

# MINUTES

# County of Inyo Board of Supervisors

**February 25, 2014**

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, February 25, 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 – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** – Verizon California Inc. v. California State Board of Equalization, et al., Sacramento County Superior Court Case No. 34-2014-001572145; No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(c)]** – meet with legal counsel for discussion and advice regarding potential litigation (two cases); No. 4. **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. 5. **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. 6. **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. 7. **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. 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; and No. 9. **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 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present.
- Report on Closed  
Session                    The Chairperson asked for a report on closed session. County Counsel reported that with regard to Item No. 2, which is existing litigation with Verizon, the Board in a unanimous vote with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, directed County Counsel to defend the County consistent with prior practice in working with the Board of Equalization. With regard to Item No. 3, only one case of litigation was considered and instructions were given to Council. With regard to Item No. 4 through 9 dealing with labor negotiations for DSA, EOAA, ICCOA, ICCPPOA, ICEA, and LEAA, instructions were given to the negotiators.

Pledge	Supervisor Kingsley led the Pledge of Allegiance.
Public Comment	The Chairperson announced the public comment period. Mr. Harry Williams, addressed the Board to tell the Board that he believes the LADWP pumping program is unacceptable and does not provide for sufficient recharge. He also opposed the Solar Ranch Project. Mr. Rick Vahl, Bishop Waste, informed the Board that he would be available to answer any questions that might arise as a result of the upcoming solid waste discussions. Supervisor Arcularius requested that today's meeting be adjourned in memory of Helen Barlow Talbot who passed away recently.
County Department Reports	The Chairperson announced the County Department Report period. Ms. Kammi Foote, Clerk-Recorder, updated the Board on legislation that could impact Inyo County concerning elections. The County Administrator qualified that all of the legislation being identified by Ms. Foote, should fall under the State unfunded mandates and be reimbursed by the State. Ms. Jean Turner, Director of Health and Human Services, updated the Board on her Department's activities including an upcoming "baby university" in Lone Pine, excel training, and Service Redesign.
CAO-Gen./Amend. #10 to Exclusive Negotiation Agreement for Bishop Office Bldg.	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve Amendment #10 to the Exclusive Negotiation Agreement for Construction and Leasing of Inyo County Consolidated Office Building between the County of Inyo and Joseph Enterprises, extending the Phase 2 expiration date to June 30, 2014; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
HHS-Behavioral Hlth. Serv./Drug Medi-Cal Clinic Recertification	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to authorize the submittal of two applications on behalf of the Behavioral Health Division's Substance Use Disorders (SUD) Project to become re-certified as a Drug Medi-Cal (DMC) Clinic in the primary clinic in Bishop and the satellite clinic in Lone Pine, adding intensive outpatient services to the Bishop clinic; and authorize the Director of Health and Human Services to sign the applications and the Medi-Cal Disclosure Statements. Motion carried unanimously.
Planning/Alcoholic Bev License Double L Bar	Moved by Supervisor Griffiths and seconded by Supervisor Kingsley to approve a letter of "Public Convenience or Necessity" for an Alcoholic Beverage License Application for the Double L Bar in Lone Pine, California; and authorize the Chairperson to sign. Motion carried unanimously.
Resol. #2014-11/ State Dept. of Parks Off-Highway Vehicle Grant Application	On a motion by Supervisor Griffiths and a second by Supervisor Kingsley, Resolution No. 2014-11 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application," was approved: motion unanimously passed and adopted.
Integrated Waste/ Equipment Operator Position Transfers	<p>The Sr. Deputy County Administrator, Ms. Pam Hennarty, provided further explanation on the request to temporarily transfer two Equipment Operator positions from Solid Waste to the Road Department. She displayed a picture presentation (pictures provided by State Cal Recycle) of examples of why Inyo County is on State "independent review". Ms. Hennarty briefly explained the steps that follow "independent review" should the County remain out of compliance which culminates in a \$10,000 per day fine for the County. Supervisor Kingsley expressed a desire to have the extra trash bins that are provided at the Keeler and Olancha transfer stations continue at some level. Ms. Hennarty went on to review the recommended changes for hours of operations at each of the landfills and the Big Pine transfer station.</p> <p>Ms. Hennarty also provided operational cost analysis figures for each of the operations which were as follows and do not include administration costs:</p> <ul style="list-style-type: none"> <li>• Bishop Sundland Landfill brings in \$1,400 a day in revenue and costs the County \$3,400 a day to operate;</li> <li>• Big Pine Transfer Station brings in \$30 a day in revenue and costs the County \$407 a day to operate;</li> <li>• Independence Landfill brings in \$35 a day in revenue and costs the County \$975 a day to operate;</li> <li>• Lone Pine Landfill brings in \$200 a day in revenue and costs the County \$1,300 a day to operate.</li> </ul>

