

MINUTES



County of Inyo Board of Supervisors

April 24, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on April 24, 2018, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Dan Totheroh, presiding, Jeff Griffiths, Mark Tillemans, and Matt Kingsley. Absent: Rick Pucci.

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 8:30 a.m. to convene in closed session with all Board members present except Supervisor Pucci 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 – ANTICIPATED LITIGATION –** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); No. 4 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –** Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (one case); and No. 5 **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 10:00 a.m. with all Board members present except Supervisor Pucci.

Pledge Chairperson Totheroh 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.

Public Comment Chairperson Totheroh asked for public comment during the second public comment period and there was no-one wishing to address the Board.

County Department Reports HHS Director Marilyn Mann invited the Board to participate in Prescription Drug Take-Back Day on April 28.

Planning Director Cathreen Richards announced there would be a West Mojave Route Network Project meeting in Ridgcrest tonight and also provided information on Death Valley National Park's Saline Valley Warm Springs Plan Environmental Impact Statement, including a list of upcoming public meetings.

Chief Probation Officer Jeff Thomson reported on the Continuum of Care Reform conference he attended last week in Sacramento titled, "Partnership for CCR Success: A Better Future for Probation Foster Youth."

Ag Commissioner Nate Reade notified the Board of a possible invasive weed outbreak to deal

with in the Pleasant Valley burn area in the coming months, and also reported that his office is receiving a lot of requests to be on the email list in the wake of the commercial cannabis application window opening last week.

Presentation – Inyo-Mono Broadband Consortium

The Board received an update and presentation from the County's Inyo-Mono Broadband Consortium Advisory Council (IMBC) representatives about the IMBC Advisory Council's efforts to address broadband challenges and needs in the region.

Ag Comm.-OVMAP – ADAPCO bid award & P.O.

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) award a bid in the amount of \$20,788.32 to ADAPCO, LLC of Sanford, FL for the purchase of mosquito control products; and B) authorize a purchase order to ADAPCO, LLC of Sanford, FL in an amount not to exceed \$20,788.32 for the purchase of two (2) 30-gallon drums of Pyronyl Oil Concentrate #525, one (1) case of Altosid 3-day Briquets, two (2) cases of Altosid XR Briquets, twenty (20) 40-pound bags of Altosid XR-G, and one (1) case of Mavrik Perimeter. Motion carried unanimously 4-0, with Supervisor Pucci absent.

Coroner – Central Valley Toxicology Amendment 1

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 1 to the contract between the County and Central Valley Toxicology, Inc. for Toxicology services, amending the contract by increasing the not-to-exceed amount of the contract to \$26,500, contingent upon the adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Pucci absent.

Info. Services – Microsoft Windows 10 Payment #2

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the second of three annual payments in the amount of \$26,390 for the three-year Microsoft Windows 10 enterprise licensing agreement approved by the Board on May 3, 2017. Motion carried unanimously 4-0, with Supervisor Pucci absent.

HHS-ESAAA – FY 18-19 Area Plan Update

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to: A) approve the Fiscal Year 2018-2019 Area Plan Update for Services for Planning and Services Area 16 (Inyo and Mono Counties); B) set the minimum percentages for the subcategory of Supportive Services as recommended by the Advisory Council (50% for transportation, 10% for legal services, and 3% for in-home services); and C) authorize the Chairperson to sign two copies of the required Transmittal Letter. Motion carried unanimously 4-0, with Supervisor Pucci absent.

Planning/Water – Daniel B. Stephens & Associates Amendment 1

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 1 to the contract between the County of Inyo and Daniel B. Stephens & Associates, Inc. for the provision of hydrology services to amend all sections relating to the Terms of the agreement to be April 25, 2017 to April 25, 2019, contingent upon adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously 4-0, with Supervisor Pucci absent.

BOS-Tillemans – Waive Gate Fees for BP Clean-up/Reso# 2018-22

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees for Trash and Litter Removal During the Big Pine Community Clean-up." Motion carried unanimously 4-0, with Supervisor Pucci absent.

BOS-Kingsley – Waive Gate Fees for LP Clean-up/Reso# 2018-23

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve a resolution titled, "A Resolution of the Board of Supervisors, County of Inyo, State of California, Waiving Solid Waste Disposal and Gate Fees for Trash and Litter Removal During the Lone Pine Paiute-Shoshone Reservation Earth Day Clean-up." Motion carried unanimously 4-0, with Supervisor Pucci absent.

