

MINUTES



County of Inyo Board of Supervisors

June 5, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on June 5, 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 8:35 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 (Well 385); No. 3 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS [Pursuant to Government Code §54956.8] – Property: APN 010-490-12, Bishop, California. Agency Negotiators: Kevin Carunchio, County Administrator, and Marshall Rudolph, County Counsel. Negotiating parties: Inyo County and Inyo County Development LLC. Under negotiations: price and terms of payment; and No. 4 **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 10:03 a.m. with all Board members present.
- Pledge* Supervisor Kingsley 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. 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* Ag Commissioner Nate Reade reported that the Commercial Cannabis Permitting Office is not seeing the deluge of applications the County had anticipated and to date has received only a few with a couple weeks left in the application period window, although he did anticipate maybe a couple more coming in.
- Chief Probation Officer Jeff Thomson invited Board members to a Moral Reconciliation Training graduation tomorrow at the Jail, and encouraged members to attend Friday’s graduation at Palisade Glacier High School.
- Keri Oney, on behalf of HHS Director Marilyn Mann, reported that the Youth Coalition would be providing an update to the Bishop City Council next week on its activities from the 2017-2018 school year.

<i>Introduction</i>	County Administrator Kevin Carunchio introduced new Assistant County Administrator Kenneth G. Walker.
<i>Item Pulled</i>	Public Works requested that the following item, No. 22, be pulled from the Consent Calendar and returned for Board consideration at a future meeting: Road Department – Request Board approve the removal of one (1) tree in the road right-of-way at 354 West Payne Street, Independence, CA.
<i>Clerk-Recorder-Registrar of Voters – DHS No-Cost Cybersecurity Agreement</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the no-cost Cybersecurity Assessments and Technical Services Agreement between the Department of Homeland Security (DHS) and the County of Inyo, and authorize the Registrar of Voters and/or the Information Services Director to sign all paperwork and coordinate with DHS for provision of services. Motion carried unanimously.
<i>Coroner – Eva S. Wasef, MD Sole-Source Autopsy Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) declare Eva S. Wasef, M.D. a sole-source provider of autopsy services in Inyo County; and B) approve the agreement between Eva S. Wasef, M.D. and the County of Inyo for provision of autopsy services for an amount not to exceed \$71,000 for the term of July 1, 2018 through June 30, 2020, contingent upon the Board’s adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.
<i>CAO-Advertising County Resources – Final FY 17-18 Payments</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the following final payments from the 2017-2018 Advertising County Resources Budget: \$1,875 to the Lone Pine Chamber of Commerce for the Early Opener Trout Derby; and \$1,875 to the Bishop Chamber of Commerce and Visitors Bureau for the 2018 Blake Jones Trout Derby. Motion carried unanimously.
<i>Clerk of the Board – Bishop Fire District Appointments</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to reappoint Scott Marcellin and Michael Holland each to four-year terms on the Bishop Rural Fire Protection District Board of Commissioners ending July 1, 2022. (<i>Notice of Vacancy of three four-year terms resulted in requests for appointment only from Mr. Marcellin and Mr. Mike Holland.</i>) Motion carried unanimously.
<i>Motor Pool – Bishop Automotive Blanket P.O. Increase</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve an increase in the amount of the existing blanket purchase order with Bishop Automotive Center by \$7,000 to a not-to-exceed amount of \$50,000 for vehicle maintenance and repair and tire purchases. Motion carried unanimously.
<i>Parks & Rec – Bishop Waste Disposal Vault Toilet Pumping Bid</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) award the bid for vault toilet pumping services to Madera Disposal Systems dba Bishop Waste Disposal; B) approve the agreement between the County of Inyo and Madera Disposal Systems dba Bishop Waste Disposal for vault toilet pumping services in an amount not to exceed \$32,760 for a term of one year with options to renew for two additional one-year terms for the period of July 1, 2018 through June 30, 2021, subject to Board approval and adoption of future County budgets; and C) authorize the Chairperson to sign the agreement. Motion carried unanimously.
<i>County Counsel – Greenan & Peffer et al Contract Amendment 2</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve Amendment No. 2 to the contract between Greenan, Peffer, Sallandar & Lally, LLP and the County of Inyo, extending the term of the contract for the period of July 1, 2017 until completion of litigation unless sooner terminated, contingent upon the Board’s adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.
<i>County Counsel – Gregory James Environmental Attorney Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the contract between the Office of County Counsel and Gregory L. James, Attorney at Law, for the provision of Environmental Attorney services for the period of July 1, 2018 through June 30, 2019, at the rate of \$175 an hour for work directly related to litigation services, \$155 an hour for other matters, and travel time which will be paid at \$50 an hour, with a contract limit of \$25,000, contingent upon the Board’s adoption of the Fiscal Year 2018-2019 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

