

MINUTES



County of Inyo Board of Supervisors

March 26, 2019

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 March 26, 2019, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci, presiding, Dan Totheroh, Jeff Griffiths, Mark Tillemans, and Matt Kingsley.

- Public Comment* Chairperson Pucci asked for public comment during the first public comment period and there was no-one wishing to address the Board.
- Closed Session* Chairperson Pucci recessed open session at 8:30 a.m. to convene in closed session with all Board members present to discuss the following items: No. 2 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(2)]** – Significant exposure to potential litigation (*one case*). Facts and circumstances: Threatened state revocation of local primacy delegation agreement; and No. 3 **CONFERENCE WITH COUNTY'S LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]** – Regarding 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. County designated representatives – Administrative Officer Clint Quilter, Assistant County Administrator Rick Benson, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, Health and Human Services Director Marilyn Mann, and Chief Probation Officer Jeff Thomson.
- Open Session* Chairperson Pucci recessed closed session and reconvened the meeting in open session at 10:08 a.m. with all Board members present.
- Pledge* CAO Quilter 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 Pucci 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 distributed pins to the Board signifying Child Abuse Awareness Month.
- Child Support Services Director Susanne Rizo showed a Certificate of Achievement that was awarded to her department at the statewide directors meeting for being one of the top counties demonstrating improvement in performance measures.
- District Attorney Tom Hardy showed a crystal mug awarded to members of the Eastern Sierra Lawmen team who participated in the Baker to Vegas Relay this past weekend, reporting that this is the first time the team "mugged" in its two-decade history by finishing in the top half of its division.
- Sheriff Jeff Hollowell provided an update on the gas station pump "skimmers" being found up and down the valley, as well as the Search and Rescue operation involving the missing Marine Corps lieutenant.

Chief Probation Officer Jeff Thomson reminded the Board about the Every 15 Minutes event April 3-4 and said he attended a Chief Probation Officers of California legislative event last week.

Proclamations – Wild Iris – Child Abuse Prevention & Sexual Assault Awareness Month

Matthew O'Connor, executive director of Wild Iris, presented for the Board's consideration two proclamations: one declaring April 2019 Sexual Assault Awareness Month in Inyo County and the other declaring April 2019 Child Abuse Prevention Month in Inyo County. He thanked the Board for its consideration. Chairperson Pucci read both proclamations aloud before calling for a vote. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve: A) a proclamation titled, "Proclamation of the Board of Supervisors, County of Inyo, State of California Recognizing April 2019 as Child Abuse Prevention Month;" and B) a proclamation titled, "Proclamation of the Board of Supervisors, County of Inyo, State of California Recognizing April 2019 as Sexual Assault Awareness Month." Motion carried unanimously.

Presentation – First 5 20th Anniversary

Serena Johnson, First 5 director, delivered a PowerPoint presentation from Health & Human Services staff on the 20th Anniversary of First 5, highlighting two decades of Proposition 10 activities statewide and locally. Supervisor Kingsley asked whether there was an alternate source of funding for First 5 besides tobacco tax, or if there was an effort underway to replace funding being lost as a result of declining tobacco sales. Johnson said the First 5 Association is actively trying to address the situation. Supervisor Griffiths thanked Johnson and First 5 for their work, noting that the agency has come a long way over the years.

Child Support Services – Child Support Officer I-III

Moved by Supervisor Totheroh 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) Child Support Officer I/II/III exists in a non-General Fund budget, as certified by the Child Support Services Director and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications of the position, the vacancy could 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) Child Support Officer I, Range 57 (\$3,363 - \$4,086), Child Support Officer II, Range 60 (\$3,612 - \$4,387), or Child Support Officer III, Range 64 (\$3,964 - \$4,817), depending upon qualifications. Motion carried unanimously.

Personnel – Rick Benson Contract Amendment 1

Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Amendment No. 1 to the Agreement between the County of Inyo and Richard Benson for personal services as Assistant County Administrator, amending the term of the contract to October 4, 2019 through April 19, 2019, and authorize the Chairperson to sign. Motion carried unanimously.