Water Dept. – 2018-2019 LADWP Proposed Annual Operations Plan

Water Director Dr. Bob Harrington distributed to the Board and staff copies of LADWP's proposed Annual Operations Plan, copies of a PowerPoint presentation summarizing the plan, and a correction to information included in the Board's packets presenting water table reads taken in late March/early April. He discussed the process, per the Long-Term Water Agreement, whereby the LADWP presents its proposed Annual Operations Plan by April 20 of each year for the next months, beginning April 1. He summarized the key components of the plan, including a runoff forecast showing runoff at 78% of normal and planned Owens Valley groundwater pumping for the 2018-2019 runoff year (77,990-96,230 acre-feet), with ranges given for each of the nine wellfields. He noted the water is proposed to be used for irrigation, enhancement/mitigation supply, hatcheries, town supply, and export, including from the Laws, Big Pine, Taboose-Aberdeen, Independence-Oak Creek, and Bairs-Georges wellfields. He said

LADWP's high-end proposal of 96,230 acre-feet would be the most the City has pumped since the LTWA was signed in the 1990s, while 77,990 would be average for the same time period. Harrington also reviewed a table showing water uses on Los Angeles-owned lands in the Owens Valley, comparing what is proposed this year to what was used in baseline year 1981. CAO Carunchio pointed out that LADWP in prior years included Owens Lake figures in the table until the County asked that it be removed as an inaccurate reflection of in-valley totals, however Harrington said LADWP removed those numbers entirely so the County has no way of knowing whether LADWP is seeing any water savings on the lake that could be of benefit elsewhere in the valley. Harrington also reviewed Water Department data comparing groundwater levels from April 2018 to April 2017, and noted which wellfields are near, at, below, or above baseline – information that Harrington said will directly factor into staff's analysis of whether specific wellfields should be pumped as proposed in the Operations Plan. He said in general, staff will analyze what impacts the proposed plan will have on the water table, vegetation, non-LADWP wells, and springs, with the goal of providing written comments to LADWP by April 30 and having a Technical Group meeting on May 9.

Supervisor Griffiths indicated that after last year's abundance of runoff and recharge, coupled with almost no export by LADWP, current wellfield conditions might be as optimal as can be expected. Supervisor Tillemans agreed, and lamented steadily declining baseline levels in the Fourth District, particularly Big Pine, and cited a laundry list of broken promises and resistance to getting projects done by LADWP, dying pastures and green fields, and the City's outright rejection of a proposal to recycle wastewater to mitigate for lack of water on the Bartell Parcel. He said Big Pine continues to take the brunt of LADWP's over-pumping and decried the City's approach to dealings with Inyo County. Supervisor Kingsley asked for clarification on wellfield uses and numbers. Chairperson Totheroh asked whether staff would be able to address Tillemans' concerns in their response to the Operations Plan and Harrington said staff would most likely not recommend export from the Big Pine wellfield. Daris Moxley of Bishop said she wanted to see the Water Department's comments before they are submitted to the City of L.A., and wanted to know why the County couldn't ask LADWP to answer the myriad concerns raised by Supervisor Tillemans. Sandy Lund of Big Pine said she remembered when a local reporter asked 10 Los Angeles residents if they knew where their water came from and only one did. CAO Carunchio asked whether the Operations Plan indicated how much of the Owens Valley groundwater would supply the City's water needs, and Harrington said 17%, with the whole Eastern Sierra supplying about 40%. CAO Carunchio said there is actually additional water coming out of the Eastern Sierra through the mechanisms of the Long-Term Water Agreement that benefit the ratepayers of Los Angeles and it would be helpful to quantify that additional export amount.

Presentation – Doris Link Trust Animal Shelter Donation Check

Attorney Peter Tracy presented to the Board a near-final distribution from the Doris Link Trust in the amount of \$275,000 for the Inyo County Animal Shelter Donation Trust. He noted that use of the funds is restricted to the direct benefit of animals. Tracy read into the record a statement from his assistant, Melinda DeCoster, who was a longtime neighbor and friend of Ms. Link. Sheriff Bill Lutze, Director of Inyo County Animal Services, accepted the check from Mr. Tracy, and then expressed gratitude for the donation on behalf of the animals, and thanked Mr. Tracy and County Counsel Marshall Rudolph for the work they have done to facilitate the distribution. Sheriff Lutze provided assurances that the donations will go directly to the care and benefit of the animals. Supervisor Tillemans thanked Animal Shelter staff and said he knew they would be putting the donation to good use.

Sheriff – Correctional Officer

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Correctional Officer exists, 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 position, the vacancy could possibly be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Correctional Officer at Range 64 (\$3,886 - \$4,723). Motion carried unanimously 3-0, with Supervisor Pucci absent and Supervisor Kingsley out of the room at the time of the vote.

