

MINUTES



County of Inyo Board of Supervisors

June 26, 2018

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:33 a.m., on June 26, 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 8:34 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 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. 3 **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 Ken Walker, Deputy Personnel Director Sue Dishion, County Counsel Marshall Rudolph, and Assistant County Counsel John Vallejo; and No. 4 **PUBLIC EMPLOYMENT [Pursuant to Government Code §54957]** – Title: County Administrator.
- Open Session* Chairperson Totheroh recessed closed session and reconvened the meeting in open session at 10:11 a.m. with all Board members present.
- Pledge* County Counsel Marshall Rudolph 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.
- Captain Javier Dominguez, new commander of the Bishop CHP Office, introduced himself to the Board.
- Memorial Adjournment* Supervisor Griffiths asked that today’s meeting be adjourned in memory of Jon Peterson, a former law enforcement officer for Death Valley whom he called a good friend to the community.
- Supervisor Tillemans asked that today’s meeting also be adjourned in memory of Beverly Brown, former Third District Inyo County Supervisor.
- County Department Reports* Ag Commissioner and head of the County Commercial Cannabis Permit Office Nate Reade distributed to the Board a chart comparing the number of commercial cannabis permits available throughout Inyo County to the number and type of application received during the recently closed application period.

<i>Introductions</i>	Auditor-Controller Amy Shepherd introduced to the Board Kristen Haynie, a new Office Tech I dividing duties between the Auditor-Controller's Office and Personnel; Chief Probation Officer Jeff Thomson introduced new Deputy Probation Officer Thomas White; and Public Works Director Clint Quilter introduced the following new employees: Cynthia Browning, Office Tech I, Kathryn Paterson, Engineering Assistant I, and Trevor Taylor, Engineering Assistant I.
<i>Ag Commissioner – OVMAP Contract with MLMAD</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve an agreement between the County of Inyo Owens Valley Mosquito Abatement Program (OVMAP) and the Mammoth Lakes Mosquito Abatement District (MLMAD) for the provision of mosquito control services for the period of July 1, 2018 through June 30, 2023 in an amount not to exceed \$325,000, and authorize the Chairperson to sign. Motion carried unanimously.
<i>Ag Commissioner – SCI Consulting Group Contract</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve a three-year contract with SCI Consulting Group for the administration and levying of the 1998 Owens Valley Mosquito Abatement Program Assessment and the 2005 Mosquito Control and Disease Prevention Assessment for the fiscal years 2018-2019, 2019-2020, and 2020-2021 in an amount not to exceed \$41,112 contingent upon the Board's approval of future budgets; and B) authorize the Chairperson to sign the contract contingent upon all appropriate signatures being obtained. Motion carried unanimously.
<i>Clerk-Recorder-Registrar of Voters – Statement of All Votes Cast</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to issue an order accepting the Statement of All Votes Cast at the Statewide Direct Primary Election held June 5, 2018 and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
<i>CAO – Allan D. Kotin & Associates Contract Amendment 12</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 12 to the contract between Allan D. Kotin & Associates and the County of Inyo, extending the term of the contract to June 30, 2019 and increasing the contract amount by \$20,000 and authorize the Chairperson to sign contingent upon appropriate signatures being obtained. Motion carried unanimously.
<i>CAO – TFG, LLC Federal Advocacy Services</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a contract between the County of Inyo and The Ferguson Group, LLC for the provision of Federal Advocacy Services on behalf of the County, for the period of July 1, 2018 through June 30, 2021 in a total amount not to exceed \$303,000 (\$101,000 per year), subject to the Board's approval of future County budgets, and authorize the County Administrator to sign, contingent on all appropriate signatures being maintained. Motion carried unanimously.
<i>CAO-Film Commissioner – Chris Langley Contract</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a contract between the County of Inyo and Chris Langley for the provision of Film Commissioner services on behalf of the County, for the period of July 1, 2018 through June 30, 2021 in a total amount not to exceed \$109,400, subject to the Board's approval of future County budgets, and authorize the County Administrator to sign contingent on all appropriate signatures being obtained. Motion carried unanimously.
<i>Motor Pool – IM Body Shop Repair</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the necessary repair of a Motor Pool vehicle in the amount of \$2,060 payable to Inyo-Mono Body Shop of Bishop. Motion carried unanimously.
<i>County Counsel – Greenan, Peffer et al Amendment 3</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 3 to the contract between Greenan, Peffer, Sallandar & Lally, LLP for the provision of legal services, to increase the contract limit to \$400,000, and authorize the Chairperson to sign. Motion carried unanimously.
<i>HHS-First 5 – Northern Inyo Hospital Contract</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the contract between the County of Inyo and Northern Inyo Hospital for Childbirth Education and Breastfeeding Support services in an amount not to exceed \$72,000 for the period of July 1, 2018 to June 30, 2021, contingent upon continued grant funding and the Board's adoption of future budgets, and authorize the Chairperson to sign. Motion carried unanimously.

