

# MINUTES



# County of Inyo Board of Supervisors

**May 8, 2018**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:31 a.m., on May 8, 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 8:31 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 – ANTICIPATED LITIGATION** – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code §54956.9 (one case); and 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). Facts and circumstances: anticipated LADWP litigation challenging County's CEQA compliance in adopting resolutions of necessity to condemn certain LADWP properties.
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:03 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 but that the Board would be returning to closed session to continue discussions at some point.
- 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 assured the Board that Behavioral Health was working on a corrective action plan in response to notice from the California Department of Healthcare Services that it failed to comply with a Medi-Cal contract. She also offered an update on the situation with Sterling Heights Assisted Living Facility possibly transitioning to an independent living facility, and the efforts to prevent that from happening. She distributed to the Board a Long-Term Care Ombudsman Fact Sheet, along with a list of Prevention Outdoor Program Outings for 2018.
- Water Department Director Bob Harrington announced upcoming Tech Group and Owens Valley Groundwater Association meetings, and noted that the Owens Valley Booster Club's annual barbecue fundraiser, being held today on the courthouse lawn, was now a fundraiser for the family affected by last week's fire.
- Chief Probation Officer Jeff Thomson announced a Drug Court graduation set for tomorrow, and a May 23 swearing-in ceremony for his newest Probation Officer. He also provided an update on the Re-Entry Program.

*CAO-Advertising  
County Resources –  
Film Commissioner  
Final FY 18-19  
Written Report*

Inyo County Film Commissioner Chris Langley presented his final Written Report of Fiscal Year 2017-2018 regarding filming activities in Inyo County. He said it's difficult to track the exact amount, but he estimates 80 film permits were issued and about \$8.5 to \$9 million was pumped into the local economy. He also provided updates on the Film Museum, which hired a new director, and distributed promotional materials to the Board. Langley then passed around items from the museum for the Board to look at: a Golden Boot award won by screenwriter Burt Kennedy in 1985, and an Emmy for costume work on "North and South" won by Joie Hutchinson in 1985.

*Purchasing –  
Increase Tree House  
Blanket P.O.*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) approve an increase in the amount of the existing blanket purchase order with The Tree House, Inc. by \$10,000 to an amount not to exceed \$50,000 from the Purchasing Revolving Budget for the purchase of HP toner cartridges; and B) authorize a blanket purchase order in the amount of \$10,000 to be issued to The Tree House for the purchase of HP toner cartridges. Motion carried unanimously.

*Motor Pool –  
Increase Bishop Ford  
Blanket P.O.*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve an increase in the amount of the existing blanket purchase order with Bishop Ford by \$8,000 to an amount not to exceed \$38,000 from the Motor Pool budget for the maintenance of Motor Pool vehicles. Motion carried unanimously.

*Recycling & Waste –  
American Refuse  
Agreement*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve an agreement between the County of Inyo and American Refuse, Inc. for the disposal of waste tires, in an amount not to exceed \$126,000 for the period of July 1, 2018 through June 30, 2021, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*HHS – Medi-Cal  
Inmate Program  
Agreement*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve Agreement No. 18-95039 between the County of Inyo Health and Human Services and California Department of Health Care Services Medi-Cal Inmate Program for Fiscal Year 2018-2019 in the amount \$87.11 and authorize the HHS Director to sign. Motion carried unanimously.

*Public Works –  
Increase Britt's,  
Dave's, HCL  
Blanket P.O.s*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to:  
A) approve an increase to the existing blanket purchase orders with the following vendors in the followings amounts:  
1. Britt's Diesel & Automotive by \$10,000 to an amount not to exceed \$55,000;  
2. Dave's Auto Parts by \$5,000 to an amount not to exceed \$35,000;  
3. High Country Lumber by \$10,000 to an amount not to exceed \$30,000; and  
B) authorize the issuance of a blanket purchase order to Dean's Plumbing and Heating in the amount of \$20,000. Motion carried unanimously.

*Road Dept. –  
Cascade Software  
Systems Agreement*

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to approve an agreement between the County of Inyo and Cascade Software Systems, Inc. for provision of Software Maintenance and Support Services for the Road Department's Cost Accounting Program, in an amount not to exceed \$13,689.58 for the period of July 1, 2018 through June 30, 2019, contingent upon the Board's adoption of the Fiscal Year 2018-2019 budget, and authorize the Chairperson to sign. Motion carried unanimously.