District Attorney – Add Victim Witness Assistant

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:

- A) Amend the Fiscal Year 2018-2019 Victim Witness Budget (Budget 620418) as follows: increase estimated revenue in State Grants (Revenue Code 4498) by \$60,827 and increase appropriation in Salaried Employees (Object Code 5001) by \$19,122, Retirement & Social Security (Object Code 5021) by \$1,477, PERS Retirement (Object Code 5022) by \$2,508, Medical Insurance (Object Code 5031) by \$7,029, Disability Insurance (Object Code 5032) by \$191, Cell Phones (Object Code 5122) by \$1,000, Office & Other Equipment (Object Code 5232) by \$5,000, General Operating (Object Code 5311) by \$20,000, and Travel Expenses (Object Code 5331) by \$4,500 **(4/5ths vote required)**;
- B) Change the authorized strength in the Victim Witness Program by adding one (1) Victim Witness Assistant at Range 54 (\$3,135 - \$3,814), contingent upon acceptance of the Inyo County Victim/Witness Assistance Program Grant from the Governor's Office of Emergency Services (CalOES) for Fiscal Year 2018-2019 and continued grant funding; and
- C) Find that, consistent with the adopted Authorized Position Review Policy: 1) the availability of funding for one (1) Victim Witness Assistant exists in the non-General Fund Victim Witness budget, as certified by the District Attorney and concurred with by the County Administrator and Auditor-Controller; 2) where internal candidates may meet the qualifications of the position, the vacancy could be filled through an internal recruitment, but an open recruitment is more appropriate to ensure qualified applicants apply; and 3) approve the hiring of one (1) Victim Witness Assistant at Range 54 (\$3,135 - \$3,814), contingent upon acceptance of the Inyo County Victim/Witness Assistance Program Grant from the Governor's Office of Emergency Services (CalOES) for Fiscal Year 2018-2019 and continued grant funding.

Motion carried unanimously.

*Probation –
BPAR Office Tech I*

Moved by Supervisor Griffiths 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) BPAR Office Technician I exists in the General Fund, as certified by the Chief Probation Officer 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 by an internal recruitment, but an open recruitment is more appropriate to ensure qualified candidates apply; and C) approve the hiring of one (1) BPAR Office Technician I at Range PT55 (\$17.22 - \$20.93/hr.). Motion carried unanimously.

*Sheriff –
Correctional Officer*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh for the Board to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for one (1) Correctional Officer 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 of the position, the vacancy could 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, Range 64 (\$3,964 - \$4,817). Motion carried unanimously.

*Treasurer-Tax
Collector – Office
Technician I-III*

Moved by Supervisor Totheroh 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 Technician exists in the Treasurer-Tax Collector budget, as certified by the Treasurer-Tax Collector and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates may meet the qualifications of the position, the vacancy could 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) Office Technician I-III, Range 55-63 (\$3,213 - \$4,705). Motion carried unanimously.

*Motor Pool – Bishop
Ford Police
Responder Purchase*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to award a contract to Bishop Ford for the purchase of two (2) 2019 Ford F150 Police Responders and approve a purchase order to Bishop Ford in the amount of \$82,351.40. Motion carried unanimously.

*District Attorney –
Acceptance of FY 18-
19 Victim/Witness
Grant*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) authorize acceptance of the Inyo County Victim/Witness Assistance Program Grant from the Governor's Office of Emergency Services (CalOES) for Fiscal Year 2018-2019; and B) authorize the District Attorney to sign any documentation to accept and utilize the grant on behalf of the County. Motion carried unanimously.

*HHS/Risk –
Appoint HIPAA
Privacy Officer*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to appoint Assistant HHS Director Meaghan McCamman as the HIPAA Privacy Officer for Inyo County for purposes of the federal Health Insurance Portability and Accountability Act, and authorize the HIPAA Privacy Officer to modify and/or develop required processes and procedures necessary to comply with the HIPAA requirements. Motion carried unanimously.

