

MINUTES

County of Inyo Board of Supervisors

April 1, 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, April 1, 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 LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart; 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: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, 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: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; 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; and No. 8. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)] - VERIZON CALIFORNIA INC., a California corporation v. CALIFORNIA STATE BOARD OF EQUALIZATION; COUNTY OF INYO, et al., Sacramento County Superior Court Case No. 34-2013-00138191; and No. 8A. 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.**
- Pledge Supervisor Kingsley led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. Mr. Skandar Reid of Bishop thanked the Board for the job they are doing and publicly apologized for some of the residents for making personal attacks in the media. Supervisor Arcularius requested that today's meeting be adjourned in memory of Betty Tatum.
- County Department Reports The Chairperson announced the County Department report period. Mr. Scott Eagan updated the Board on Solid Waste issues, including the education and outreach that is going on regarding the changes in the landfill operations. He gave the Board a handout concerning how other jurisdiction address illegal dumping. Mr. Eagan said that as a result of meetings with numerous business owners and the haulers, plans to reduce the hours of operation at the Bishop-Sunland landfill have

been put on hold. Supervisor Kingsley expressed his concern that the changes at the other landfills were proceeding, while the Bishop-Sunland is not changing. Ms. Jean Turner, Director of Health and Human Services, reported on inmate health coverage issues, an upcoming Area Agency on Aging Advisory Council Meeting, and inmate parenting classes.

- Org./Wild Iris Proclamation Ms. Randi Case of Wild Iris reviewed the activities that will be taking place to highlight Sexual Assault Awareness Month and Child Abuse Prevention Month. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to approve A) a proclamation recognizing the month of April 2014 as Sexual Assault Awareness Month; and B) a proclamation recognizing the month of April 2014 as Child Abuse Prevention Month. Motion carried unanimously.
- Public Defender/Contracts Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the following agreements for public defender service: 1) Agreement between County of Inyo and Sophie Bidet for the provision of professional services as a Public Defender [Misdemeanors – North County] for the period of April 1, 2014, through June 30, 2017, in an amount not to exceed \$442,500 pending appropriate signatures and adoption of future County Budgets and authorize the Chairperson to sign; and, 2) Agreement between County of Inyo and Kristine Eisler for the provision of professional services as a Public Defender [Felonies] for the period of April 1, 2014 through June 30, 2017, in an amount not to exceed \$450,000 pending appropriate signatures and adoption of future County Budgets and authorize the Chair to sign; and 3) Agreement between County of Inyo and Josh Hillemeier for the provision of professional services as a Public Defender [Misdemeanors – South County] for the period of May 1, 2014 through June 30, 2017, in an amount not to exceed \$373,000 pending appropriate signatures and adoption of future County Budgets and authorize the Chair to sign. Motion carried unanimously.
- Motor Pool/Surplus Vehicles Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to A) declare the vehicles and equipment recommended by Staff, and identified as Exhibit A, as surplus, B) authorize Motor Pool to offer the vehicles and equipment for sale to public entities, C) authorize Motor Pool to then offer the vehicles and equipment for sale to the public utilizing the Sealed Bid process, D) authorize Motor Pool to utilize Ken Porter Auctions located in Carson, California, for the removal and sale of any remaining County owned surplus vehicles and equipment, and E) authorize the Senior Deputy County Administrator to execute the consignment agreement for the sale of the vehicles and equipment through the auction process. Motion carried unanimously.
- Resol. #2014-20/
D.A./Anti-Drug Abuse Enforcement Grant On a motion by Supervisor Arcularius and a second by Supervisor Kingsley Resolution No. 2014-20 was approved authorizing the submittal of the reapplication for the Inyo County Anti-Drug Abuse Enforcement Team Program Grant to the Board of State and Community Corrections for the period of October 1, 2013 through September 30, 2014; and authorizing the District Attorney to sign the application: motion unanimously passed and adopted.
- D.A./Victim Witness Assistance Grant Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to authorize acceptance of the Inyo County Victim Witness Assistance Unserved/Underserved Victim Advocacy and outreach program Grant from the Governors Office of Emergency Services for the period of October 1, 2013 through September 30, 2014; and authorize the District Attorney to sign appropriate documents to accept and utilize the grant. Motion carried unanimously.
- P.W./Silver State Elevator Contract Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve a contract with Silver State Elevator Company for the completion of all work necessary for the recertification of the elevator located in the Annex Building at 168 N. Edwards Street, Independence, California. The proposed contract will be for an amount not to exceed \$30,300, contingent upon obtaining the appropriate signatures. Motion carried unanimously.
- Resol. #2014-21
Integ. Waste/Gate Fee Waiver On a motion by Supervisor Tillemans and a second by Supervisor Kingsley Resolution No. 2014-21 was approved waiving the gate and disposal fee as requested by the Big Pine Fire Safe Council for Saturday, April 12, 2014 for the Town of Big Pine Fire Safe Council Clean Up Event. Motion carried unanimously.
- CAO-Gen./Big Pine Library Land Transfer The Deputy County Administrator, Ms. Pam Hennarty, reviewed the process for selling County owned lands. She also briefly reviewed the history of the request to transfer the Big Pine Library property to the Big Pine Volunteer Fire Department. Mr. Damon Carrington, Fire Chief of the Big Pine Volunteer Department addressed the Board to support the transfer of the property to the District and to ask for clarification on staff recommendation C) to condition the sale of the property in conjunction with Big Pine Volunteer Fire Department acquiring the adjacent parcel from the Los