She explained how the transfer of the Equipment Operators would necessitate the change in operations in detail and informed the Board that the recommended changes would save the program \$250,000 a year. Ms. Hennarty also noted that the County's General Fund contribution to the solid waste program this year was \$300,000.

Ms. Hennarty provided the Board with a copy of her response to a letter the Board had received from the attorney for Mr. Dale Comontofski of Preferred Septic which clarifies some of the misconceptions of the process noted in the letter, that the County staff has followed in making its waste haulers aware of the proposed changes. Mr. Rick Vahl, Manager of Bishop Waste, indicated that his organization recognizes the need for the County to comply with State regulations and control costs. Ms. Kristen Dean of Preferred Septic provided additional explanation concerning Mr. Comontofski's absence from today's meeting and asked that the following items 18, 19, and 20, concerning the solid waste program be postponed until Mr. Comontofski is available to participate in the discussions. The Board and staff went on to discuss in detail and at length the proposed changes to the hours of operations of the County's landfills and the Big Pine transfer station, including what State Cal Recycling is requiring, how the County will comply, the need to publicize any changes in the days and hours of operations, the fact that this is a pilot project, consequences of the changes and an increase in illegal dumping, the need to educate the contractors in the area to plan their waste stream up front, State requirements that construction and demolition debris recycle plans are issued as a part of the building permit, and the need for staff to keep the Board and the public well informed as the County moves through the pilot project process to meet State Cal Recycle regulations, as well as any changes in the hours of operations at the County's landfills and transfer stations. The County Administrator acknowledged and thanked the Public Works Director, Mr. Clint Quilter for his willingness to participate in this pilot project, by accepting the temporarily assigned Equipment Operators and for keeping the positions in his department vacant in order to facilitate this change. Mr. Jim Stroh of Independence talked about possible volunteer composting operations in the communities to handle green waste.

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the temporary transfer of up to two (2) Equipment Operators from the Solid Waste Department to the Road Department.

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| Integrated Waste/<br>Fee Increases                              | The request by Integrated Waste Management to have the Board approve Solid Waste gate and Disposal Fee increases as outlined by staff was rescheduled to the March 11, 2014 Board of Supervisors Meeting.   |
| Integrated Waste/<br>Modifications for<br>Trash Hauling Areas   | The request by Integrated Waste Management to have the Board adopt a resolution to approve modifications to the solid waste trash hauling permit areas was rescheduled to the March 11, 2014 Board of Supervisors Meeting.  |
| Integrated Waste/<br>Increase in Second<br>Cart Rate            | The request by Integrated Waste Management to have the Board approve a resolution adopting the solid waste collection and hauling rates to increase the second cart rate, and add a rate for a 64-gallon cart, was rescheduled to the March 11, 2014 Board of Supervisors Meeting.  |
| Recess/<br>Reconvene  | The Chairperson recessed the regular meeting at 12:05 p.m., to reconvene in open session at 12:45 p.m., with all Board Members present.   |
| Clerk-Recorder/Co.<br>Employee Election<br>Worker Pilot Program | The Clerk-Recorder, Ms. Kammi Foote, provided additional information and further justification for the implementation of a County Employee Election Worker Program. She provided cost savings information and noted that Ms. Jean Turner, the Director of Health and Human Services, has already offered her staff for this program. The County Administrator provided further clarification, explaining his support for this program, and that if it becomes necessary staff will be assigned to the program and how he envisions utilizing exempt employees to handle the work that is required after hours. Supervisor Griffiths stressed that he does not want this Program to result in overtime having to be paid. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to authorize the implementation of the pilot program, the Inyo County Employee Election Worker Program, and encourage county departments to participate in the Program. Motion carried unanimously. |