<i>HHS-Social Services – ICSOS Contract</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the contract between the County of Inyo and Inyo County Superintendent of Schools for the provision of Stage I Child Care Services, in an amount not to exceed \$150,000 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.
<i>Public Works – West Bishop Roadway N.O.C./Reso # 2018-27</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve a resolution titled, "A Resolution of the Board of Supervisors of the County of Inyo, State of California Authorizing the Recording of a Notice of Completion for the West Bishop Roadway Reconstruction Project." Motion carried unanimously.
<i>Public Works – Bishop Senior Center Plans & Specs</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to: A) approve the plans and specifications for the Bishop Senior Center Improvement Project; and B) authorize the Public Works Director to advertise and bid the project. Motion carried unanimously.
<i>Water Dept. – Environmental Science Associates Amendment 1</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve and authorize the Chairperson to sign Amendment No. 1 to the contract between the County of Inyo and Environmental Science Associates for California Environmental Quality Act study of the Owens River Water Trail by: A) extending the term of the contract from November 1, 2018 to August 1, 2019; B) removing "see attached" from Attachment B (remove Table 3-1 and Cost Proposal: ESA Non-Labor Expenses Summary); and C) removing reference to Attachment B from Attachment C-Schedule of Travel and Per Diem Payment (amended Attachment B & C attached). Motion carried unanimously.
<i>Water Dept. – Mark Hill and Bill Platts Contracts</i>	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the consultants contracts between the County of Inyo and Lower Owens River Project Memorandum of Understanding consultants Mark Hill and Bill Platts (formerly, Ecosystem Sciences), serving as individual contractors, for the provision of Biological Resources Consulting Services in the amount of \$31,480 for Mark Hill and \$30,220 for Bill Platts (dba Platts Consulting) for a total amount not to exceed \$61,700 for the period of July 1, 2018 to June 30, 2019; and authorize the Chairperson to sign contingent on all appropriate signatures being obtained. Motion carried unanimously.
<i>Water Dept. – R.O. Anderson Contract</i>	Supervisor Tillemans asked for the agenda item to be moved from Consent to Departmental for discussion. Supervisor Tillemans spoke at length about his growing dismay and frustration with LADWP's actions and inactions regarding groundwater and mitigation in the Big Pine area, which he described as drying up due to over-pumping and the City's failure to support projects to revitalize the area. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve Amendment No. 1 to the contract between the County of Inyo and RO Anderson for the Recycled Water for Conservation and Community Projects Feasibility Study, extending the term of the contract from June 30, 2018 to December 31, 2018, and authorize the Chairperson to sign, contingent on all appropriate signatures being obtained. Motion carried unanimously.
<i>Supervisor Griffiths – Update on Veterans Housing Project</i>	Supervisor Griffiths updated the Board on the conversations he has been invited to participate in with representatives from the Bishop VFW, IMACA, City of Bishop, and the County's Veterans Services Representative regarding a conceptual veteran's housing project in Bishop. He said IMACA's homeless count revealed a steady amount of homeless and at-risk of homelessness veterans in the community, so the various representatives got together to look for solutions and funding opportunities for projects. He said they had a staff meeting with the Sheriff, other department heads and County Administrator recently to advance the cause and he appreciates the support. Chairperson Totheroh and Supervisor Pucci thanked Supervisor Griffiths for his efforts. Supervisor Kingsley said there might be opportunities to utilize County-owned land in other areas of Inyo County. Sheriff Lutze said the Veterans Services Offices will be supporting the project as much as it can.
<i>BOS – Changing Committee Appointments</i>	The Board revisited last week's discussion about changing some of the 2018 Board of Supervisors Committee assignments to accommodate scheduling challenges. After lengthy discussion, it was moved by Supervisor Griffiths and seconded by Supervisor Tillemans to alter the 2018 Board of Supervisors Committee assignments thusly: remove Supervisor Kingsley from the Eastern Sierra Council of Governments/Eastern Sierra Transit Authority and replace him with Chairperson Totheroh; remove Chairperson Totheroh from the Local Transportation Commission, replace him with Supervisor Tillemans, and replace Supervisor Tillemans in the

