

MINUTES

County of Inyo Board of Supervisors

February 4, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:34 a.m., on Tuesday, February 4, 2014, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Rick Pucci presiding, Linda Arcularius, Jeff Griffiths, 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. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Meet with legal counsel for discussion and advice regarding potential litigation (one case); No. 3. **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. 4. **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. 5. **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. 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: (ICEA) - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; No. 8. **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
- Recess/
Reconvene The Chairperson recessed the regular meeting at 10:05 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present.
- Pledge 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.
- County Department
Report Period The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on meetings with Seniors regarding possible changes to the meals program. Mr. Jeff Thomson, Chief Probation Officer, updated the Board on 4E issues. Mr. Steve Porter, Deputy County Counsel, reported on his trip to Sacramento to attend the Fish and Wildlife Services meetings regarding species and critical habitat designations for amphibians.

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| HHS-Behavioral Hlth Serv./MHSA Plan Update | Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to approve the Mental Health Services Act (MHSA) 2013-2014 Plan Update in order to access funds under the approved MHSA Agreement; and authorize the HHS Mental Health Director to sign. Motion carried unanimously. |
| Probation/American Security Group Security System Contract | Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to A) declare American Security Group as a sole source provider of security systems; B) approve the Contract between the County of Inyo and American Security Group for the provision and installation of additional cameras and the expansion of the (door) access control system for the Juvenile Center security system in an amount not to exceed \$18,966.04, including change orders, for the period of February 4, 2014 through June 30, 2014, in the amount of \$18,966.04; and authorize the Chairperson to sign; and authorize the Chief Probation Officer to sign the Certificate of Acceptance upon completion of the project. Motion carried unanimously. |
| Water/Standing Committee Meeting Agenda | Dr. Harrington, Water Director, provided the Board with a revised Agenda for the upcoming Inyo County/Los Angeles Standing Committee Meeting scheduled for February 7, 2014 in Independence. Dr. Harrington reviewed the two additional items which have been added to the Agenda as a result of last week's discussion with the Board of Supervisors, which are (a) an update on the County's Proclamation of Local Drought Emergency and (b) possible action concerning the Van Norman EM Project. The Board and staff discussed the County's wishes concerning the Van Norman EM Project, which includes providing water to the Lone Pine High School Farm. The Board received extensive background on the project from Dr. Harrington and Brenda Lacey the Ag Instructor at the School, who explained that the project had been modified several years ago by the Standing Committee to provide water from the Van Norman Field EM Project to the L.P. High School Farm, but the water has just never materialized. The Board and staff discussed the fact that water to the School Farm was approved by the Standing Committee in the late 1990's and strategized on a process to accomplish providing water to the School Farm within the time constraints of their CAPP grant and in order to get water to the Farm by this April for the current planting season. In response to a question from Supervisor Arcularius regarding the impact of drought conditions on this project, Ms. Lacey and Dr. Harrington, confirmed that the Van Norman EM Project has a higher priority then other EM projects, and as such should not be significantly impacted by drought conditions or activities. The Board discussed the timing of subsequent Standing Committee Meetings to facilitate the CEQA documentation timelines and certifications for the project. Supervisor Arcularius suggested the process be to (a) establish the critical need for the Project to move forward; and (b) once the critical need has been established determine which entity is most able to meet the time constraints to get the CEQA process and the project completed to comply with the timeline. The County Administrator also suggested that the discussion on the Van Norman Field EM project, including getting water to the Lone Pine High School Farm, which is listed as No. 8 on the current draft Agenda provided by Dr. Harrington, be moved in advance of Item No. 5., because the discussion would be a nice segue into the lengthier discussions about the overall status of EM Projects, that he believes LADWP would like to have. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to direct the County's representatives to the Standing Committee to call for a decision by the Standing Committee to establish a critical timeline for the Van Norman EM Project, including water to the Lone Pine High School Farm, determine which organization can prepare the environmental documents and meet the CEQA process in the shortest amount of time to allow for the appropriate consideration of the CEQA document and provide direction for the changes that would accomplish that, with the result being setting the next Standing Committee Meeting for the soonest possible date after the Lead Agency has accomplished those tasks. Motion carried unanimously. |
| Water Dept./Drought Recovery Policy | Dr. Harrington, provided a brief history of the Drought Recovery Policy. The Board heard from Ms. Jacklyn Velasquez, Environmental Technician for the Big Pine Paiute Tribe, who read a prepared statement into the record, which included the following requests: (a) ask that the County strictly adhere to the 1991 drought recovery policy; (b) that the Board of Supervisors only consider well exemptions for public water systems, but oppose additional exemptions for the convenience of Los Angeles Department of Water and Power, water extractions; (c) Supervisors should evaluate current exemptions to see if the wells should continue to be exempted; (d) the County should practice strong adherence to the Long Term Water Agreement and the 1991 Drought Recovery Policy; (e) the County should ask LADWP to practice cooperative data sharing with all stakeholders and community members that request it; and (f) encourage staff to increase workshops and meetings with both stakeholders and the public. Mr. Philip Anaya, Bishop Resident, reminded the Board that the Owens Valley Committee had submitted a letter last week regarding this item, requesting the Board consider the Drought Recovery Policy in its actions going forward. |

