

MINUTES

County of Inyo Board of Supervisors

July 16, 2013

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 July 16, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, and Mark Tillemans. Supervisor Kingsley was absent. Supervisor Pucci led the Pledge of Allegiance when the Board reconvened in open session after closed session.

Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.

Closed Session The Chairperson recessed open session at 8:30 a.m. to convene in closed session, with all Board Members present, except Supervisor Kingsley, to discuss and take action as appropriate on Agenda Items No. 2. **PERSONNEL [Pursuant to Government Code §54957]**. Public Employee Performance Evaluation – Title – County Administrator; No. 3. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]**. Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 4. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 5. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: (ICEA) - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; No. 6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]**. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, Chief Probation Officer Jeff Thomson, and Labor Relations Administrator Sue Dishion; No. 7. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion; No. 8. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - *City of Los Angeles, Department of Water and Power of the City of Los Angeles v. Inyo County Board of Supervisors, et al.* Inyo County Superior Court Case No. 12908; Blackrock 94 Dispute Resolution; and No. 9. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - *Owens Valley Committee v. County of Inyo; Inyo County Board of Supervisors, et al.; CG Roxanne, LLC, and Does 21 through 100*, Inyo County Superior Court Case No. SICVPT 1354991.

Recess/Reconvene The Chairperson recessed closed session at 9:45 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present, except Supervisor Kingsley.

Public Comment The Chairperson announced the second public comment period. Mr. Doug Wilson, Interim Public Works Director, commented on his time in Inyo County and thanked the Board for the opportunity to work with the Board and staff over the past several years. At the end of Mr. Wilson's remarks, the Board offered their thanks to Mr. Wilson for his assistance and he was given a standing ovation by the Board, staff and members of the audience.

County Department Reports The Chairperson announced the County Department report period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on several issues. She first offered her thanks to Mr. Wilson for the assistance he has provided her department over the last several years. She went on to report on the EMCC Meeting, an ESAAA Advisory Council Meeting, and on the upcoming meetings concerning Health Care Reform and Medi-Cal. Mr. Jeff Thomson, Chief

Probation Officer, updated the Board on California's efforts to legally challenge a federal ruling concerning the release of prisoners in the State. Mr. Jon Klusmire, Museum Services Administrator, provided the Board with the new Independence Walking Tour brochure.

- CAO-Adv. Co.
Resc./Bishop Mural
Society
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to authorize paying the Bishop Mural Society \$750 for the design/graphic work for the proposed Fallen Heroes Memorial Mural which is a 2012-13 Community Project Sponsorship Grant Project. Motion carried unanimously, with Supervisor Kingsley absent.
- CAO-Adv. Co.
Resc./Bishop
Chamber
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to authorize paying the Bishop Area Chamber of Commerce and Visitors Bureau \$4,000 for the 2013 Blake Jones Trout Derby and \$4,750 for the 2013 California High School Rodeo State Finals Championship which are 2012-13 Community Project Sponsorship Grant Projects. Motion carried unanimously, with Supervisor Kingsley absent.
- Integ. Waste/
Dave's Auto Parts
P.O.
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the purchase order to Dave's Auto Parts in the amount of \$12,000 for maintenance of landfill equipment, contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously, with Supervisor Kingsley absent
- Integ. Waste./Geo-
Logic Assoc.
Contract
Amendment
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve Amendment No. 5 to the Contract between the County of Inyo and Geo-Logic Associates, Inc., for solid waste technical services, to increase the Contract by \$340,355 for a total amount not to exceed \$1,322,462, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Kingsley absent.
- Planning/BLM-U.S.
Fish and Wildlife,
NPS, USGS, Nye
Co. & Inyo County
MOA
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Memorandum of Agreement between the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, U.S. Geological Survey, Nye County Nevada and Inyo County for maintaining a groundwater monitoring network in the Death Valley Regional Flow System, California and Nevada; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.
- Planning/Stephens
& Assoc. Contract
Amendment
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve Amendment No. 5 to the Contract between the County of Inyo and Daniel B. Stephens & Associates, Inc., to amend the Scope of Work to include the additional tasks as outlined and to increase the Contract limit by \$4,230.50 to a total not to exceed \$169,360.14, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.
- Probation/
Proclamation
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve a proclamation declaring July 21 through 27, 2013 as Probation, Parole and Community Supervisor Week in Inyo County. Motion carried unanimously, with Supervisor Kingsley absent.
- P.W./Plans & Spec.
CSAC 2 Sewer
Rehab Project
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Plans and Specifications for Phase I of the CSA No. 2 Sewer Rehabilitation Project and authorize the interim Public Works Director to advertise and bid the Project. Motion carried unanimously, with Supervisor Kingsley absent.
- P.W./Ag. Storage
Bldg. Reject Bids
- Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to reject all bids received for the Agriculture Department Storage Building Construction Project and authorize the Interim Public Works Director to re-advertise and re-bid the project. Motion carried unanimously, with Supervisor Kingsley absent.
- CAO-Misc./Alabama
Hills Designation
Support Letter
- The County Administrator reviewed the draft letter supporting the Alabama Hills area being designated a National Scenic Area. He provided the Board with an email from Mr. Kevin Mazzu supporting the letter. The Board heard from Mr. Doug Thompson and Jim Jennings of the Alabama Stewardship Group, who also supported the letter. Mr. Carunchio asked, in light of Supervisor Kingsley's absence at today's meeting, that action to approve this letter be postponed until the full Board can vote on the item. He explained that Senator Feinstein was looking for the full Board's support of this action. The Board requested that this letter be reagentized for Board consideration during the August 6, 2013 Board of Supervisors Meeting.