alternate position with Supervisor Kingsley; remove Supervisor Kingsley from Quad State and replace him with Supervisor Kingsley; and remove Supervisor Griffiths as a regular member of the First 5 Commission and make him an alternate, replacing Supervisor Pucci, and replace Supervisor Griffiths as the regular member with Supervisor Tillemans. Motion carried unanimously 5-0.

*BOS – Letter
Supporting AB 924*

Supervisor Tillemans recused himself from the agenda item and left the room. Supervisor Kingsley introduced a letter supporting Assembly Bill 924: the Cannabis Regulatory Enforcement Act for Tribal Entities (CREATE) Act, being backed by the Timbisha Shoshone Tribe of Inyo County and Utu Utu Gwaitu Tribe of Mono County as a way to allow Indian Tribes to legally participate in California's commercial cannabis marketplace without relinquishing their Tribal sovereignty. He noted that provisions were recently negotiated to address concerns of local governments about mitigation of impacts on their jurisdictions. Supervisor Kingsley said however that the bill was just yesterday pulled from committee for further negotiations, and suggested the proposed letter be rewritten to offer the County's general support of the mitigation provisions given the uncertain state of the bill. Assistant County Counsel John Vallejo said with the legislation in flux, he has not had a chance to do any in-depth analysis, and also recommended general language in any letter the Board might send. Discussion about the bill and negotiated amendments ensued, with the Board coming to consensus that the letter should be recast given very recent developments. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to have staff redraft the letter expressing the County's support for the concepts contained within the legislation. Motion carried unanimously 4-0, with Supervisor Tillemans absent.

*Public Works –
ATP Projects/LSC
Transportation
Amendment 1*

Transportation Planner Courtney Smith presented a list of road projects from which to identify two that might best qualify for two highly competitive State grants. Supervisor Tillemans asked whether any of the potential projects are located in the Fourth District and Smith said none are proposed at this time because the application scoring metrics favor projects that reduce carbon emissions, so staff identified roads that receive more pedestrian and bicycle traffic. Supervisor Tillemans said District 4 roads will not see that kind of traffic if the infrastructure is not built. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to: A) direct staff to submit two grant applications on the top two ranked Active Transportation Program projects; B) approve Contract Amendment No. 1 between the County of Inyo and LSC Transportation Consultants for the provision of transportation planning services, by increasing the contract amount by \$19,145 for a total contract amount not to exceed \$64,280 to complete two grant applications on behalf of the County of Inyo and one grant application on behalf of the City of Bishop; C) authorize the Chairperson to sign the amendment; and D) authorize the Public Works Director to implement the two proposed County grant projects. Motion carried 4-1 with Supervisor Tillemans opposed.

*Recycling & Waste –
Disposal of Crushed
Concrete*

Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the disposal of crushed concrete from the landfill for established handling fees in a similar manner to other slightly processed materials for diversion from the landfill. Motion carried unanimously.

*Planning – Saline
Valley Warm Springs
Plan Comment Letter*

Planning Director Cathreen Richards reviewed the Board's comments made during the May 15 presentation from Planning and Death Valley National Park staff on the Saline Valley Warm Springs Draft Management Plan and Draft Environmental Impact Statement, which staff compiled into a comment letter. Supervisor Griffiths said he attended a public meeting on the plan in Bishop featuring lively discussion, with two topics in particular gaining traction: keeping the lawn at the springs by planting a more indigenous species, and replacing the palm trees as they die with a native tree species to maintain shade in the area. He asked if both comments could be added to the letter and thanked Richards for accurately representing the Board's comments from the May 15 meeting. Supervisor Kingsley said he liked the letter as is but supported the additions. He also recognized the Park Service's efforts to recognize the unique culture and uses of the Saline Valley springs area. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the letter with the proposed additions, and authorize the Chairperson to sign. Motion carried unanimously.

