

# MINUTES



# County of Inyo Board of Supervisors

**February 27, 2018**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on February 27, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Rick Pucci, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

- Public Comment* Chairperson Totheroh asked for public comment during the first public comment period and there was no-one wishing to address the Board.
- Closed Session* Chairperson Totheroh 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 – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-61899; No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Inyo County Superior Court Case No. SICVCV 18-62064 (Eminent Domain – Independence); Case No. SICVCV 18-62065 (Eminent Domain – Lone Pine); and Case No. 18-62067 (Eminent Domain – Bishop); No. 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Los Angeles Department of Water and Power v. County of Inyo**, Inyo County Superior Court Case No. SICVCV 18-62052; No. 5 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (two cases); and No. 6 **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 Totheroh recessed closed session and reconvened the meeting in open session at 10:01 a.m. with all Board members present.
- Pledge* CAO Carunchio led the Pledge of Allegiance.
- Report On Closed Session* County Counsel Rudolph reported that no action was taken during closed session that is required to be reported.
- Announcement* Chairperson Totheroh announced that County Department Reports would be considered after the lunch break in the interest of time.
- Public Comment* Chairperson Totheroh asked for public comment during the second public comment period and there was no-one wishing to address the Board.
- Introductions* Assessor David Stottlemire introduced to the Board new employee Melissa Kilgore, Auditor-Appraiser, HHS Director Marilyn Mann introduced Elsy Avalos, new Integrated Caseworker I.

*Planning –  
Presentation – BLM  
Proposed Reopening  
of DRECP*

Planning Director Cathreen Richards provided background on the Desert Renewable Energy Conservation Plan, activities around which began in 2008 in order to streamline renewable energy development while conserving desert ecosystems and preserving multiple use. She outlined the extensive process involved in developing the plan, which includes 2.9 million acres of Inyo County, and noted on February 2 the BLM released a Notice in the Federal Register formally beginning a scoping process for possible amendments to the DRECP, based on Executive Order by the President. After discussing implications amendments would have, Richards introduced Karen Douglas of the California Energy Commission, who also spoke of the significant amount of outreach conducted by the BLM to stakeholders, and overall public participation. She said in light of so much input and work, the CEC does not believe re-opening the DRECP to amendments is appropriate, but it is supportive of addressing the plan's shortcomings in the implementation process. She said such an approach is especially important for areas like Inyo County, with so much public land and where a really strong and inclusive local voice can help shape how that implementation takes place. Supervisor Kingsley addressed some of the shortcomings he sees in the plan, including the DRECP not streamlining or encouraging new renewable energy development as promised. Douglas suggested the BLM could form a stakeholder working group, including some of the most experienced energy companies, to disaggregate the major issues and impediments in order to identify potential solutions. She said most of the issues could likely be resolved without amendments to the DRECP.

Supervisor Griffiths said he agreed, and remained confident Inyo County's issues with mitigation and disturbance caps could be dealt with in the implementation phase. He said he was less concerned about a lack of a boom in energy development projects because the DRECP was only approved 16 months ago, and added not enough time has passed to allow for proper judgment of its effectiveness. Supervisor Tillemans noted that in the bigger picture, Nevada is trying to use Inyo County as a power corridor, making it all the more imperative the County has a seat at the table. He also said Inyo County's resources will be severely strapped if it has to undergo another 8-year engagement process. Supervisor Pucci said the DRECP has only been in place a short amount of time, following a lengthy and extensive process that involved a huge amount of public input to arrive at a plan that was essentially a compromise. He said starting from scratch would be a nightmare. Douglas offered her assistance as the process moved along.