Environmental Health – REHS I-III/EHS Trainee

Moved by Supervisor Tillemans 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) permanent full-time Registered Environmental Health Specialist (REHS) I, II, III or Environmental Health Specialist (EHS) Trainee exists, as certified by the Environmental Health Director and concurred with by the County Administrator and Auditor-Controller; B)

where due to the nature of the educational and experience requirements of the position it is unlikely that the vacancy could be filled by internal candidates meeting the qualifications for the positions, an open recruitment is appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) permanent full-time REHS Specialist I, II, III at Range 71 to 79 (\$4,583 - \$6,733) or EHS Trainee at Range 67 (\$4,170 - \$5,062), and if hired at the EH Trainee level, approve adjusting the department's Authorized Staffing accordingly. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Environmental Health
– HazMat Program
Manager/Sr. HazMat
Program Manager*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) permanent full-time Hazardous Materials Program Manager or Senior Hazardous Materials Program Manager exists, as certified by the Environmental Health Director and concurred with by the County Administrator and Auditor-Controller; B) where due to the nature of the educational and experience requirements of the position it is unlikely that the vacancy could be filled by internal candidates meeting the qualifications for the positions, an open recruitment is appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) permanent full-time Hazardous Materials Program Manager at Range 78 (\$5,410 - \$6,374) or Senior Hazardous Materials Program Manager at Range 84 (\$6,254 - \$7,601). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-Social Services
– Human Services
Supervisor*

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Human Services Supervisor exists in a non-General Fund budget, as certified by the 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 System position, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Human Services Supervisor at Range 70 (\$4,479 - \$5,448). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-Fiscal –
Office Tech I-II*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Office Tech I/II exists in a non-General Fund HHS budget, as certified by the HHS Director and concurred with by the County Administrator and the 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 System position, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Office Tech I at Range 55 (\$3,150 - \$3,830) or Office Tech II at Range 59 (\$3,457-\$4,201), dependent upon qualifications. Motion carried unanimously 4-0, with Supervisor Pucci absent.

*HHS-Fiscal –
CDPH Audit Findings
Invoice*

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to: A) approve payment of invoices for audit findings to the California Department of Public Health in an amount not to exceed \$23,686.74; and B) amend the Fiscal Year 2017-2018 Public Health Emergency Preparedness Budget (105103) and Hospital Preparedness Program Trust Budget (105102) as follows: increase appropriations in Prior Year Refund (Object Code 5499) by \$23,686.74; \$21,653.94 in PHEP and \$2,032.80 in HPP (*4/5ths vote required*). Motion carried unanimously 4-0, with Supervisor Pucci absent.

*Road Dept. –
Reso #2018-24
Adopting Projects for
18/19 SB 1 Allocation*

Moved by Supervisor Griffiths and seconded by Supervisor 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 list to satisfy the documentation requirements to receive SB: 1 Road Repair and Accountability Act of 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 of 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 4-0, with Supervisor Pucci absent.

*Info. Services/County
Counsel –
Thompson Reuters*

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve County entry into proposed Amendment No. 3 of Contract No. CA2012.004 ("Master Agreement") between Inyo County and Manatron, Inc. – a Thompson Reuters Business, and authorize the Chairperson to sign said Amendment No. 3, contingent upon all appropriate signatures being

<i>Amendment 3</i>	obtained. Motion carried unanimously 4-0, with Supervisor Pucci absent.
<i>Here It Comes Emergency</i>	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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 4-0, with Supervisor Pucci absent.
<i>Rocky Road Emergency</i>	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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 4-0, with Supervisor Pucci absent.
<i>Land of Even Less Water Emergency</i>	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley 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 4-0, with Supervisor Pucci absent.
<i>Gully Washer Emergency</i>	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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 4-0, with Supervisor Pucci absent.
<i>DV Down But Not Out Emergency</i>	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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 4-0, with Supervisor Pucci absent.
<i>Public Comment</i>	Earl Wilson reminded the Board about tonight’s BLM meeting in Ridgecrest on the West Mojave Route Network Project and suggested the County could be opportunities to declare rights-of-way under RS 2477.
<i>Board Member and Staff Reports</i>	<p>Supervisor Kingsley mentioned a fire that broke out in the Fourth District and spread to the Fifth District, posing some threat to the town of Lone Pine. He cited great cooperation from multiple agencies, including the LADWP and fire departments.</p> <p>Chairperson Totheroh noted he also heard of the great cooperation from LADWP in fighting the fire, including local authorization to open the aqueduct to flood areas to prevent the fire from spreading. He also distributed to his fellow Board members green ribbons for their lapels in recognition of Mental Health Awareness Month in May.</p> <p>Supervisor Griffiths mentioned an Eastern Sierra Council of Governments meeting where there was positive discussion about the Bishop Airport, and giving a report on the airport at the Bishop Chamber of Commerce luncheon to a very receptive audience. He also reported that state auditors gave IMACA glowing reviews, he performed his first wedding of the spring, and Sunrise Rotary’s Earth Day celebration was a success, with the County’s Recyclescope proving a hit. He also reported that the Bishop City Council appointed Chris Costello to fill the seat left vacant by the passing of Pat Gardner.</p> <p>CAO Carunchio said the County will be making the Recyclescope available for educational displays and exhibits.</p>
<i>Adjournment</i>	Chairperson Totheroh adjourned the meeting at 12:37 p.m. to a special session at 12:30 p.m. Tuesday, May 1, 2018 at The Oasis at Death Valley in Furnace Creek, CA.

Chairperson, Inyo County Board of Supervisors

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

*by: _____
Darcy Ellis, Assistant*