*Planning – Darks
Skies Ordinance
Options*

Assistant Planner Josh Dan presented a staff report as a follow-up to the June 12, 2018 presentation by a member of the Inyo County Dark Sky Group on the need to mitigate and prevent light pollution in Inyo County. Dan explained that staff has been researching the issue and found two main issues in Inyo County: businesses not applying for permits when installing

and replacing outdoor signage, particularly illuminated and electronic signs that require Conditional Use Permits; and security and street lighting that residents consider a nuisance. Dan explained that residents in particular are purchasing outdoor LED lighting to save money, but unfortunately it often is the type that falls within the offensive spectrum that is detrimental to the human eye and nocturnal wildlife, and often the lighting has no shielding. He reported that the Inyo County General Plan has a policy that requires “all outdoor light fixtures, including street lighting, externally illuminated signs, advertising displays, and billboards (to) use low-energy, shielded light fixtures which direct light downward and which are fully shielded ...” He noted the policy has never been implemented, because there is no language in the County’s Zoning Ordinance related to lighting or the General Plan policy. He reviewed ways in which other jurisdictions regular light pollution, and presented options to the Board: direct staff to work on changes to the County Code, provide other recommendations, or leave the status quo in place. Dan said staff recommended workshops to gather input from communities as far as what regulations they wanted to see.

Supervisor Tillemans provided a specific example of commercial light pollution in his neighborhood and said he supported addressing the issue. Chairperson Totheroh said the existing ordinance does not do enough to regulate lighting and new regulations should be broken into categories for agencies, commercial entities, and residential properties, and differentiate between different types of light. He said if there were options presented at the workshops, it might be easier for the public to provide input.

The floor was opened to public comment. Speaking in support of regulations on light pollution and the protection of Inyo County’s dark skies – for health, safety, environmental, economic, and aesthetic reasons – were Linda Chaplin of Independence, April Zrelak of Independence, Mary Canada of Inyo County, and Earl Wilson of Lone Pine. Dan Duriscoe of Big Pine and Diana Cunningham of Bishop submitted similar comments via email.

Supervisor Griffiths said he thought public outreach to develop a well thought-out dark skies ordinance was a good idea, and said he had suggested the Dark Sky Group make a similar presentation to the City Council, and city staff has been amenable to the idea. Supervisor Kingsley said the County should determine what it can already regulate/resolve within its own lighting districts, such as installing the “good” kind of LED street lights. He also said he supported an ordinance but wanted the regulations to be reasonable and for the public to be involved. He said there will be residents impacted who won’t be aware that new regulations have been in place. Supervisor Pucci advocated for focusing first on commercial and public institutions, and addressing residential issues through education – and using the expertise of the Inyo County Dark Sky Group to help with the educational effort. Planning Director Cathreen Richards said Planning staff will begin a public outreach process.

Public Comment Chairperson Totheroh 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 CAO Carunchio notified the Board that Sheriff Lutze announced his retirement date as July 12. He said staff would be bringing an item forward for the Board to make an appointment to the unexpired term. CAO Carunchio also gave the Board a report on he and Public Works Director Clint Quilter’s attendance at the SelectUSA Investment Summit, noting they wrapped up the trip with a meeting with Inyo County’s delegates in Washington, D.C.

Closed Session Chairperson Totheroh recessed open session at 12:34 p.m. to convene in closed session with all Board members present except Supervisor Tillemans 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 1:33 p.m. with all Board members present except Supervisor Tillemans.

Report on Closed Session County Counsel Rudolph reported that no action was taken that is required to be reported.

Adjournment Chairperson Totheroh adjourned the meeting at 1:33 p.m. in memory of Jon Peterson and Beverly Brown, to 8:30 a.m. Tuesday, July 3, 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*