The Chairperson opened the floor to public comment. The following individuals spoke, all in opposition to the DRECP being "re-opened" or amended: Suzi Dennett of Tecopa, Carl Dennett of Tecopa, Big Pine Tribe Tribal Historic Preservation Officer Danelle Bacoch-Gutierrez, Darla Heil of Bishop, California Wilderness Coalition Assistant Policy Director Linda Castro, John Louth of Bishop, David Aaron Smith of Tecopa, Sierra Club Eastern Sierra Organizer Fran Hunt, Mike Prather of Lone Pine, Sydney Quinn of Big Pine, Tom Budlong of Los Angeles, Paul Fretheim of Independence, Friends of the Inyo Policy Director Jora Fogg, and Julie Vargo of the Amargosa Conservancy. The speakers noted the tremendous amount of public and stakeholder input, along with time and taxpayer expense, that went into the DRECP's development, and expressed fears that re-opening the plan for amendments would result in the possible introduction of elements rejected the first time around, such as wind turbines and solar towers, or the loss of conservation lands to large-scale development. They thanked the Board for its past efforts and urged the County to write a strong comment letter opposing any amendments. They also spoke to what a waste of time and money the process would be, and how it would harm the public trust. Hunt in particular said she would much rather see the County spending its valuable time on other issues, such as bringing commercial air service to the Bishop Airport. Earl Wilson of Lone Pine said he has personally been working on the DRECP for longer than 8 years, and noted that the Executive Order has already in effect "re-opened" the plan. He also spoke to the very real threat of transmission lines being installed outside of local communities.

Douglas addressed the Board a final time before having to leave, and reiterated her view that a strong local voice is needed to communicate to the Interior that there is a constructive way to allow for both troubleshooting and implementation of the DRECP. Supervisor Griffiths said there exist three main issues from his point of view, all of which can be addressed during implementation: clarification of disturbance caps and how mitigation can occur on public lands rather than private property being acquired; the need for a socioeconomic study and its importance in Inyo County; and being able to address the plan's shortcomings through local stakeholder groups. Supervisor Kingsley called that a good path and added two other issues:

mapping errors, which he said could be corrected administratively, and the additional Areas of Critical Environmental Concern that were added at the 11<sup>th</sup> hour without public input and not based on sound biological information. He said the latter issue personally impacted his trust in the process. Supervisor Tillemans said he agreed with Supervisor Griffiths but suggested the County should be sensitive to what it puts in its comment letter, lest the complaints inadvertently make the Interior's case for opening up the DRECP. Supervisors Kingsley and Griffiths said they believed the 11<sup>th</sup> hour actions with regard to the DRECP – which they viewed as a breach in process – needed to be addressed. Supervisor Pucci said he was concerned if the Board added too much detail in its letter it might be construed as requesting a modification to the DRECP, which he again called a compromise. He said he agreed with the shortcomings cited, but thought the letter should state the County was in favor of keeping the DRECP closed, and was eager to work on implementation, and should not mention the shortcomings specifically. Chairperson Totheroh said he concurred with most of the comments, especially that re-opening the DRECP will be a can of worms. He acknowledged the comments about provisions needing to be fixed in the plan, but said he agreed with Supervisor Pucci that the Board's comments need to be carefully crafted. Supervisor Kingsley said the County needs to show it is ready to engage in response to any outcome. Supervisor Tillemans asked that the letter highlight the level of local agreement, the lengthy process already undertaken, and the County's limited resources. Planning staff was directed to return with a comment letter for approval at an upcoming meeting.

*Recess for Lunch*

Chairperson Totheroh recessed the meeting at 12:01 p.m. for lunch and reconvened the meeting at 1:03 p.m. with all Board members present.

*County Department Reports*

Water Director Dr. Bob Harrington reported there would be a Water Commission meeting in Independence tomorrow night, with a couple of new commissioners in attendance, and said Los Angeles has requested a meeting of the Technical Group.

Chief Probation Officer Jeff Thomson provided an update on the regular meetings Probation has been hold with superintendents of schools regarding juvenile services, noting the most recent was the best one to date. He said in general, the meetings have greatly opened lines of communication.

*CAO-Public Works Director – Joint Inyo County/Mammoth FAA Thank You Letter*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve and authorize Chair to sign a joint letter from the County of Inyo and Town of Mammoth Lakes thanking the FAA for recent visit to regional airports. Motion carried unanimously.

*D.A. – Accept 17-18 Victim Witness Grant*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to authorize acceptance of the Inyo County Victim/Witness Assistance Program Grant from the Governor's Office of Emergency Services for Fiscal Year 2017-2018 and authorize District Attorney Thomas L. Hardy to sign any documentation to accept and utilize the grant on behalf of the County. Motion carried unanimously.