<i>County Counsel – Legal Services for GBAPCD</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve an agreement between Great Basin Unified Air Pollution Control District and the County of Inyo for the County Counsel’s Office to provide certain legal services to the District during the period of July 1, 2018 to June 30, 2019 for the sum of \$12,500, contingent upon the Board’s adoption of the Fiscal Year 2018-2019 Budget, and authorize the Chairperson to sign. Motion carried unanimously.
<i>County Counsel/Planning – Gregory James Yucca Mtn. Contract</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County related to the Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission, and related Court actions, for the period of July 1, 2018 through June 30, 2019, at the rate of \$185 per hour, as further set forth in Attachment B, with travel time paid at \$50 an hour and a contract limit of \$25,000, contingent upon the Board’s adoption of the Fiscal Year 2018-2019 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
<i>County Counsel/Water Dept. – Gregory James Water Attorney Services</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the contract between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of Water Attorney services to the Water Department, for the period of July 1, 2018 through June 30, 2019, at the rate of \$175 an hour for work directly related to litigation services, \$155 an hour for other matters, and travel time which will be paid at \$50 an hour, with a contract limit of \$100,000, contingent upon the Board’s approval of the Fiscal Year 2018-2019 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
<i>HHS – CDPH Vital Records Privacy & Security Agreement</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the California Integrated Vital Records System Data Privacy and Security Agreement between the California Department of Public Health (CDPH) and the Inyo County Department of Health and Human Services (HHS) for a term of five years, and authorize the Chairperson to sign. Motion carried unanimously.
<i>Planning-Yucca – Hydrodynamics & Partner Engineering and Science Inc./Andy Zdon Amendments 2</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) approve Amendment No. 2 to the contract between the County of Inyo and Hydrodynamics Group to amend the term of the agreement to be July 1, 2016 to June 30, 2019, contingent upon the Board’s adoption of future budgets, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; and B) approve Amendment No. 2 to the contract between the County of Inyo and Partner Engineering and Science, Inc./Andy Zdon to amend the term of the agreement to be July 1, 2016 to June 30, 2019, 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.
<i>Road Dept. – Tree Removal</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the removal of two (2) trees in the road right-of-way at 223 South Clay Street, Independence, CA. Motion carried unanimously.
<i>Road Dept. – 2017-18 Federal Apportionment Exchange Agreement</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to: A) approve the 2017-2018 Federal Apportionment Program Federal Exchange and State Match Program, Agreement No. X18-5948(092), with the California Department of Transportation in the amount of \$673,353 plus a State match of \$100,000 for a total not-to-exceed amount of \$773,353; and B) authorize the Chairperson to sign. Motion carried unanimously.
<i>Sheriff – Nielsen’s Equipment Maintenance Spending Increase</i>	Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to increase spending authority between the County of Inyo and Nielsen’s Equipment Maintenance for completion of Phase I of the Vehicle Radio Project from \$311,372 to \$357,200, contingent upon the Board’s approval of the Fiscal Year 2017-2018 and future budgets. Motion carried unanimously.
<i>Planning – WEMO update/direction</i>	Carl Symons, Manager of the Ridgecrest BLM Field Office, gave the Board a presentation on the West Mojave Route Network Project (WEMO), the Draft Supplemental Environmental Impact Statement, four alternatives (including the BLM’s preferred Alternative 4). Board members asked numerous questions to clarify issues, including those surrounding the definition and designation of “translinear disturbances” which the BLM plans to restore over time. Assistant Planner Josh Dan followed with a presentation of the County’s previous comments on WEMO, in which the Board supported the earlier version of Alternative 3

because it maximized recreational opportunities and access to key destinations. He also reviewed the BLM's proposed route changes in Alternative 4 for the regions of Inyo County included in WEMO, pointing out specific areas where changes in designations appear to have isolated portions of routes by virtue of cutting off access to them. He noted that staff only compared existing conditions to the BLM's preferred alternative. Supervisor Kingsley said staff did a great job in analysis but would want to make sure the same issues with isolated routes did not exist in Alternative 3. After lengthy discussion, the Board directed staff to draft a comment letter before the June 14 deadline with the following points: the Board supports both Alternatives 3 and 4 but wants assurances that the plan is not isolating motorized routes; the Board encourages the BLM to consider the comments of those who live and use the routes in Inyo County because they can provide better insight than looking at a map; Inyo County supports a way to correct any errors discovered later on, administratively; the Board supports a transparent public process as the plan is implemented and routes are restored so that users of those routes are not taken by surprise; and the County would like to see a streamlined permitting process so private property owners and ranchers can easily maintain access to their land/continue grazing.