Auditor/Position Request	Moved by Supervisor Pucci and seconded by Supervisor Griffiths to authorize the extension of the temporary employment of one Account Clerk II at Range 051PT Step A (\$14.21/hr.) not to exceed December 2, 2013, contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously, with Supervisor Kingsley absent.
Integ. Waste/Solid Waste Disposal Workshop	The Chairperson recessed open session at 10:35 a.m., to convene in a workshop on the Inyo Recycle and Integrated Waste Program to discuss related issues, with the focus on solid waste disposal. The Chairperson recessed the workshop at 11:48 a.m., to reconvene in open session with all Board Members present, except Supervisor Kingsley.
Ord. 1183 Amending County Code Section 10.36.90	On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Ordinance 1183 titled "An Ordinance of the County of Inyo, State of California, Amending Section 10.36.90 of the Inyo County Code to Authorize Removal of Vehicles in Violation of that Section" which will amend County Code Section 10.36.90, was enacted: motion unanimously passed and adopted, with Supervisor Kingsley absent. After the Board's action, Mr. Jim Purcell a retired CHP officer, addressed the Board to offer his remarks about the Amendment and to support the Board's action to approve the ordinance.
HHS-Hlth. Serv./ Position Request	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Administrative Secretary exists in Health Budgets and Health Grants, as certified by the Health and Human Services Director, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the position could be filled by internal candidates meeting the qualifications for the position, but since no layoffs are pending, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one full-time Administrative Secretary I, Range 56 (\$2,989 – \$3,618) or Administrative Secretary II, at Range 60 (\$3,271 - \$3,973), contingent upon qualifications. Motion carried unanimously, with Supervisor Kingsley absent.
HHS-ESAAA/CA Dept. of Aging 3 mo. Contract	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and the California Department of Aging for regional services for seniors, provided through the Eastern Sierra Area Agency on Aging (ESAAA), in the amount of \$262,606 for the period of July 1, 2013 through September 30, 2013, and authorize the Chairperson to sign the Agreement and Contractor/Vendor Confidentiality Statement. Motion carried unanimously, with Supervisor Kingsley absent.
HHS-ESAAA/CA Dept. of Aging 9 mo. Contract	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and the California Department of Aging for regional services to seniors, provided through the Eastern Sierra Area Agency on Aging (ESAAA), in the amount of \$437,117 for the period of October 1, 2013 through June 30, 2014; and authorize the Chairperson to sign the Agreement and Contractor/Vendor Confidentiality Statement and the Contractor Certification Clauses. Motion carried unanimously, with Supervisor Kingsley absent.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:00 p.m., to reconvene in a workshop at 1:05 p.m., with all Board Members present except Supervisor Kingsley.
CAO-Gen/Consolidated Building Workshop	The Board conducted a workshop with staff regarding the Bishop Consolidated Office Building and scheduled community meetings on the proposed project as follows: 6:00 p.m., August 6, 2013 in Independence, 6:00 p.m., August 12, 2013 in Lone Pine, and 6:00 p.m. August 19, in Bishop. The Board directed staff to provide the same presentation as today for the community meetings including, the preliminary space plan. The Chairperson recessed the workshop at 3:00 p.m., to reconvene in open session, with all Board Members present, except Supervisor Kingsley.
CAO-Gen./Exclus. Neg. Agreement Amendment 7	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve Amendment No. 7 to the Exclusive Negotiation Agreement for the Construction and Leasing of Inyo County Consolidated Office Building between the County of Inyo and Joseph Enterprises, extending the Phase 1 expiration date to October 1, 2013; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 3:05 p.m., to reconvene in a workshop at 3:15 p.m., with all Board Members present, except Supervisor Kingsley.