*HHS – CalOES
Mutual Aid
Agreement*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve the agreement between the signatory counties of the California Governors' Office of Emergency Services Mutual Aid Region VI – including the counties of Imperial, Inyo, Mono, Riverside, San Bernardino, and San Diego – to provide mutual assistance during a medical and health emergency, disaster, or catastrophic event, and authorize the Chairperson to sign. Motion carried unanimously.

*Public Works –
Jail Water Heater Re-
Pipe Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) award the contract for the Jail Water Heater Re-Pipe Project to Mesa Energy Systems, Inc. of Bakersfield, CA; B) approve the construction contract between the County of Inyo and Mesa Energy Systems, Inc. of Bakersfield, CA in the amount of \$139,800, and authorize the Chairperson to sign, contingent upon all appropriate signatures being obtained; and C) authorize the Public Works Director to execute all other project contract documents, including contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable laws. Motion carried unanimously.

Public Works –

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to approve Resolution No. 2019-11, titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of

Whitney Portal & Horseshoe Meadows Rd. N.O.C./Reso# 2019-11

California Authorizing the Recording of a Notice of Completion for the Whitney Portal Road and Horseshoe Meadows Road Permanent Restoration Project,” and authorize the Chairperson to sign. Motion carried unanimously.

Road Department – Granite Construction 3K Asphalt Bid Award

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare Granite Construction of Bakersfield, CA the successful bidder for 3,000 Tons of Plant (Cold) Mix Asphalt per Bid No. 2019-02; and B) authorize the purchase of 3,000 tons of cold mix asphalt from Granite Construction of Bakersfield, CA in an amount not to exceed \$429,562.50. Motion carried unanimously.

Road Department – Granite Construction 1K Asphalt Bid Award

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare Granite Construction of Bakersfield, CA the successful bidder for 1,000 Tons of Plant (Cold) Mix Asphalt per Bid No. 2019-03; and B) authorize the purchase of 1,000 tons of cold mix asphalt from Granite Construction of Bakersfield, CA in an amount not to exceed \$135,447.50. Motion carried unanimously.

Sheriff – Axon Enterprise, Inc. Sole-Source Body Camera Purchase

Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to: A) declare Axon Enterprise, Inc. of Scottsdale, AZ a sole-source provider of body-worn cameras and associated accessories; B) approve the purchase of twenty-five (25) Axon body-worn cameras, charging bays, mounts, cables, cloud storage, software licensing, and Taser Assurance Plan; and C) approve the contract between the County of Inyo and Axon Enterprise, Inc. of Scottsdale, AZ in an amount not to exceed \$93,687.30 for the term of March 26, 2019 through March 26, 2024 and authorize the Sheriff or designee to sign, contingent upon the Board’s approval of future budgets. Motion carried unanimously.

Planning – Inyo County 2019 APR

Assistant Planner Ryan Standridge presented for Board approval the 2018 General Plan Annual Progress Report, outlining the work accomplished by the Planning Department over the past year. She noted a significant uptick in the amount of permits being reviewed by the department as a result of newly adopted ordinances, in addition to various projects both new and ongoing. Board members offered their congratulations to the Planning Department for tackling an impressive amount of work. Moved by Supervisor Totheroh and seconded by Supervisor Kingsley to accept the draft Inyo County 2018 General Plan Annual Progress Report (APR) and direct staff to forward the APR with any modifications to the State of California’s Department of Housing and Community Development and Governor’s Office of Planning and Research. Motion carried unanimously.

Probation – Electronic Monitoring Program Review

Chief Probation Officer Jeff Thomson presented for approval the electronic monitoring program, noting only two policy changes since last year: the addition of a maximum sentence and an increase in the application fee. There was additional discussion about the monitoring program itself, and the technology used. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) appoint the Chief Probation Officer and the Sheriff as Co-County Correctional Administrators; and B) approve the Probation Department’s electronic monitoring program as modified. Motion carried unanimously.