*BOS-Kingsley/Public  
Works – Letter  
Supporting H.R. 3270*

Supervisor Kingsley and Public Works Director Clint Quilter asked the Board to consider approving the submittal of a letter of support for H.R. 3270, the Historic Routes Preservation Act, and authorizing the Chairperson to sign. Quilter and Supervisor Kingsley explained that the legislation would simplify local governments' ability to confirm rights-of-way on federal land – with the exception of National Parks or wilderness and military bases. Quilter explained that instead of having to prove a road was in use and maintained prior to 1905, a County will only have to prove it has been maintaining the road since 1976. Supervisor Kingsley said the legislation appears to align with the County's current goals and ongoing efforts to delineate rights-of-way on Forest Service and BLM lands. Supervisor Griffiths was hesitant to support the legislation with only the endorsement of an activist group as background information and without an independent analysis to ensure the absence of any underlying controversy that the Board would not want to inadvertently associate with. The Board came to the consensus that consideration of the letter be revisited in June after more information-gathering.

*HHS – Ratify  
Southern Computer*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve purchases from Southern Computer Warehouse in the amount of \$11,021.77 and authorize an

*Warehouse  
Purchases/P. O.*

additional blanket purchase order to Southern Computer Warehouse in the amount of \$4,000 for the remainder of the fiscal year. Motion carried unanimously.

*HHS-Public Health –  
Ratify CDPH  
HIV/AIDS Agreement  
Amendment 1*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve Amendment A01 to Standard Agreement No. 15-11056 between the County of Inyo and Department of Public Health for the provision of HIV/AIDS care and support services to individuals living with HIV/AIDS or at risk of HIV infection, reducing the budgeted amount for the period of April 1, 2017 to March 31, 2018 from \$80,355 to \$35,387 for a total grant amount of \$198,478 for the period of April 1, 2016 through March 31, 2019, contingent upon the Board's approval of future years budgets; and authorize the Chairperson to sign the Standard Agreement Amendment, CA Civil Rights Law Attachment, Contractor Certification and the Darfur Contracting Act Certification. Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

*Public Works –  
NEPA County  
Road Review  
Scope & Grant*

Transportation Planner Courtney Smith provided an update on the scope of the project involving completion of a National Environmental Protection Act (NEPA) document that evaluates potential environmental impacts resulting from jurisdictional agreements between the County and Inyo National Forest for County roads crossing INF lands and that are proposed for combined use as part of the Adventure Trails program. He said the County was awarded a State Parks Off-Highway Motor Vehicle Recreation Division grant for the project and it must be completed by December 27, 2020. Smith reported that on March 15, INF informed the County by letter of some key items: it is committed to following through with the NEPA analysis and believes an Environmental Assessment is the appropriate approach; an analysis is not a guarantee that INF will grant a right-of-way; and that, while the County has proposed including all of the roads that cross INF land in its project, the Forest Service does not have the resources to perform the work and will limit the scope to only routes that are proposed for combined use. Supervisor Griffiths said the limited scope is disappointing since the whole point of the project was to resolve longtime outstanding right-of-way issues. He said he thinks the County should proceed with the project but also make it clear to the INF that all of the routes need to be analyzed at some point. Supervisor Kingsley agreed with the suggestion and noted with the change in leadership at INF it might be an opportune time for them to evaluate whether they are interested in the entire project. Quilter said he would still prefer a phased approach if there is no guarantee of authorizing instruments being issued, as it will give the County a chance to evaluate how best to use its funding. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to proceed with the State Parks grant and communicate the County's desire to see the whole project completed. Motion carried unanimously.