*BOS-Tillemans –
BP Cemetery District
Board Appointment*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to appoint Leslie Stoner to a four-year term on the Big Pine Cemetery District Board of Trustees ending June 30, 2022. (*Notice of Vacancy resulted in request for appointment only from Ms. Stoner.*) Motion carried unanimously.

*BOS-Tillemans –
Indy Cemetery
District Board
Appointment*

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to appoint Richard Baker to an unexpired term on the Independence Cemetery District Board of Trustees ending January 31, 2022. (*Notice of Vacancy resulted in request for appointment only from Mr. Baker.*) Motion carried unanimously.

*Sheriff – Animal
Control Officer I*

Moved by Supervisor Kingsley 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) Animal Control Officer I exists in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates may meet the qualifications for the position and the position could possibly be filled by an internal recruitment, an open recruitment is more appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Animal Control Officer I at Range 56 (\$3,227 - \$3,916). Motion carried unanimously.

*HHS-Behavioral
Health – Admin
Secretary I/II*

Moved by Supervisor Tillemans and seconded by Supervisor Pucci for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Administrative Secretary I/II exists, as certified by the HHS Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the position may be filled by an internal recruitment and if an internal recruitment fails, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one (1) Administrative Secretary I, Range 56 (\$3,227 - \$3,916) or Administrative Secretary II, Range 60 (\$3,541 - \$4,301), contingent upon qualifications. Motion carried unanimously.

*HHS-Behavioral
Health – Ratify Mono
County Progress
House Contract*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve the contract between Mono County Behavioral Health and Inyo County HHS Behavioral Health for the provision of services at Progress House in Bishop for a Mono County client for the period of April 23, 2018 to December 31, 2018 at a rate of \$110 per day and authorize the Chairperson to sign. Motion carried unanimously.

*Ag Commissioner –
Potential Delivery-
Only Commercial
Cannabis Licenses*

Supervisor Tillemans recused himself from discussions that ensued regarding the possible issuance of commercial cannabis "delivery only" licenses that are not subject to the County's land use authority. Ag Commissioner Nate Reade explained that the County Commercial Cannabis Office is receiving inquiries from out-of-county businesses who are interested in obtaining such licenses to deliver their products to residences in Inyo County. He said the County does not currently provide for delivery-only licenses but Code allows for the possibility, and there is legislation, although currently stalled, to prevent local governments from regulating delivery from outside of the county as long as the business is licensed by the State. Reade explained the potential delivery services would have State licenses as long as they were licensed somewhere else locally. It was noted that the Board previously determined only 6

Classification 10 Retailer licenses would be available countywide. After some discussion, during which Board members questioned how delivery-only businesses would be taxed and where that revenue would go (to their home jurisdictions or to Inyo County), the Board concluded that for the time being, it is best to effectively prohibit delivery businesses that do not have an authorized physical location within Inyo County, thus supporting local businesses and/or incentivizing individuals to do business in Inyo County. The Board also determined it could revisit the issue depending on the level of demand for the limited number of retail licenses.