Sheriff – BUSD MOU Extension

Sheriff Hollowell presented for approval an extension to the MOU that allows students from Palisade Glacier High School to help out at the animal shelter for school credit. He called the program a win-win for the students and animals. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve an extension of the Memorandum of Understanding between the Sheriff’s Department and the Bishop Unified School District for the “After School Shelter Dog Project,” to provide Palisades Glacier High School students an after-school elective training dogs residing at the Inyo County Animal Shelter throughout school years 2019-2024 (five-year term). Motion carried unanimously.

Water Department – ORWT Grant & Budget Amendment

Water Director Dr. Aaron Steinwand presented for Board approval a resolution allowing the Water Department to accept a grant from the Division of Boating and Waterways for the design, engineering, and permitting of the launch and takeout facilities of the Owens River Water Trail. He said the County cannot spend the funds until the CEQA review is complete but must encumber them now or risk losing them. There was additional discussion about the project timeline, as well as access to the land for the engineers. Steinwand and Mitigation Projects Manager Larry Freilich explained that they are negotiating with Boating & Waterways over its requirement for a 20-year lease from Los Angeles before the funds can be expended,

which they do not believe should be applied to a grant for the design phase of a project. Freilich said their counsel is taking it into consideration but for now the funds have to be encumbered. Moved by Supervisor Kingsley and seconded by Supervisor Totheroh to:

- A) Approve Resolution No. 2019-12, authorizing the Water Director to sign a grant agreement between Inyo County and the Division of Boating and Waterways, accepting up to \$110,000 to fund the engineering, design, and permits for the launch and take-out facilities for the Owens River Water Trail;
- B) Amend the Fiscal Year 2018-2019 Water Department budget (Budget 024102) as follows: increasing revenue in State Grants (Revenue Code 4498) by \$110,000 and increasing appropriation in Professional Services (Object Code 5265) by \$110,000 **(4/5ths vote required)**; and
- C) Direct the County to not undertake any expenditures for which it will need or expect to be reimbursed from grant funds, or otherwise seek any disbursement of grant funds before the completion of the environmental review process and the issuance of all permits required for the project and the Board of Supervisors authorizes proceeding with the project, unless such disbursement is approved in advance by the Board.

Motion carried unanimously.

*Recycling & Waste –
Treasury Loan for
Sole-Source
Caterpillar
Compactor Purchase*

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to:

- A) Approve Resolution No. 2019-13, titled, “A Resolution of the Inyo County Board of Supervisors Authorizing and Approving an Inyo County Treasury Loan to the Inyo County Recycling/Waste Management Department;”
- B) Authorize the Chairperson to sign the Loan Agreement and Promissory Note;
- C) Declare Quinn Company of Bakersfield, CA a sole-source provider of Caterpillar landfill compactors and authorize the purchase of a Caterpillar Model 816K Landfill Compactor from Quinn Company of Bakersfield, CA in an amount not to exceed \$490,099; and
- D) Authorize the Assistant County Administrator to sign all other documents relevant to the purchase of the compactor.

Motion carried unanimously 4-0, with Supervisor Kingsley out of the room at the time of the vote.

Recess/Reconvene

The Chairperson recessed the meeting for a break at 11:41 a.m. and reconvened the meeting with all Board members present at 11:46 a.m.

*CAO-Emergency
Services – Flood
Grant Budget
Amendment*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to amend the Fiscal Year 2018-2019 Inyo County Budget as follows: create a new budget titled “DWR-Statewide Flood ER Grant (Budget 610389)”; increase estimated revenue in State Grants (Revenue Code 4498) by \$40,000, and increase appropriations in Office & Other Equipment < \$5000 (Object Code 5232) by \$12,900, Equipment (Object Code 5650) by \$25,200, and Internal Charges (Object Code 5121) by \$1,900 **(4/5ths vote required)**. Motion carried unanimously.