*Road – Granite Construction & Wulfenstein Construction Sole-Source & P.O.s*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) declare Granite Construction Company a sole-source provider of plant mix asphalt for Districts 1-4 and approve a purchase order to Granite Construction Company in an amount not to exceed \$33,000 plus tax for 300 tons of plant mix asphalt for various projects in north Inyo County, District 1-4; and B) declare Wulfenstein Construction Company a sole-source provider of plant mix asphalt in District 5 and approve a purchase order to Wulfenstein Construction Company in an amount not to exceed \$17,000 plus tax for 200 tons of plant mix asphalt for various projects in Inyo County, District 5. Motion carried unanimously.

*BP Cemetery District Appointments*

Supervisor Tillemans introduced the agenda item to appoint two of three interested candidates to two vacancies on the Big Pine Cemetery District Board of Trustees, noting that he appreciated the extra effort staff went to give the candidates extra time to submit additional information about themselves if they wished, per the recently updated appointment policy. Noting the quality of all three candidates, Supervisor Tillemans made his own personal recommendations based on the letters received, and asked for clarification from the Assistant Clerk of the Board as to which terms the candidates indicated they preferred. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to appoint Robert Vance to an

unexpired four-year term ending November 1, 2018 and Melinda DeCoster to an unexpired four-year term ending June 15, 2021 on the Big Pine Cemetery District Board of Trustees. Motion carried unanimously.

*Clerk-Recorder/Supervisor Kingsley – Letter Supporting AB 1915*

Clerk-Recorder Kammi Foote presented a proposed letter in support of AB 1915, legislation sponsored by Assemblyman Devon Mathis and developed as a result of conversations with Inyo County about the need to exempt mining claims from the \$75 tax placed on any “real estate instrument, paper, or notice” filed effective January 1, 2018. Foote noted the undue hardship the tax poses on small mining operations, which must file their particular claim forms every year in order to keep their claims. She said the tax has a disproportionate effect on Inyo County where about 1,500 mining claims were filed in Inyo County in 2017, out of 6,000 statewide. Foote also said she neglected to point out in the letter there is no nexus between mining and affordable housing, for which the tax is supposed to generate statewide revenue. Supervisor Kingsley said he appreciated Assemblyman Mathis carrying the bill but it could still take 1-2 years to get the bill passed. He said the language about no link between mining and housing needed to be added to the letter since the State is basically adding affordable housing somewhere else in California at the expense of small-time miners in Inyo County. Foote said she already collected about \$10,000 from miners in \$75 increments in January alone. She said she would add the requested language to the letter. Earl Wilson of Lone Pine said there is a relationship between housing and the larger mining operations, adding that there should be a limit to how many mining claims an operation can hold without being penalized by the \$75 fee. He also said the housing funding should remain in the county of origin. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) take a SUPPORT position on AB 1915 (Mathis), a bill that would exclude mining claim forms from the definition of “real estate instrument, paper, or notice” as specified within the Building Homes and Jobs Act of 2017, pursuant to the Inyo County Legislative Platform; and B) approve the correspondence regarding AB 1915, with the noted addition, and authorize the Chairperson to sign. Motion carried unanimously.

*BOS – Fish and Wildlife Comm. Funding Contributions*

Supervisor Pucci introduced recommendations and requests for funding by the Fish and Wildlife Commission to assist local non-profits with a printed fishing guide and the Trout in the Classroom program. Supervisor Tillemans said that although the donations are small, the money goes a long way. He also said he appreciated the transparency of the agenda item, which included a lot of backup information, including the State Department of Fish and Wildlife’s written opinion on the County’s use of fine funds. John Louth, representing the Bishop Chamber of Commerce Board of Directors, thanked the Board for its financial support and noted that the Eastern Sierra Fishing Map doesn’t just tell anglers where to fish, but provides information about picking up litter and safely catching and releasing fish. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to: A) authorize an expenditure from the Fish and Game Budget in the amount of \$1,325 to the Friends of the Mt. Whitney Fish Hatchery for the Trout in the Classroom Program; and B) authorize an expenditure from the Fish and Game Budget in the amount of \$1,000 to the Bishop Area Chamber of Commerce and Visitors Bureau to assist with costs of printing the Eastern Sierra Fishing Map for distribution at upcoming shows. Motion carried unanimously.

