

MINUTES

County of Inyo Board of Supervisors

November 12, 2013

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:35 a.m., on Tuesday, November 12, 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.

- 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 8:35 a.m., to convene in closed session with all Board Members present, to discuss and take action as appropriate on Agenda Items No. 2. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 002-048-01, 251 No. Edwards Street, Independence, CA - Negotiating Parties: Kevin Carunchio, County Administrator, and Pam Hennarty, Senior Deputy County Administrator – Negotiations: Terms and Conditions; No. 3. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 001-06-509, 225 E Pine Street, Bishop, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Jean Turner, Director of Health and Human Services, and Clint Quilter, Public Works Director – Negotiations: Terms and Conditions; No. 4. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Chief Probation Officer – Negotiator – as designated by the Board of Supervisors; and No. 5. **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. Supervisor Griffiths left closed session at 9:20 a.m. The Chairperson recessed closed session at 9:50 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present.
- Pledge Supervisor Griffiths led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. Captain Andrea Witmere, Bishop California Highway Patrol, introduced Sgt. Mario Lopez to the Board.
- County Department Reports The Chairperson announced the County Department Report. Mr. Clint Quilter, Public Works Director, informed the Board that in exchange for utilizing a Mono County paver for current projects in Inyo County, the paver will be stored by Inyo County this winter. Mr. Quilter also let the Board know that the message Board that had temporarily been placed to notify motorists in the area as a result of the Federal shutdown, of deer migration on the Round Valley Road near Pine Creek is no longer needed and will be removed. Dr. Bob Harrington, Water Director, notified the Board of an upcoming Water Commission Meeting to be held November 18, 2013 in Lone Pine at Stathem Hall. He said he would provide the Board members with a copy of the agenda once it is finalized. Ms. Nancy Master, Library Director, invited the Board to attend the Grand Opening events at the Bishop Library this Saturday to celebrate the 100th Anniversary of the Inyo County Free Library. Ms. Master's also provided an update on the status of the Lone Pine Library upgrades.
- Introduction Ms. Susanne Rizo, Director of Child Support Services introduced Ms. Morningstar Willis-Wagoner, Child Support Officer, to the Board.

Parks/Tecopa Hot Springs BLM Lease Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Lease between the County of Inyo and the United States Department of the Interior Bureau of Land Management for the Tecopa Hot Springs, Campground, and Sewer Lagoon, for a 20 year term, at the rate of \$80 per year, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Personnel/ ICCO MOU Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to ratify and approve the Memorandum of Understanding between the County of Inyo and the Inyo County Correctional Officers Association for the period of November 1, 2013 through October 31, 2016; and authorize the Chairperson to sign. Motion carried unanimously.

P.W./Statham Hall Heater Plans and Specs Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Plans and Specifications for the Statham Hall Heater Replacement Project and authorize the Public Works Director to advertise and bid the Project. Motion carried unanimously.

P.W./WEC Contract Amendment Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve Amendment No. 1 between the County of Inyo and WEC for airport engineering and planning services in an amount not to exceed \$801,752, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

HHS-Soc. Serv./ Position Request Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Social Worker exists as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the positions 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 Social Worker I at Range 65 (\$3,744 - \$4,553), II at Range 67 (\$3,929 - \$4,770) or III at Range 70 (\$4,221 - \$5,133). 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 Office Technician exists as certified by the Director of Health and Human Services, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the positions 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 Office Technician III at Range 63 (\$3,572 - \$4,346). Motion carried unanimously.

Sheriff/Position Request Moved by Supervisor Kingsley and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the positions of Correctional Officer comes from the General Fund as certified by the Sheriff, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the positions 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 the position is filled with the most qualified applicant; and C) approve the hiring of two Correctional Officers at Range 64 (\$3,590 - \$4,363). Motion carried unanimously.

P.W./Truck Rents and Leases Budget Amendment Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) amend the FY 2013-14 Road Budget Unit #034600 by increasing appropriations in Rents and Leases (*Object Code #5281*) by \$675,000 and decrease fund balance in Road Fund #0017 in the amount of \$675,000, (*4/5's vote required*); B) approve the rental agreement with Hertz Equipment Rental bid #B123142027681P under the U.S. Communities Contract solicited through NC State University Contract #11624, in an amount not to exceed \$300,000; C) approve rental agreements with NiteOwl Transportation, and others, for the provision of operator owned tractor trailer combinations in an amount not to exceed \$100 per hour for a total expenditure not to exceed \$375,000; and D) authorize the Public Works Director to sign the rental agreements, contingent upon the approval of County Counsel and the appropriate signatures being obtained. Motion carried unanimously.

