

MINUTES



County of Inyo Board of Supervisors

June 19, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:32 a.m., on June 19, 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 8:33 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**, Kern County Superior Court Case No. BCV-18-10069 (Well 385); No. 3 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – County of Inyo v. Los Angeles Department of Water and Power**, Kern Superior Court Case No. BVC-18-101261 (Eminent Domain - Independence); Case No. BVC-18-101260 (Eminent Domain – Lone Pine); and Case No. BVC-18-101262 (Eminent Domain - Bishop); No. 4 **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to paragraph (1) of subdivision (d) of Government Code §54956.9] – Neylon v. County of Inyo et al.**, United States District Court Eastern District of California Case No. 1:16-CV-00712-AWI-JLT; No. 5 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS [Pursuant to Government Code §54956.8] – Property: APN 005-068-05, 310 AND 311 Jackson Street, Lone Pine, California. Agency Negotiators: Kevin Carunchio, County Administrator, Marshall Rudolph, County Counsel, Clint Quilter, Director Public Works, and Marilyn Mann, Director Health and Human Services. Negotiating parties: Inyo County and Estate of Ruby Branson Trust. Under negotiation: price and terms of payment; No. 6 **CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6] – Employee organizations: Deputy Sheriff’s Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA); Inyo County Employees Association (ICEA); Inyo County Probation Peace Officers Association (ICPPPOA); IHSS Workers; Law Enforcement Administrators’ Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer Kevin Carunchio, Assistant County Administrator Ken Walker, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 7 **PUBLIC EMPLOYMENT/PERFORMANCE EVALUATION [Pursuant to Government Code §54957] – Title: County Administrator.******

Open Session Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:08 a.m. with all Board members present.

Pledge Supervisor Griffiths 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 at some point to continue discussions.

Public Comment Chairperson Totheroh asked for public comment during the second public comment period.

Harry Williams of Bishop urged the Board to take a stronger stance against LADWP on water issues in order to protect the valley and maintain its beauty in the face of L.A.’s constant efforts to take all its water. He also advocated for the Board taking court action to increase its

membership on the Inyo-L.A. Standing Committee from only two members.

**County Department
Reports**

Assessor David Stottlemyre announced the upcoming retirement of Assistant Assessor Phil Lyle this September and passed along Lyle's thanks to former Assessor Tom Lanshaw, CAO Carunchio, the Board and local businesses for allowing him to serve all these years. Both he and Carunchio said efforts are already underway to find a replacement and avoid a lapse in service.

Ag Commissioner Nate Reade provided an update on the commercial cannabis application process, reporting that by the time the window for applications closed yesterday, his office had received 24 applications – up from the 6 it had received by Friday. He said another 11 were delivered this morning with eligible postmarks, bringing the total to 35, and he anticipated receiving more over the next few days. Reade added that the applications run the gamut of available permit categories.

Introductions

Chairperson Totheroh announced the new-employee introductions scheduled for today have been postponed.

**CAO-Advertising
County Resources –
Final FY 18-19
Payments**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve a final payment from the 2017-2018 Advertising County Resources Budget in the amount of \$3,033 to the Lone Pine Chamber of Commerce for the Wild Wild West Marathon and Ultra runs. Motion carried unanimously.

**Personnel –
Atkinson, Andelson
et al Contract**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud & Romo for the provision of Legal Services – General Labor and Employment Advice and representation in the amount of \$320,000 for the period of July 1, 2018 to 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.

**Risk –
Porter Scott Contract**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Porter Scott, A Professional Corporation (Carl Fessenden, Esq., Contact) for the provision of Civil Litigation Attorney Services in an amount not to exceed \$210,000 for the period of July 1, 2018 through June 30, 2019, contingent upon the Board's adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

**Environmental Health
– IDEXX Labs Sole-
Source P.O.**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) declare IDEXX Laboratories, Inc. of Westbrook, ME a sole-source provider of certain water laboratory supplies; and B) authorize a blanket purchase order to IDEXX Laboratories, Inc. of Westbrook, ME in an amount not to exceed \$7,000 for the purchase of water testing supplies for the period of June 19, 2018 through June 30, 2018. (*Typos on the agenda showed incorrect dates of June 19, 2019 through June 30, 2019.*) Motion carried unanimously.

**Planning – LAFCO
Services Contract**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) approve the contract between the County of Inyo and the Inyo Local Agency Formation Commission to provide staff services in an amount not to exceed \$19,729 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 B) authorize the Chairperson to sign and direct the Planning Department and County Counsel to provide services as outlined in the contract. Motion carried unanimously.

**Probation – Kern
County Juvenile Hall
Agreement**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the agreement with Kern County Juvenile Hall for ward housing services for the period of June 30, 2018 through June 30, 2021, and authorize the Chief Probation Officer to sign. Motion carried unanimously.