Integ. Waste/ Recycling Workshop	The Board conducted the second of three workshops, with staff, regarding Inyo Recycle and Integrated Waste Program to discuss related issues with the focus on recycling. The Chairperson recessed the workshop at 4:00 p.m., to reconvene in open session, with all Board Members present, except Supervisor Kingsley.
Rd. Dept./Cascade Software Contract	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to ratify and approve the Agreement between the County of Inyo and Cascade Software Systems, Inc., for the provision of software maintenance and support services for the Road Department's Cost Accounting Program, (CAMS) in an amount not to exceed \$12,621.46 for the period of July 1, 2013 through June 30, 2014, contingent upon the Board adoption of a FY 2013-14 budget; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.
P.W./Quincy Eng. Contract Amendment	The Interim Public Works Director, Mr. Doug Wilson, presented the Board with the appropriately signed Contract Amendment document and provided further information regarding the request to approve Amendment No. 4 to the Quincy Engineering Contract. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve Amendment No. 4 to the Contract between the County of Inyo and Quincy Engineering, Inc., for the provision of engineering in the amount of \$154,142 for the Sabrina Bridge Replacement Project, increasing the total amount of the Contract from \$838,632 to \$992,774, contingent upon the Board's adoption of a FY 2013-14 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Kingsley absent.
County Counsel/ Contracts with Liebersbach and C.G. Roxane for Owens Valley Committee Matter	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the contracts between the County of Inyo and the following in connection with the County's defense in the matter <i>Owens Valley Committee v County of Inyo</i> , Inyo County Superior Court Case No. SICVPT 13-54991: A) Liebersbach, Mohun, Carney & Reed for the provision of legal services in an amount not to exceed \$50,000; and authorize the Chairperson to sign; and B) Amendment No. Three to the Contract with C.G. Roxane LLC to amend the scope of work to provide for reimbursement of all costs, including costs for outside attorney's fees and costs, incurred by the County in connection with the case and increase the Contract limit by \$60,000 to an amount not to exceed \$568,507; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Kingsley absent.
Emerg. Serv./D.V. Roadeater Emg. Continued	The County Administrator recommended that the Board continue the Roadeater Emergency. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to continue the local emergency, The Death Valley Roadeater Emergency, that resulted in flooding in the eastern portion of Inyo County during the month of August 2012, per Resolution #2012-32. Motion carried unanimously, with Supervisor Kingsley absent.
CAO/Court MOU for Juvenile Dependency Counsel Costs	The County Administrator provided additional information and further justification for the Amendment to the MOU between the County of Inyo and the Superior Court for Juvenile Dependency Counsel costs and responsibilities. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) approve Amendment #1 to the Memorandum of Understanding between the County of Inyo and the Superior Court of California, Inyo County, as it pertains to Juvenile Dependency Counsel Costs and Responsibilities, and authorize the County Administrative Officer to sign contingent on signatures by the Court, and B) authorize the County Administrator, on behalf of the County, to exercise the Termination of Juvenile Dependency Costs Arrangement clause contained in the proposed amendment if, in the future, he determines it is in the County's interests to do so. Motion carried unanimously, with Supervisor Kingsley absent.
BofS/Minute Approval	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the minutes of the June 25, 2013 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Kingsley absent.
BofS/Board Appointment	The request for the Board to appoint Supervisor Jeff Griffiths to serve on the Inyo Mono Advocates for Community Action (IMACA) Board of Directors, was pulled from the Agenda.
Post Agenda Closed Session Hollingsworth	Mr. Randy Keller, County Counsel, explained that the need for the Board to conference with legal counsel in closed session on existing litigation in the matter of <i>Hollingsworth et al. v. O'Connell et al.</i> concerning the applicability of Proposition 8 defining marriage arose after the agenda for today's meeting was posted. He also explained that the County is required to respond to this litigation prior to the next regular Board of Supervisors meeting.

Moved by Supervisor Pucci and seconded by Supervisor Tillemans to find that the need to consider a closed session item concerning the *Hollingsworth et al v. O'Connell et al* litigation arose after the Agenda for the July 16, 2013 Board of Supervisors Meeting was posted and there is a need for the Board to take action on this item prior to the next regularly scheduled Board of Supervisors Meeting, therefore this item is added as Agenda Item No. 9A. Motion carried unanimously, with Supervisor Kingsley absent.

- Public Comment The Chairperson announced the public comment period and there was no one wishing to address the Board.
- Closed Session The Chairperson recessed open session at 4:30 p.m., to reconvene in closed session, with all Board Members present, except Supervisor Kingsley, to continue discussion on previously noted closed session item, and the *Hollingsworth et al v. O'Connell et al litigation*. The Chairperson recessed closed session at 6:10 p.m. to reconvene in open session, to receive a report on closed session.
- Report on Closed Session County Counsel reported that with regard to Agenda Item No. 9A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – *Hollingsworth et al. v. O'Connell et al.***, Supreme Court of the State of California, Case No. S211990, concerning the applicability of Proposition 8 defining marriage to the County of Inyo Clerk/Recorder, the Board of Supervisors unanimously voted, with Supervisors Arcularius, Griffiths, Pucci, and Tillemans voting yes, and with Supervisor Kingsley absent, to authorize the County Counsel to defend the Inyo County Clerk-Recorder in the matter.
- Adjournment The Chairperson adjourned the regular meeting at 6:10 p.m. to 8:30 a.m., Tuesday, August 6, 2013, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

Chairperson, Inyo County Board of Supervisor

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

by: _____
Patricia Gunsolley, Assistant