*Treasurer-Tax Collector – Interim Olancho CSD Loan/Reso # 2018-12*

Treasurer-Tax Collector Alisha McMurtrie said the Olancho Community Service District’s request for an interim loan met the requirements for approval, including the Auditor-Controller’s concurrence that it does not exceed 85 percent of its annual revenue and the Treasurer’s certification that the loan will not impact the Treasury. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve a resolution titled, “A Resolution of the Inyo County Board of Supervisors Approving an Interim Loan to the Olancho Community Service District from the Inyo County Treasury Pursuant to Article XVI (16), Section 6 of the California Constitution.” Motion carried unanimously.

*Sheriff – 2 Correctional Officers*

Sheriff Bill Lutze presented a request to backfill vacancies following a promotion. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley for the Board to find that, consistent with the adopted Authorized Review Policy: A) the availability of funding for two (2) Correctional Officer positions exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications for the positions, the vacancies could possibly be filled by an internal recruitment, but an open recruitment would be more appropriate to ensure the most qualified applicants apply; and C) approve the hiring of two (2) Correctional Officers at Range 64A-C (\$3,886 - \$4,277). Motion carried unanimously.

*Sheriff – Adjust  
Animal Adoption  
Fees/Reso # 2018-13*

Sheriff Lutze reported the need to adjust the animal adoption fees adopted in October, to bring the fees in line with the department's actual intent. Supervisor Griffiths asked whether any unaltered animals leave the shelter and was told they do not. Supervisor Kingsley thanked the Sheriff for the clarification to the fee schedule, noting the County wants to make sure the fees do not hinder adoptions. Sheriff Lutze said the bottom line is they want the animals to have new homes. Moved by Supervisor Kingelsy and seconded by Supervisor Tillemans to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, to Adjust the Animal Adoption Fees Set Forth in Inyo County Code Section 8.28.40.A." Motion carried unanimously.

*Planning – Budget  
Amendment Request*

Project Coordinator Ryan Smith-Standridge presented a Planning Department request for a budget amendment to accommodate unanticipated revenue as a result of a Caltrans grant. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to amend the Fiscal Year 2017-2018 Planning Budget (023800) as follows: increase estimated revenues in Planning Budget (Budget 023800) State Grants (Object Code 4498) by \$37,808; and increase appropriations in Planning Budget (Budget 023800) Professional Services (Object Code 5265) by \$35,808 and Internal Charges (Object Code 5121) by \$2,000 (*4/5ths vote required*). Motion carried unanimously.

*Advertising County  
Resources – CPSP  
2018 Grant Awards*

Museum Services Director Jon Klusmire presented for approval 10 Community Project Sponsorship Program grant awards to various non-profit groups for events, programs, and projects. He explained that, as in years' past, an independent panel judged the applications received – 12 this year – and scored them based on various criteria. He then reviewed for the Board the applications ultimately recommended for approval at different levels of funding. Supervisor Tillemans asked what kind of notice the public received about the grant application period. Klusmire said he advertised on the radio and in the newspaper, and sent information out via an extensive mailing list. John Louth offered to answer any questions about the Bishop Chamber of Commerce's projects, and Tammy Mandrell of Bishop Mule Days offered her gratitude to the Board for its support and to Klusmire and the grant review team for their hard work. She noted this will be Mule Days' 49<sup>th</sup> year and the organization is looking forward to reaching 50, and the County's investment will certainly help them get there. Supervisor Tillemans said the organization's move toward digital promotion will help. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to: A) approve 10 Community Project Sponsorship Program grant awards for 2018 recommended by the CPSP Grant Review Panel, and in the amounts recommended by the panel (Attachment A) for an overall total amount of \$20,984; and B) authorize the County Administrator to sign the contracts with the Fiscal Year 2017-2018 CPSP applicants, in the amounts approved by your Board with the contract term running to December 31, 2018, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*CAO – Midyear  
Budget Review*

