

MINUTES

County of Inyo Board of Supervisors

September 3, 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 Tuesday, September 23, 2013, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Linda Arcularius presiding, Jeff Griffiths, Rick Pucci, Mark Tillemans and Matt Kingsley. Supervisor Tillemans led the Pledge of Allegiance.

- Public Comment The Chairperson announced the public comment period and there was no one from the public wishing to address the Board. The Chairperson introduced and welcomed the new County Counsel Ms. Margaret Kemp-Williams.
- Closed Session The Chairperson recessed open session at 8:35 a.m., to convene in closed session with all Board Members present to discuss and take action as appropriate on Agenda Items 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(a)]** – *Jesse Edwin Jason v County of Inyo*, Unfair Practice Charge No. SA-CE-814M; No. 3. **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; No. 4. **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; No. 5. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion; Information Services Director Brandon Shults and Planning Director Josh Hart; No. 6. **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. 7. **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. 8. **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. 9. **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; and No. 10. **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.
- Public Comment The Chairperson announced the second public comment period. Rich and Kathy White reported on the County Fair Exhibit, thanking all of those volunteers who helped staff the exhibit.
- County Department Reports The Chairperson announced the County Department Report period. The Chairperson introduced the new County Counsel, Ms. Margaret Kemp-Williams. Ms. Jean Turner, Director of Health and Human Services, reported on her Department's program activities, including the CMSP Program. Ms. Kammi Foote, Clerk-Recorder, updated the Board on SB391, telling the Board that this legislation has been held in suspense. Mr. Clint Quilter, Public Works Director, updated the Board on the removal of trees at the Bishop Airport, telling the Board that it looks like the County will have an opportunity to seek reimbursement for this work in the future through FAA Grant funds.

Introduction	Mr. Zachary J. Nelson, Vegetation Scientist in the Water Department was introduced to the Board.
Resol. #2013-41/ Appropriation Limits	On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2013-41 was approved accepting the calculations of the appropriation limitation for the County of Inyo for Fiscal Year 2013-14: motion unanimously passed and adopted.
Resol. #2013-42/ Property Tax Rates	On a motion by Supervisor Kingsley and a second by Supervisor Pucci, Resolution No. 2013-42 was approved setting the property tax rates for 2013-2014 per California Government Code Section 29100; motion unanimously passed and adopted.
HHS-Misc./National Recovery Mo. Proclamation	Supervisor Griffiths commented on how worthwhile the Recovery and Drug Court Programs are. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to proclaim September 2013 as National Recovery Month in Inyo County. Motion carried unanimously.
HHS-Soc.Serv./ Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Health and Human Services Specialist exists 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 Health and Human Services Specialist at Range 53 (\$2,779 - \$3,380) contingent upon the Board's adoption a FY 2013-14 budget. Motion carried unanimously.
HHS-Soc.Serv./ Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Human Services Supervisor exists 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 Human Services Supervisor at Range 66 (\$3,757 - \$4,574), contingent upon the Board's adoption of a FY 2013-14 budget. Motion carried unanimously.
P.W./Fire Dept. Right of Way & Easement	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) approve the Promissory Note and Deed of Trust in favor of Lone Pine Fire Protection District; B) approve Tract Map No. 239 Phase Two; C) accept the offer of a right-of-way dedication along Whitney Vista Drive and Mt. Langley Lane; and D) accept the offer of dedication for the drainage easement on said map. Motion carried unanimously.
Emerg. Serv./D. V. Roadeater Emerg. Continued	The County Administrator recommended that the Board continue the emergency. Moved by Supervisor Kingsley 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.
Emerg. Serv./Gully Washer Emerg. Continued	Ms. Kelley Williams, Assistant to the County Administrator, updated the Board on the road damage as a result of the Gully Washer Emergency. Mr. Clint Quilter, Public Works Director, provided an update on the condition of specific roads. The County Administrator recommended that the emergency be continued. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to continue the local emergency, 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.
Public Defender/ DeQuattro Contract	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and Paul DeQuattro for the provision of professional services as a Public Defender for the period of September 3, 2013 through August 31, 2016, in an amount not to exceed \$135,000, 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.

Board Members and Staff Reports	The Board Members reported on their activities during the preceding week, including a CSAC Board of Directors Meeting; a Meeting with the Director of BLM; the Standing Committee Meeting; and the announcement that the Board will be holding a joint meeting with representatives of U.S. Fish and Wildlife, California Department of Fish and Wildlife; and the U.S. Forest Service regarding the designation of critical habitat for a variety of amphibians on September 23, 2013 at the Home Economics Building at the Tri-County Fairgrounds, from 6:00 p.m. to 8:00 p.m.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in a workshop at 11:10 a.m., with all Board Members present.
HHS-Hlth. Serv./ Workshop	The Board convened in a workshop with representatives of the Health and Human Services Department on Public Health Services historical trends and future forecasting. The Chairperson recessed the workshop at 12:05 a.m.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present.
CAO-Personnel/ District Attorney Appts.	The Board reviewed the suggested questions provided by the County Administrator to be asked of the applicants seeking the appointment of District Attorney. The Board amended the questions and determined the order of the questions. The Applicants, Mr. Tom Hardy, Mr. Joel Samuels, and Mr. Jeffrey Greenberg made opening statements to the Board at the conclusion of their remarks Mr. Hardy and Mr. Samuels exited the Board Chambers and the Board interviewed Mr. Greenberg. The Board then interviewed Mr. Samuels and Mr. Hardy. The Chairperson recessed the meeting at 3:50 p.m., to reconvene in open session at 4:02 p.m., with all Board Members present. The Board thanked the candidates for their interest in the position of District Attorney. The Board heard from the following: Mr. Mark A. Johnson, Contract Public Attorney, Mr. Jeremy Ibrahim, Contract Public Defender, and Mr. Phil McDowel, form Inyo County District Attorney, who recommended Mr. Hardy for the position; and Mr. Art Mailett, recently retired Inyo County District Attorney, who recommended Mr. Samuels. The County Administrator expressed his thanks to the applicants and acknowledged how difficult it is for all of the participants to conduct interviews in public. The Board Members shared their thoughts on today's appointment. Moved by Supervisor Pucci and seconded by Supervisor Griffiths to appoint Mr. Tom Hardy to the position of Inyo County District Attorney, to complete the current unexpired term ending January, 2015. Motion carried unanimously.
Public Comment	The Chairperson announced the last public comment period and there was no one wishing to address the Board.
Closed Session	The Chairperson recessed open session at 4:40 p.m., to reconvene in closed session to discuss and take action as appropriate on those closed sessions previously noted.
Report on Closed Session	The Chairperson recessed closed session at 4:50 p.m. to reconvene in open session, to receive a report on closed session. County Counsel reported the following: with regard to Agenda Item No. 3. 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, the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, provided Direction to legal counsel; with regard to the following Agenda Items No. 5. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6] - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion; Information Services Director Brandon Shults and Planning Director Josh Hart; No. 6. 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. 7. 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. 8. 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. 9. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6] - Instructions to Negotiators re:

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Adjournment

The Chairperson adjourned the regular meeting at 4:52 p.m., to 8:30 a.m., Tuesday, September 10, 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