CAO-Budget  
Amendment

Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to A) amend the Auditor-Controller Geothermal Budget Unit 010406 by increasing revenue in Geothermal Royalties (*Revenue Code #4381*) by \$25,000, and increasing expenditures in Operating Transfers Out (*Object Code #5801*) by \$25,000 and amend the Natural Resources Budget Unit 010204 by increasing revenue in Operating Transfers In (*Revenue Code #4998*) by \$25,000 and increasing expenditures in Professional Services (*Object Code #5265*) by \$25,000; and B) approve amendment No. 9 to the Contract between the County of Inyo and Gruen Gruen + Associates increasing the Contract amount by \$25,000 to a total amount not to exceed \$385,000; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

HHS-Hlth. Serv./  
MCAH Funding

Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to ratify the Maternal Child and Adolescent Health (MCAH) Allocation funding between the County of Inyo and California Department of Public Health in the amount of \$125,519 for the period of July 1, 2013 through June 30, 2014 and authorize the Chairperson to sign the Agreement Funding Application Policy Compliance and Certification. Motion carried unanimously.

Planning/Forest  
Service  
Update/Revision

Mr. Josh Hart, Planning Director, provided the Board with a copy of the agenda for the last two coordination meetings with Forest Service staff. He also provided a copy of the revised correspondence that incorporates Mr. Wilson's modifications. Mr. Hart informed the Board that the Washington Office does not wish to modify the MOU to include the County's coordination responsibilities under the General Plan. They want to put it into one of the appendixes. He believes their reasons for this is that they are using this as a template for other forests and other cooperating agencies. He told the Board that the County did push back because it believes that the County's coordination responsibilities should be in the agreement. He went on to say they do not want it, so staff will be bringing forward the MOU for the Board's consideration without the coordination language in the body. Mr. Hart said that they have discussed the individual topic areas that are going into the Notice of Intent. He said he has shared the County's correspondence that is being considered today with the Forest Service and they had several comments. He briefly reviewed the comments with the Board, which included questions about the mitigation bank, questions about why Forest Service staff didn't think the last item was a desired condition because it goes without saying, the issues of smoke impacts downwind identified in the attachment because the Forest Service believes they can't do much because it is a bigger issue from the forests on the west side, and finally while no one has seen the objectives yet, the Forest Service staff did say they thought the County's were too specific. The Board went on to review the correspondence regarding Roles and Contributions, Desired Conditions, Purpose and Needs, and Objectives for the Inyo National Forest Plan Update/Revision. Mr. Hart noted the correspondence addresses the County's concern with the schedule driving the process at this very critical juncture in the plan, and repeats the concern that there is one EIS being prepared for three plans. Supervisor Kingsley said the fire management section seems general and suggested on No. 6 adding "there is a need to provide for robust fire management capabilities" and instead of limit say "manage smoke impacts to communities" and in the second sentence say "there is a need for expanded fuels management programs." Supervisor Arcularius asked to, on the cover letter in the second paragraph in the last sentence, to omit the word "others" in the statement "furthermore we implore you to take some time to work with us and other members of the public" explaining that the word "others" makes the Board of Supervisors sound like a member of the public and the Board has fought diligently to dispel that opinion. Supervisor Griffiths requested that on No. 3 of the Purpose and Need, where it says "there is a need to encourage recreation by streamlining the permitting process" be expanded because it encourages more than recreation and suggested adding things like "economy" or "local cultural benefits" or just eliminating the recreation part and say "there is a need to streamline the permitting process." Mr. Griffiths went on to talk about No. 1 under Desired Conditions – Access 1B questioning whether the sentence concerning roadless designations is correct, and suggesting the phrase be worded "roadless areas should be identified for removal **that** are no longer relevant or roadless." The Board and staff went on to discuss the specificity of the objectives, including adding the phrase "increase partnership with non-profits, the business community and the community in general in meeting forest needs" or maybe "forest user needs." Supervisor Arcularius suggested that the "multiple uses" be listed. The Board requested that the word "implore" be removed from the cover letter. Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the correspondence regarding Roles and Contributions, Desired Conditions, Purpose and Needs, and Objectives for the Inyo National Forest Plan Update/Revision, as amended to reflect today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.