CAO Carunchio introduced the Mid-Year Budget Review, thanking both Senior Budget Analyst Denelle Carrington and Auditor-Controller Amy Shepherd for their assistance and expertise. Carunchio presented a PowerPoint summary of the Mid-Year Budget, which includes a \$132,474 increase in revenues, mostly associated with HHS recognizing its full funding allocations from various sources. He noted an increase in net County costs was the net effect of prior year encumbrances as well as budget amendments made over the last six months. Carunchio discussed significant budget issues, including pending, new labor contracts; the recommended use of \$103,240 in Contingencies (leaving a little over \$75,000); increased IHSS costs borne from the State; a decrease in Hotel Transient Occupancy Tax Revenue (down \$176,385 from second quarter last year); impacts to HHS funding from the Federal budget; and an increase Road revenue. He also presented a recommendation to instate a policy for budgeting PILT payments similar to how Geothermal Royalties payments are budgeted. Carunchio also revisited the question of whether the Board wanted to continue the Authorized Position Review Process as one of its Budget Control Policies, as it decided to do last year. He noted staff does not feel strongly about the policy one way or another, and explained that without the policy, Department Heads would go to the Personnel Director instead of the Board for hiring approval and the Department Heads would maintain the ability to appeal decisions to the Board. He also noted that all information about hires and vacancies is currently provided to the Board via a list from Personnel. Chairperson Totheroh said the policy gives the Board a chance to monitor both hires and turnover. Supervisor Griffiths recommended keeping the policy in place because, while time-consuming, it could prove very crucial in the event of another economic downturn like the one that led to its creation in the first

place. Supervisor Kingsley concurred. Supervisor Tillemans said he trusted the CAO to make hiring decisions and noted the Board already receives updates on hires and vacancies and has never denied a hiring request on its agenda. But he also said he would support keeping the policy in place if the rest of the Board wanted it. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) Accept the Fiscal Year 2017-2018 Mid-Year Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report, and represented in Attachments A & B (4/5ths vote required); C) continue to insist upon revenue attainment and expense savings in order to maximize year-end Fund Balances; and D) establish policy, similar to the Board's policy governing budgeting of Geothermal Royalties payments, whereby Federal Payment In Lieu of Taxes (PILT) payments are deposited in the PILT Trust Fund, outside of the General Fund, and only budgeted as General Fund revenue as an Operating Transfer into the General Fund after the funds have been received. Motion carried unanimously.

*Board Member and Staff Reports*

Supervisor Pucci reported there would be a retirement party for Bishop Fire Chief Ray Segueine next month and each Board member was invited.

CAO Carunchio offered an update on the County's cannabis regulations. He said staff, led by the Ag Commissioner, has been meeting and developed a draft license application and potential fee structure, the latter of which will be brought back for Board approval on March 13. He said staff anticipated issuing the call for applications around March 19. He said other considerations will depend on the demand for licenses during the 60-day application period.

Supervisor Griffiths said he met with the Child Support Services Director on an oversight issue; had a conference call with California Energy Commissioner Karen Douglas last week; attended the Laws Museum membership dinner on Saturday; and also attended last night's DRECP scoping meeting in Lone Pine. He also noted that he continues to work with Sequoia and Kings Canyon National Park and local guides on the new wilderness plan that affects allocation days, and recently met with Superintendent Woody Smeck.

Chairperson Totheroh said he attended last night's BLM scoping meeting as well, and he and Supervisor Pucci attended a luncheon with the Bishop Tribe. He also announced an upcoming meeting of the Owens Valley Groundwater Authority.

Supervisor Tillemans suggested firebreaks around County campgrounds be looked at, in light of the recent Pleasant Fire, and said the joint thank you letter to the FAA approved as part of today's Consent Agenda was very positive. He also said the Celebration of Life for his father was held this past weekend and thanked the Board and staff for their support during the past year that he was sick. He said is able to now take on more of the committee assignments handed out in January.

Supervisor Kingsley apologized for missing the last two meetings due to illness and said he attended the last meeting of the Indian Wells Valley Groundwater Authority, which seems to be gingerly approaching fee implementation.

*Closed Session*

Chairperson Totheroh recessed the meeting at 2:49 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 Totheroh recessed closed session and reconvened the meeting in open session at 3:23 p.m. with all Board members present except Supervisors Kingsley and Tillemans.

*Report on Closed Session*

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

*Adjournment*

Chairperson Totheroh adjourned the meeting at 3:23 p.m. to a special session at 8 a.m. Saturday, March 10, 2018 in the Executive Conference Room at Bishop City Hall in Bishop.

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Chairperson, Inyo County Board of Supervisors

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

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