**Road Dept. –
Etchemendy
Engineering Sole-
Source Contract**

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to: A) declare Etchemendy Engineering, Inc. of Reno, NV a sole-source provider for the design of the Jail Domestic Water Repipe Project; B) approve the contract between the County of Inyo and Etchemendy Engineering, Inc. of Reno, NV for engineering services for a lump-sum amount of \$15,500; and C) authorize the Chairperson to sign the contract, contingent upon all appropriate signatures being obtained. Motion carried unanimously.

*Sheriff – Atlas
Business Solutions
Contract*

Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve an agreement between Atlas Business Solutions, Inc. of Fargo, N.D. and the County of Inyo for access to the web-based employee scheduling software “ScheduleAnywhere” in an amount not to exceed \$6,300 for the period of July 1, 2018 through June 30, 2023, contingent upon the Board’s adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

*BOS-Chairperson –
Committee
Assignment
Discussion*

Chairperson Totheroh announced that there was a request from Supervisor Kingsley to relieve him from his committee assignments on the Eastern Sierra Transit Authority Board of Directors and Eastern Sierra Council of Governments due to consistent scheduling conflicts. Supervisor Tillemans thanked the Chairperson for the opportunity to discuss the committee assignments, noting that his fellow Board members had to take on additional assignments this year due to his inability to serve while taking care of his terminally ill father and other family issues. He thanked the Board for its understanding and recommitted to comments made several months ago that he was again able and willing to take on more committee assignments. Supervisor Kingsley confirmed scheduling difficulty related to his Quad State, ESTA and ESCOG assignments. There was additional Board discussion, with Supervisor Griffiths suggesting Chairperson Totheroh take on ESTA and ESCOG and Supervisor Tillemans taking on the Local Transportation Commission to relieve Chairperson Totheroh. After more discussion about other possible changes to the committee assignments, the Board decided to revisit the issue next week when members had the opportunity for individual review.

*BOS – NACo Voting
Delegate
Appointment*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to appoint Supervisor Pucci a voting delegate and Supervisor Kingsley an alternate for the upcoming 83rd Annual NACo Conference, being held July 13-16, 2018 in Nashville-Davidson County, TN, and authorize the Chairperson to sign the NACo credentials form on behalf of Inyo County. Motion carried unanimously.

*Water Dept. – Five
Bridges Settlement
Agreement*

Water Department Director Dr. Bob Harrington presented to the Board a proposed settlement agreement reached by negotiators from the County and LADWP to settle various disputes and lawsuits related to testing of Well W385 and to provide for further mitigation of the Five Bridges Impact Site. He described the particulars of the settlement, with the Board asking questions and/or making clarifying statements. The floor was opened to public comment. The following individuals spoke, all in opposition to the County approving the settlement agreement: Alan Bacock of Big Pine, Mary Roper of Independence – on behalf of the Owens Valley Committee and herself, Sally Manning for the Big Pine Tribe, Philip Anaya of Bishop, Harry Williams of Bishop, Daris Moxley of Bishop, and Paul Huette of Big Pine. Bacock said the language in the 1999 mitigation plan was perfectly clear about the wells needing to be “permanently shut off” and said it is difficult to see any benefits of the agreement. Roper said it’s clear the goals of the 1999 plan have not been achieved and questioned the location of the wells DWP wants to test. Miller said DWP promised no more testing in 1999, the settlement agreement is flawed and encouraged the County to continue its lawsuit. Anaya said a true settlement of Five Bridges area issues would involve the MOU parties and said there is time to improve upon the settlement plan. Williams said DWP cannot and should not be trusted and urged the County to continue fighting in court. Moxley cited ambiguous language in the settlement that DWP can take advantage of and said history shows the city does not live up to its obligations. Huette called the settlement ridiculous and ludicrous and asked what the point of the lawsuit was if the County was going to give DWP what it wanted anyway.

The Supervisors spoke next, acknowledging the speakers’ concerns but reminding them that the scope of the County’s legal challenge dealt specifically with CEQA and the settlement gets DWP to concede to several other issues, including that authority to agree to amend or replace the 1999 Revegetation Plan lies with the Technical Group (which gives the County veto power over DWP actions), and that all the goals of the 1999 Revegetation Plan apply to the areas described in the plan. Board members noted that a judge could very easily side with DWP and the County would get nothing. Supervisors said the 60-day well test comes with safeguards in place and will ultimately help determine parameters for possible future operation of the site – which the County still has to agree to.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the settlement agreement reached by negotiators from the County and LADWP to settle various disputes and lawsuits related to testing of Well W385 and to provide for further mitigation of the Five Bridges Impact Site. Motion carried unanimously.