Planning/Wildan Contract Amendment	In response to a question from the Board regarding the use of an outside firm, Mr. Hart, explained that without the assistance provided by Mr. Doug Wilson through this contract, the amount of work dedicated to the Forest Service Plan Update/Revision would be seriously decreased. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve Amendment No. 1 to the Contract between the County of Inyo and Willdan Engineering to extend the termination date of the Contract to December 31, 2014 and increase the Contract amount by \$16,500 to a total not to exceed \$66,500, 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.
CAO-Gen./Film Commissioner 2013 Final Report	Mr. Chris Langley, Film Commissioner, presented the Film Commissioner's 2013 Final Report. He reviewed the statistics for productions last year, noting that the numbers were down. He highlighted some of the more memorable filming activities that took place.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 2:00 p.m., to convene as the Board of Equalization (see separate minutes.) The Chairperson reconvened the regular meeting at 2:05 p.m., with all Board Members present, except Supervisor Kingsley who had left the meeting because he was traveling.
Planning/USFWS Letter Regarding Amphibians	Ms. Elaine Kabala, Associate Planner, reviewed in detail the draft correspondence to the U.S. Fish and Wildlife Service regarding the Draft Economic Analysis of Critical Habitat Designation for three Sierra Nevada amphibians. Ms. Kabala provided the Board with a revised copy of the correspondence. She went on to explain the listing and the activities that staff and the Board have engaged in regarding the listing. She went on to review the Draft Economic Analysis. The Board and staff discussed the letter, with the Board making recommendations for a minor clarification on what the County is requesting regarding lakes and basins to be excluded, excluding some of the areas, make sure that we have included the constituent elements, that we have addressed Birch Creek and that we make the case for access. Ms. Kabala noted that portions of the County's letter was developed with Mono County who will be submitting something very similar, because we are trying to present a consistent and unified regional response. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to approve the correspondence to the U.S. Fish and Wildlife Service regarding the Draft Economic Analysis of Critical habitat Designation for Three Sierra Nevada California Amphibians, as amended per today's discussion; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Kingsley absent.
Emerg. Serv./D.V. Roadeater Emergency	The County Administrator recommended the Board continue the emergency because conditions continue to exist that threaten public safety and exceed the County's ability to address. Moved by Supervisor Griffiths 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, with Supervisor Kingsley absent.
Emerg. Serv./Gully Washer Emergency	The County Administrator recommended that this emergency be continued because conditions continue to exist that threaten public safety and exceed the County's ability to address. 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, with Supervisor Kingsley absent.
Emerg. Serv./Canyon Crusher Emergency	The County Administrator recommended that this emergency be continued because conditions continue to exist that threaten public safety and exceed the County's ability to address. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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, with Supervisor Kingsley absent.
Emerg. Serv./Land of Even Less Water Emergency	The County Administrator updated the Board on SBA funding that is available to help with drought related problems. He recommended the Board continue the emergency. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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, with Supervisor Kingsley absent.

BofS/Minute Approval Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the minutes of the Board of Supervisors Meetings of A) February 4, 2014; B) February 11, 2014; and C) the Special Meeting of February 13, 2014. Motion carried unanimously, with Supervisor Kingsley absent.

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a Budget workshop for the City of Bishop, wherein the City Council has directed staff to look into a 1% TUT increase, with the County Administrator recommending that the County and City work together on any ballot measures proposed in order to improve the ability to get the measure passed, the Volunteer Dinner, a CSAC Board of Directors Meeting, and the Special Meeting of the Bishop City Council to discuss the sale of City property to the AOC for the new courthouse in Bishop.

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

Adjournment The Chairperson adjourned the meeting in memory of Helen Barlow Talbot, a long-time Bishop resident who passed away recently. The Chairperson adjourned the meeting at 3:10 p.m., to 8:30 a.m., Tuesday, March 11, 2014, in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

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

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*