*Probation/HHS –
Update on Juvenile
Services Redesign*

Chief Probation Officer Jeff Thomson provided the Board an update on the juvenile services provided by the Probation Department and Keri Oney, on behalf of HHS Director Marilyn Mann, provided an update on Probation's collaborative projects with Health and Human Services/Continuum of Care Reform. There was much discussion about in-school early-prevention programs for youth who are not in the system. Thomson reported that most are referred by teachers, but Oney reported that more youth are asking to voluntarily attend. Thomson provided figures to demonstrate the effectiveness of the Juvenile Services Redesign initiative: in 2015-2016, there were 47 bookings at the Juvenile Detention Center (multiple times involving the same youth), with an average daily population of 3. Now, the Probation Department serves more than 50 individual youth a month, not including the 30-35 youth on probation or informal probation, and does it with 4 full-time employees. Supervisor Griffiths pointed out that Probation is a General Fund department offering these services not because it is mandated to, but because it is the right thing to do. Supervisor Kingsley said not only is the County reaching more youth, but Probation has greater flexibility through MOAs with neighboring counties when youth do need to be detained, and Probation can find the facility that best suits individual youths' needs. Thomson noted that Probation in the past detained youth instead of finding other options; now, youth are detained only if it protects the community or the child, or in cases of probation violations. CAO Carunchio said that is something to celebrate and recognize, and commended staff for embracing change and affecting positive outcomes. Supervisor Pucci thanked Probation and HHS for their dedication and enthusiasm, which he said were contagious.

Recess for Lunch

Chairperson Totheroh recessed the meeting for lunch at 12:55 p.m. and reconvened the meeting at 1:40 p.m. with all members present.

*CAO – Board Reps
on RFP Panel*

CAO Carunchio informed the Board that a Request For Proposals (RFP) for Federal Advocacy Services has been issued with a deadline of June 11 in order to give the County an opportunity to contract with a consultant prior to the end of the fiscal year. He said an evaluation committee is scheduled to review the proposals on June 14 and he thought it appropriate to invite two Board members to join the committee given the nature of the contract. Supervisor Pucci said he has been in favor of obtaining such services for quite some time, and stressed that the County will not be hiring a lobbyist, but rather someone familiar with the processes for obtaining federal funding. Carunchio said the idea is to contract with a firm to help the County anticipate and connect with federal funding sources. He said he expected to receive at least 6 responses. Supervisor Pucci volunteered to sit on the evaluation committee, and Supervisor Griffiths agreed to join, contingent on his schedule.

*Here It Comes
Emergency*

Moved by Supervisor Tillemans 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 Pucci 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.

*Land of Even Less
Water Emergency*

Moved by Supervisor Kingsley and seconded by Supervisor Pucci 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.

<i>Gully Washer Emergency</i>	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.
<i>DV Down But Not Out Emergency</i>	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.
<i>Clerk of the Board – Approval of Minutes</i>	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes from the regular Board of Supervisors meetings of May 8, 2018 and May 15, 2018, and the special Board of Supervisors meeting of May 1, 2018. Motion carried unanimously. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes from the regular Board of Supervisors meetings of April 10, 2018, April 17, 2018, and April 24, 2018. Motion carried unanimously 4-0, with Supervisor Pucci abstaining.
<i>Public Comment</i>	Chairperson Totheroh asked for public comment during the final public comment period and there was no-one wishing to address the Board.
<i>Board Member and Staff Reports</i>	Supervisor Kingsley reported attending the annual Concert in the Rocks fundraiser and tomorrow would be attending a grand re-opening for the rehabilitated Dante’s View viewpoint as well as the Sierra Nevada Conservancy reception at Laws. Chairperson Totheroh said he would be attending a Behavioral Health Board of Directors meeting on Monday. Supervisor Griffiths reported attending the CSAC Legislative Conference, Mule Days (where he met with Congressman Cook and staff from Senator Feinstein’s office), a meeting on the Saline Valley Warms Springs Management Plan (attended by people from as far away as Nevada, Bakersfield, and San Francisco), and retirement activities for Judge Dean Stout (including his final Drug Court graduation). He also noted that ESTA failed to recruit a new executive director and he has been designated by the Board of Directors to act as liaison with the interim executive director to engage with member agencies to kickstart a new recruitment and ensure continued operations. He also reported the Sierra Nevada Conservancy would be holding a meeting and tour/reception in Bishop tomorrow and Thursday, and he would be absent from the July 10 Board of Supervisors meeting. CAO Carunchio reported that after last week’s Standing Committee in Los Angeles he traveled to Calaveras for a California Association of County Executives meeting and came away with some good information.
<i>Closed Session</i>	Chairperson Totheroh recessed open session at 2 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.
<i>Open Session</i>	Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 2:51 p.m. with all Board members present. No action was taken during closed session that is required to be reported.
<i>Report on Closed Session</i>	County Counsel Rudolph reported that no action was taken in closed session that is required to be reported.
<i>Adjournment</i>	Chairperson Totheroh adjourned the meeting at 2:51 p.m. to 8:30 a.m. Tuesday, June 12, 2018 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

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

by: _____
Darcy Ellis, Assistant