*CAO – Third-Quarter  
Budget Report*

CAO Carunchio presented an overview of the Third Quarter Financial Report for Fiscal Year 2017-2018, giving credit to Auditor-Controller Amy Shepherd and Senior Budget Analyst Denelle Carrington for making the process easier and more seamless not just for him but for staff and departments as well. He said there were not a lot of big changes and said the increase in net county costs by about \$100,000 is primarily due to anticipated litigation and emergency repairs of the Independence Town Water System. He said Contingencies will be used to purchase cybersecurity software for the Elections Department at a cost of about \$24,000, and, if the Elections Department cannot cover it, the \$12,000 cost of the Southern Inyo Healthcare District Special Election, which will likely be waived. He also discussed issues that will be of concern going forward, such as the State and Federal Budgets, rising personnel costs, declining property tax and Transient Occupancy Tax revenues, and ongoing costs for the Independence Town Water System. Supervisor Pucci said staff had done an excellent job preparing their budget reviews, noting staff is already working on the Fiscal Year 2018-2019 budget. Regarding waiving fees for districts' elections, he noted that the Eastern Sierra Community Services District is passing the cost for its election onto its ratepayers. He suggested a loan program instead of waivers, to avoid questions about favoritism or special treatment. Supervisor Griffiths asked for clarification on a Motor Pool cost, and Supervisor Kingsley said it will be interesting to see if there will be an impact on TOT from vacation rentals. Treasurer-Tax Collector Alisha McMurtrie said she will be tracking vacation rental TOT separately and it will probably be another two months before the County starts seeing any change since applications are just now being completed. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to:

- A) Accept the Fiscal Year 2017-2018 Third Quarter Financial Report as presented;
- B) Approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B, and authorize the Auditor-Controller to make the

- budget adjustments as listed in Attachments A & B (*4/5ths vote required*);
- C) Authorize the County Administrator and Auditor-Controller to make any additional year-end adjustments, as may be necessary within each fund (*4/5ths vote required*);
  - D) Approve the Preliminary Fiscal Year 2018-2019 Budget Calendar (Attachment C) with regard to the proposed dates for the Budget Hearings and adoption of the Final Budget; and;
  - E) Direct the County Administrator and Auditor-Controller to prepare a modified rollover budget for the start of Fiscal Year 2018-2019 and present it for approval on June 12 or June 19, 2018.

*Ag Commissioner – Presentation – 2017 Annual Crop & Livestock Report*

Ag Commissioner Nate Reade distributed copies of the 2017 Annual Crop and Livestock Report to the Board, and presented its findings. He noted that Inyo County’s total value – \$18,958,000 – was up 16 percent over 2016. Reade pointed out that Livestock and Livestock Products were up 16%, Field Crops were up 19%, Nursery Products were up 15%, and Fruit & Nut Crops were up 8%, while Apiary Production declined by 32% and Vegetable Crops declined by 40% (mostly a reflection of the dissolution of the local farmers markets and lack of reporting from the markets on the Bishop Reservation).

*Ag Commissioner – Workshop – Department Overview*

Ag Commissioner Nate Reade provided an overview of the multiple functions of his department, which has five main divisions: Agriculture, Weights & Measures, Owens Valley Mosquito Abatement, Eastern Sierra Weed Management, and, now, the Commercial Cannabis Permitting Office (C3PO). He said since the application window opened on April 20, the C3PO has received one cannabis application but is receiving a lot of phone inquiries, which leads him to believe applicants are taking their time in completing the applications. He said some of the potential operations sound robust.

*Recess for Lunch*

The Chairperson recessed the meeting for a lunch break at 12:15 p.m. and reconvened the meeting at 1:01 p.m. with all Board members present.

*Here It Comes Emergency*

Moved by Supervisor Griffiths 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 Tillemans 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 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.

*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 Tillemans 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.

*Public Comment*

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

*Board Member and Staff Reports*

Supervisor Kingsley thanked everyone who turned out for the annual Board meeting in Southeast Inyo last week.

Chairperson Totheroh said he would be attending board meetings of the Great Basin Unified

Air Pollution Control District and Owens Valley Groundwater Authority.

Supervisor Griffiths said IMACA, the VFW, and the Veterans Service Office are making good progress on the veterans housing project and an MOU might be forthcoming. He also mentioned last weekend's Choo Choo Swap Meet, and attending last night's District 1 Supervisorial Candidate Forum and a Child Care Council provider appreciation dinner.

CAO Carunchio said he and Chairperson Totheroh hosted high school students last week for Senior Government Day and he attended the Taste of the Sierra last Friday. He also noted that the new Assistant County Administrator's formal introduction to the Board would be forthcoming, but today he and outgoing Assistant County Administrator Rick Benson went to meet with RCRC and CalRecycle staff to make them aware of the transition.

*Closed Session*

Chairperson Totheroh recessed open session at 1:13 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*

The Chairperson recessed closed session and reconvened the meeting in open session at 2:11 p.m. with all Board members present.

*Report on Closed Session*

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

*Adjournment*

Chairperson Totheroh adjourned the meeting at 2:11 p.m. to 8:30 a.m. Tuesday, May 15, 2018 in 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*