Water/Monitoring Equipment P.O.	Moved by Griffiths and seconded by Supervisor Pucci to A) declare In-Situ Corporation as a sole-source provider of certain groundwater level monitoring equipment; B) approve the purchase of groundwater level monitoring equipment from In-Situ Corporation in the amount of \$11,573, including tax; and C) amend the FY 2013-14 Water Department Budget #024102 by increasing appropriations in Equipment over \$5,000 (<i>Object Code #5650</i>) by \$11,573 and decreasing fund balance in the Water Department Fund #0024 by \$11,573. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 10:28 a.m., to reconvene in open session at 10:34 a.m., with all Board Members present.
CAO-P.W./County Consolidated Office Building Project Conceptual Plan	The Board received presentations from the Deputy Public Works Director, Mr. Jim Tatum, and Mr. Allen Kotin on the proposed Inyo County Consolidated Office Building Project in Bishop. Mr. Tatum reviewed the revised concept plans for the project. The Board and Mr. Tatum discussed the changes to the plans, with Supervisor Kingsley reiterating his concern with the amount of space dedicated to meeting rooms. Mr. Kotin reviewed the cost analysis data, explaining that because the interest rates are increasing the building is going to cost the County more money. The Board and staff discussed that the new costs exclude the trade of the County land. The Board, staff, and Mr. Kotin continued to discuss the project in detail and at length. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to A) approve the Option 6 non-binding Concept Plans for the Inyo County Consolidated Office Building Project in Bishop, California; B) approving an updated non-binding Term Sheet for Build-to-Suit Lease Option Agreement between the County of Inyo and Inyo County Development LLC; and C) authorize staff to proceed to work with Inyo County Development LLC to develop a Build-to-Suit Lease Option Agreement for the Consolidated Office Building Project to be considered by the Board at a future date. Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:20 p.m., to reconvene in open session at 1:25 p.m., with all Board Members present.
CAO- Parks-Motor Pool/Budget Amendment and Position Request	The Sr. Deputy CAO, Ms. Pam Hennarty provided additional information and further justification for the request to hire a Motor Pool Fleet & Parks Manager. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) amend the FY 2013-14 County Administrator – General Budget Unit #010200 by decreasing appropriations in Salaries and Benefits Object Category as identified by staff by \$24,806 and the Parks and Recreation Budget Unit #076998 by increasing appropriations in Salaries and Benefits Object Category as identified by staff by \$24,806; B) amend the FY 2013-14 Motor Pool Operating Budget Unit #200100 by increasing appropriations in the Salaries and Benefits Object Category as identified by staff by \$24,806 and decrease available fund balance in Motor Pool Fund #2001 by \$24,806; and C) find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position of Motor Pool Fleet & Parks Manager comes from General Fund and Non-general Fund sources, as certified, and concurred with by the County Administrator and the Auditor-Controller; B) where if the County was facing layoffs, the positions 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 Motor Pool Fleet & Parks Manager at Range 71 (\$4,234 – \$5,147). Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emerg. Continued	The County Administrator recommended that the D.V. Roadeater Emergency be continued. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans 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 Emergency	The County Administrator recommended that the Gully Washer Emergency be continued. Moved by Supervisor Pucci and seconded by Supervisor Griffiths 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
Emerg. Serv./Canyon Crusher Emergency	The County Administrator recommended that the Canyon Crusher Emergency be continued. Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to continue the local emergency, The Canyon Crusher Emergency that resulted in flooding in portions of Inyo County during the month of August, 2013. Motion carried unanimously.

Planning/Amphibian Letter Ms. Elaine Kabala, Associate Planner, reviewed the draft correspondence concerning the proposed listing and critical habitat designation for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad. The Board and staff discussed possibly addressing the cumulative effects of the recent proposals to list and designate habitat for other species, i.e., amphibians, sage grouse, and Yellow-billed Cuckoo, in this letter. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the correspondence to the U.S. Fish and Wildlife Service regarding proposed listing and designation of critical habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog and the Yosemite Toad; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Cuckoo Letter Mr. Josh Hart, Planning Director, reviewed a proposed rule to list the Western Distinct Population Segment of the Yellow-billed Cuckoo as threatened pursuant to the Federal Endangered Species Act with the Board. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve the correspondence in regards to the listing of the Yellow-billed Cuckoo, and authorize the Chairperson to sign. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the November 5, 2013 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Arcularius abstaining.

Closed session The Chairperson recessed open session at 1:55 p.m., to reconvene in closed session, with all Board Members present, to continue discussion and action as may be appropriate on previously noted closed session items.

Planning/DRECP Presentation The Board received a presentation from Desert Renewable Energy Conservation Plan (DRECP) representatives, Karen Douglas of the CA Energy Commission and Jim Kenna, the State Director of BLM, regarding the DRECP and talked about the County's potential participation in the Plan.

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 4:10 p.m., to reconvene in closed session, with all Board Members present to continue discussions on previously noted closed session items. The Chairperson recessed closed session at 5:10 p.m., to reconvene in open session.

Report on Closed Session The Chairperson reconvened open session, to receive a report on closed session. County Counsel reported with regard to Agenda Items No. 2. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 002-048-01, 251 No. Edwards Street, Independence, CA - Negotiating Parties: Kevin Carunchio, County Administrator, and Pam Hennarty, Senior Deputy County Administrator – Negotiations: Terms and Conditions; and No. 3. **REAL PROPERTY NEGOTIATIONS [CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8]** – Property: APN 001-06-509, 225 E Pine Street, Bishop, CA - Negotiating Parties: Kevin Carunchio, County Administrator, Jean Turner, Director of Health and Human Services, and Clint Quilter, Public Works Director – Negotiations: Terms and Conditions, the Board gave instructions to the negotiators; with regard to Agenda Item No. 4. **CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code §54957.6)** – Instructions to Negotiators re: wages, salaries and benefits – Title: Chief Probation Officer – Negotiator – as designated by the Board of Supervisors, the parties tentatively agreed to a salary increase for the Chief of 10% plus five additional days of administrative leave for a total of 10 days with all other benefits remaining the same subject to the Chief Probation Officer signing a contract amendment to these effects and final approval of the contract amendment by the Board of Supervisors at their public meeting on November 26, 2013; and with regard to Agenda Item No. 5. **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 gave instructions to Counsel.

Adjournment

The Chairperson adjourned the meeting in memory of Bob Noel, a long time resident of Big Pine, who passed away recently. The Chairperson adjourned the meeting at 5:15 p.m., to 8:30 a.m., Tuesday, November 26, 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