Mr. Anaya also asked the Board to have the County Water Department be represented at discussions between DWP and Southern California Edison regarding the management of the releases of water from South Lake and Sabrina. Dr. Harrington explained that today's item was to advise the Board that the County Water staff would be actively engaging in discussions with LADWP staff on a number of issues and he wanted the Board's input as to any additional issues staff should be engaging LADWP on. The Board Members concurred with staff's recommendations on the engagement with LADWP to develop drought response and recovery plans aimed at working cooperatively with LADWP to anticipate, mitigate, and recover from effects of the current drought as identified in the staff report.

Recess/
Reconvene The Chairperson recessed the regular meeting at 11:30 a.m., to reconvene in open session at 11:37 a.m., with all Board Members present.

Ordinance 1188/
Salary Increase for
Assessor On a motion by Supervisor Tillemans and a second by Supervisor Kingsley Ordinance No. 1188 titled "An Ordinance of the Board of Supervisors, County of Inyo, State of California, Amending Section 2.88.040 of the Inyo County Code to Provide for Increases in the Salary for Certain Elected County Officials, Excluding Members of the Board of Supervisors" which will increase the Assessor's salary from \$7,807 to \$8,587 per month was enacted: motion unanimously passed and adopted.

Sheriff/Position
Request Moved by Supervisor Arcularius 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 Veterans Service Representative 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 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 a Veteran Services Representative at Range 67 (\$3,929 – \$4,770) at Step D or E, depending upon qualifications. Motion carried unanimously.

Resol. #2014-08/
Satham Hall Heater
Project with County
Workforce Moved by Supervisor Kingsley and a second by Supervisor Arcularius to A) reject the two bids received for the Satham Hall Heater Replacement Project. Motion carried unanimously.

On a motion by Supervisor Kingsley and a second by Supervisor Arcularius Resolution No. 2014-08 was approved declaring that the Satham Hall Heater Replacement Project can be performed more economically by County personnel: motion unanimously passed and adopted.

Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to authorize the Public Works Director to purchase required project HVAC equipment and materials, subject to the Inyo County Purchasing Policy in an amount not to exceed \$60,000. Motion carried unanimously.

HHS-Misc./Prior
Year Invoice Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to amend the FY 2013-14 Treatment Budget Unit 045500 by increasing estimated revenue in Social Services Realignment (*Revenue Code #4420*) by \$61,000 and increasing appropriations in Professional Services (*Object Code #5265*) by \$61,000; and approve the payment of Invoice No. HC005163, to the Department of Health Care Services, in the amount of \$16,691 for the 4th Quarter Payment of the County's share of the expenditures for the CCS program, pursuant to Sections 123800 – 123955 of the Health and Safety Code and Budget Act. Motion carried unanimously.

Planning/Sage
Grouse Letter The Planning Director, Mr. Josh Hart, reviewed the rule and the draft correspondence regarding the rule to designate critical habitat for the Bi-State Distinct Population Segment of Greater Sage-Grouse. The Board and Staff discussed the letter, with the Board requesting that the last sentence in the first paragraph be changed to read "Per our correspondence dated January 21, 2014, we believe that these proposals arise in response to litigation rather than good planning." The Board also wanted to include in bullet No. 1, the reference to the City of Los Angeles' Department of Water and Power Conservation Strategy, that there are 32 allotments that already voluntarily address sage grouse issues to effectively conserve the species, and that the one size fits all approach is counter productive to the volunteer measures and could result in greater threats to the species. The Board and staff also discussed amending the letter to include reference that many of our local ranchers also have operations in Mono County which will be economically impacted by the scope of the designation in Mono County, and that there is a need to address whether the implementing agencies have the resources to take on a project of this magnitude. Additionally the Board asked that the request to have a hearing in the Eastern Sierra be added to the letter.

Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the correspondence regarding a proposed rule to designate critical habitat for the Bi-State Distinct Population Segment of Greater Sage-Grouse pursuant to the Federal Endangered Species Act, as amended to incorporate today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Upper
Bishop Creek
Restoration Prjct.

Mr. Josh Hart, Planning Director, reviewed the U.S. Forest Service's Notice for Phase 2 of the Upper Owens Bishop Creek Unauthorized Route Restoration Project. The Board and staff discussed the correspondence, with the Board requesting that the reference to the economic impact be included in the second sentence in the second paragraph, on page two. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the correspondence concerning the U.S. Forest Service's Notice for Phase 2 of the Upper Owens Bishop Creek Unauthorized Route Restoration Project, as amended to include today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 1:05 p.m., with all Board Members present.

CAO-Personnel/
Elected Officials
Salary Policy

The County Administrator reviewed the staff recommendations concerning the County's policy for adjusting elected officials salaries. The Board, and staff discussed the various options concerning this policy in depth and at length, with Board Members noting their desire to have an automatic review of the salaries for the elected positions, and that they were not supporting Term Pay for elected officials. The discussion also included talking about the timing for implementation of whatever policy is authorized so that people interested in positions for the upcoming election will have the base salary information. The Board heard from the following Elected Officials who provided their input on the process to raise the base salaries for elected positions: Treasurer-Tax Collection, Ms. Alisha McMurtrie, Clerk-Recorder, Ms. Kammi Foote, Sheriff Bill Lutze, Auditor-Controller, Ms. Amy Shepard, and the District Attorney, Mr. Tom Hardy. The County Administrator talked about cleaning up the current ordinance that addresses elected and appointed officials salaries, to remove the reference to appointed officials. The Board and staff discussed the issue of elected officials' salaries, including recommendations from County Counsel with regard to the clean up of Chapter 2.88 of the Inyo County Code. The County Administrator suggested that direction be provided to staff that the next time the Board touches Chapter 2.88 that revisions relative to consistency with enforceability or other recommendations from staff be made at that time. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to rescind the current elected officials salary adjustment policy and adopt the revised Attachment C - Elected Officials Salary Adjustment Policy as amended to delete section 3. Term Pay from page 2. Motion carried unanimously.

Resol. #2014-09/
Local Drought
Emergency
Proclamation

The County Administrator provided additional information and further clarification on the request to approve a resolution for the proclamation of a Local Drought Emergency. Mr. Carunchio also recommended that the emergency be continued, as well as recommending that the following three emergencies also be continued. On a motion by Supervisor Tillemans and a second by Supervisor Arcularius, Resolution No. 2014-09 titled a "Resolution of the Board of Supervisors, County of Inyo, State of California, Proclaiming the Existence of a Local Drought Emergency" that was approved January 28, 2014 as a proclamation was approved: motion unanimously passed and adopted.

Moved by Supervisor Tillemans and seconded by Supervisor Arcularius 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 exist in the County. Motion carried unanimously.

Emerg. Serv./D. V.
Roadeater
Emergency

Moved by Supervisor Kingsley and seconded by Supervisor Arcularius 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.

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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.

Emerg. Serv./
Canyon Crusher
Emerg.

Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to continue the local emergency, The Canyon Crusher Emergency that resulted in flooding in the portions of Inyo County during the month of August, 2013. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the minutes of the Board of Supervisors Meetings of January 14, 2014 and January 21, 2014. Motion carried unanimously.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week including the Search and Rescue Dinner, a Big Pine Civic Club Meeting, a Forest Plan Revision Meeting, a City/County Liaison Committee Meeting, a Northern Inyo Airport Advisory Committee Meeting, an RCRC Board of Directors Meeting, meeting with the Seniors, and work on Great Basin APCD issues.

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

Closed Session The Chairperson recessed open session at 2:40 p.m., to reconvene in closed session to continue discussions on previously noted closed session items. The Chairperson recessed closed session at 3:55 p.m., to reconvene in open session, with all Board Members present to receive a report on closed session.

Report on Closed Session County Counsel reported that with regard to Agenda Item 2. No. 2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – Meet with legal counsel for discussion and advice regarding potential litigation (one case), there was no reportable action; with regard to Items No. 3. **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. 4. **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. 5. **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. 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, there was not reportable action; and with regard to Agenda Items No. 7. **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. 8. **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, the Board provided direction to staff.

Adjournment The Chairperson adjourned the regular meeting at 3:58 p.m., to 8:30 a.m., Tuesday, February 11, 2014, 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