membership preferences. He also said he would be attended the Owens Valley Groundwater Authority meeting in Bishop on

Thursday.

Supervisor Pucci announced he would be absent from the December 19 Board meeting.

Chairperson Tillemans provided a recap of Big Pine's Christmas festivities, noting that the Fire Department and Civic Club once again did a great job.

Supervisor Griffiths said he gave a County Update at last night's City Council meeting and participated as a member of the public in Inyo Council for the Arts' Strategic Planning Process. Last Friday he attended meetings of the Eastern Sierra Regional Council of Governments and Eastern Sierra Transit Authority, which continues to search for a new executive director. He said he also attended a memorial hosted by the Hospice now operated by Pioneer and last week was at a meeting of the Sierra Nevada Conservancy, which will be meeting in Inyo County this June. He reminded the Board that now is the time to be thinking proactively and innovatively about parks and water grants with the Parks and Water Bond is polling favorably.

CAO Carunchio acknowledged Supervisor Kingsley's election to Second Vice Chair of the RCRC Executive Committee and noted there will be a special meeting of the Board of Supervisors on December 21 so that it can continue its cannabis activity moratorium. He provided an update on the streaming service, which is experiencing glitches as a result of a switch to a new vendor, and reminded the Board to vote in the Christmas door contest that is funded by a private donor.

*ADJOURN*

Chairperson Tillemans adjourned the meeting at 3:42 p.m. to 8:30 a.m. Tuesday, December 19, 2017 at the County Administrative Center in Independence.

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Chairperson, Inyo County Board of Supervisors

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

by: \_\_\_\_\_  
*Darcy Ellis, Assistant*