*CAO – Sierra CAMP
Membership & Rep
Designation*

Supervisor Griffiths said he would like to be the County’s primary representative to Sierra CAMP and Supervisor Totheroh said he would like to be the alternate representative. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to: A) designate Supervisor Griffiths the primary representative and Supervisor Totheroh the alternate representative to serve as a liaison between the County and Sierra CAMP (the Sierra Climate Adaptation and Mitigation Partnership); and B) authorize those designated representatives to sign a Sierra CAMP Membership Agreement on behalf of the County. Motion carried unanimously.

*Board Member and
Staff Reports*

Supervisor Griffiths reported attending the City Council meeting last night, participating in the Altrusa Tea with Supervisor Totheroh as a server, and meeting with the High Sierra Energy Foundation about energy studies.

Supervisor Kingsley commented on the extended loss of cell phone service for Verizon customers and 911 services over the weekend, which he said is a serious matter when most people do not have landlines anymore. He said he would ask staff to look into some kind of redundancy in the system, like Mono County has.

CAO Quilter said he and Engineering Assistant Ashley Helms met with Mammoth staff last week to discuss air service and will be bringing back in May a revised/tightened scheduled for commercial air service at the Bishop Airport.

- Recess for Lunch* The Chairperson recessed the meeting for lunch at 12 p.m. and reconvened the meeting at 1:05 p.m. with all Board members present.
- HHS-Public Health & Prevention – Tobacco Control Workshop* The Board was asked to conduct a workshop with Inyo County Health and Human Services Tobacco Control Program staff to provide direction to staff regarding the development of a regional policy aimed at reducing use of tobacco products among youth. HHS Director Marilyn Mann introduced Inyo County Tobacco Control Program Manager April Egan, who presented policy options, as well as policy actions taken by adjacent jurisdictions. Options included a ban on flavored vaping products, minimum packaging requirements, and a ban on all flavored tobacco products, including menthol cigarettes and chew. Lengthy discussion ensued. The Board ultimately directed HHS staff to work with the City of Bishop on providing a similar workshop to the City Council and starting a conversation about developing a regional policy. Staff was also directed to, at a minimum, look into a County ban of non-tobacco flavored vaping products, and examine minimum packaging policies and the effectiveness of local tobacco retailer licenses on curbing underage tobacco sales.
- Recess/Reconvene* The Chairperson recessed the meeting for a break at 2:22 p.m. and reconvened the meeting at 2:29 p.m. with all Board members present.
- Environmental Health – Local Primacy Revocation Action* Environmental Health Director Kathe Barton held a workshop with the Board to discuss and receive direction regarding the State Water Board’s intention to initiate a local primacy revocation action, transferring regulation of the small water system program from the County to the State. Barton explained the situation leading to the revocation action, and noted that staff had until March 29 to request a public hearing from the State Water Board, if that was the Supervisors’ direction. Barton reviewed the advantages and disadvantages of having Environmental Health retain local control of the County’s small water systems. The Board directed staff to request the hearing, continue to work through its backlogged and routine work between now and hearing date, continue to research all options available to increase the number of certified operators available to Inyo County water systems, and move forward with personnel actions to increase staffing by one full-time position if the State Board rescinds its action.
- Public Comment* Chairperson Pucci asked for public comment during the final public comment period.
- Earl Wilson of Lone Pine said the flowers at the courthouse are looking good and noted that the Inyo-Mono Integrated Water Management Group offers training events and management classes that could potentially benefit local water districts.
- Adjournment* Chairperson Pucci adjourned the meeting at 3:11 p.m. to 8:30 a.m. Tuesday, April 2, 2019 in the County Administrative Center in Independence.

Chairperson, Inyo County Board of Supervisors

*Attest: CLINT G. QUILTER
Clerk of the Board*

by: _____
Darcy Ellis, Assistant