<i>Recess/Reconvene</i>	The Chairperson recessed the meeting for a break at 12 p.m. and reconvened the meeting at 12:06 p.m. with all Board members present.
<i>Presentation – OPEB Account Status</i>	The Board received an update from Public Agency Retirement Services (PARS) representatives on the status of the County's Other Post-Employment Benefits (OPEB) Account. Mitch Barker, PARS Executive Vice President, provided an introduction, followed by Client Services Coordinator Nick Weigand with an overview of the County's OPEB Plan and status as of April 2018, and then Christina Tsuda, Senior Portfolio Manager with HighMark Capital Management, with a summary of the County's OPEB portfolio. Barker then concluded with a look at the PARS Pension Rate Stabilization Program for pre-funding pension obligations. The Board thanked PARS for the presentation.
<i>Water Dept. – Letter of Support for SCSD</i>	Water Director Dr. Bob Harrington presented for approval a letter supporting the Starlite Community Service District's request to the State to modify the Owens Valley Groundwater Basin boundary. He said the SCSD had a sound scientific basis for its request, which has been discussed at meetings of the Owens Valley Groundwater Authority. Daniel Cutshall appeared on behalf of Starlite Estates to answer any questions but the Board had none. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve a letter of support for Starlite Community Service District's request to the California Department of Water Resources for a modification to the boundary of the Owens Valley Groundwater Basin, and authorize the Chairperson to sign. Motion carried unanimously.
<i>Recess for Lunch</i>	The Chairperson recessed the meeting for lunch at 12:38 p.m. and reconvened the meeting at 1:19 p.m. with all Board members present.
<i>HHS – Ratify Vons Purchases/P.O.</i>	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to ratify and approve purchases from Safeway/Vons in the amount of \$9,861.93 and authorize an additional blanket purchase order in the amount of \$2,000 for outstanding invoices and the remainder of the fiscal year. Motion carried unanimously.
<i>HHS-Behavioral Health – Residential Caregiver</i>	Moved by Supervisor Pucci 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) Residential Caregiver position exists in the non-General Fund Mental Health 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 be filled through an internal recruitment but an open recruitment may be required if there are no internal candidates; and C) approve the hiring of one (1) Residential Caregiver at Range 53 (\$3,010 - \$3,659). Motion carried unanimously.
<i>CAO – Preliminary FY 18-19 Budget</i>	CAO Carunchio provided a brief description and overview of the proposed Preliminary Budget for Fiscal Year 2018-2019 and distributed an addendum featuring additional expenditures that needed to be added. Moved by Supervisor Kingsley and seconded by Supervisor Pucci to 5-0 adopt the modified Fiscal Year 2017-2018 Board Approved Budget as the Preliminary Budget for Fiscal Year 2018-2019 and approve the Fixed Assets as recommended by staff (<i>4/5ths vote required</i>), with the additions noted in the addendum. Motion carried unanimously.
<i>Purchasing – Declare Property Surplus/Authorize Auction</i>	Moved by Supervisor Kingsley and seconded by Supervisor Pucci to: A) declare certain property surplus; B) authorize the transfer thereof to other entities and non-profit organizations (<i>4/5ths vote required</i>); C) approve the public auction of County surplus equipment not claimed by those entities/organizations on June 27, 2018; and D) authorize the auction to take place at the Building and Maintenance yard located at 136 South Jackson Street, Independence (<i>4/5ths vote required</i>). Motion carried unanimously.
<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.
<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.

*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.

*Gully Washer
Emergency*

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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 Pucci 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.

*Clerk of the Board –
Approval of Minutes*

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the minutes of the regular Board of Supervisors meeting of June 5, 2018. 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 Tillemans said he would be attending this week’s Local Transportation Commission meeting.

Supervisor Kingsley said he met with Bill Funderburk of the Los Angeles Water and Power Commissioners.

Chairperson Totheroh said he attended a consultation meeting with the Big Pine Paiute Tribe.

Supervisor Griffiths said ESTA’s recruitment for a new Executive Director failed and would be using a new firm thanks to the assistance of Inyo County Personnel and Mono County Human Resources. He said ESCOG is looking at a possible Joint Powers Agreement and staffing options.

CAO Carunchio said the County received 9 responses to its Request for Proposals for Federal Advocacy Services and staff would be bringing forward a contract with the top-ranked firm for Board approval. He said staff is also working on pinpointing a date for the joint meeting with Town of Mammoth staff previously requested by the Board.

Closed Session

Chairperson Totheroh recessed open session at 1:35 p.m. to convene in closed session with all Board members present to continue discussion and possible action as appropriate on previously noted closed session items.

Open Session

Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 2:59 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 2:59 p.m. to 8:30 a.m. Tuesday, June 26, 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