Angeles Department of Water and Power. Staff provided a recollection that when this property was first being considered for sale to the Fire Department DWP staff had informed the County that the intent was to trade the County parcel to DWP for property on Baker Creek Road. Mr. Carrington assured the Board that the County property is not being considered for trade, noting that in the past three years the Fire Department has spent nearly \$400,000 in cash to build an ambulance bay and a new hose tower at the location adjacent to the parcels being discussed. The Board, staff, and representatives of the Fire Department continued to talk about the different aspects of the County selling the property to the Fire Department, including a provision that says the property will be used for a public safety purpose, the enforceability of dead restrictions, the sale price of the property, and the Fire Department's ability to use the land without acquiring DWP's parcel. Ms. Hennarty and County Counsel, Ms. Marge Kemp-Williams briefly discussed Government Code Section 54220 that governs the sale of public property. Moved by Supervisor Tillemans and seconded by Supervisor Kingsley to 1) determine the sales price of the previously designated surplus County-owned property, identified as Assessor's Parcel Number 003-210-02, located at 210 N. Main Street, Big Pine, California is \$1.00 and subject to the condition that the property will be used for public safety purposes for the period of 99 years; 2) authorize the disposal of APN 003-210-02, through a sale to the Big Pine Volunteer Fire Department; and 3) retain all water and/or mineral rights the County currently has on the property. Motion carried unanimously.

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| Auditor/Position Request | The Auditor-Controller, Ms. Amy Shepherd, provided additional information and further justification for filling a vacant position in her Department. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the requested position comes from the General Fund, as certified by the Auditor-Controller and concurred with by the County Administrator; B) where internal candidates meet the qualifications for the position, the vacancy will be filled through an internal recruitment; C) approve the hiring of one Office Technician III at Range 63 – (\$3,572 - \$4,346) Motion carried unanimously. |
| D.A./Position Request | The District Attorney, Mr. Tom Hardy, provided additional information and further justification for filling the vacant positions in his Department. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the position Deputy District Attorney or Assistant District Attorney exists, as certified by the District Attorney, and concurred with by the County Administrator and Auditor-Controller; B) where if the County was facing layoffs, the position of Assistant District Attorney 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; C) approve the hiring of one Deputy District Attorney I – IV, at Ranges 76 – 85 (\$4,768 - \$7,915) or an Assistant District Attorney at \$8,973 depending upon qualifications of the applicants; and D) if the filling of either position creates a vacancy in the Department authorize the filling of the vacant position. |
| P.W./Quincy Engineering Contract Amendment | Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve Amendment No. 1 to the Contract between the County of Inyo and Quincy Engineering Inc. for slope stabilization engineering for Trona Wildrose Road, increasing the amount of the Contract by \$86,000 to a total amount not to exceed \$194,600; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously. |
| BoS/Minute Approval | Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meeting of March 18, 2014. Motion carried unanimously. |
| Closed Session | The Chairperson recessed the regular meeting at 11:35 p.m., to reconvene in closed session at 12:30 p.m., with all Board Members present to continue discussions on previously noted closed session items. The Chairperson recessed closed session at 1:10 p.m., to reconvene at 1:25 p.m., in open session with all Board Members present. |
| Report on Closed Session | County Counsel provided the following report on closed session: with regard to Agenda Items No. 2. CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart: 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: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, 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: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, and Information Services Director Brandon Shults; 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; instructions were given to the labor negotiators per Government Code Section 54957.6; with regard to Agenda Item No. 8. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)] - VERIZON CALIFORNIA INC., a California corporation v. CALIFORNIA STATE BOARD OF EQUALIZATION; COUNTY OF INYO, et al.,** Sacramento County Superior Court Case No. 34-2013-00138191, the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes, gave direction to Counsel with regard to direction to be given to the Board of Equalization; and with regard to Agenda Item 8A. **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, discussion was had with Counsel regarding further handling of the matter.

Planning/REGPA

Ms. Cathreen Richards, Senior Planner, reviewed the revised draft 2013 Renewable Energy General Plan Amendment (REGPA) that includes Draft Renewable Energy Development Areas (REDAs) and Draft policies, in detail and at length. Ms. Richards highlighted the changes that have been made between the current draft and the previous draft, in both the REDAs and the policies. After detailing the lands that were identified in each of the REDAs in each of the alternatives, Ms. Richards reviewed the Modified Less Intense Alternative that has been developed as a result of the input the Planning Department has received from the Planning Commission, the public, stakeholders, public agencies and the Board of Supervisors during the numerous public outreach opportunities that have been conducted with regard to the REGPA. She explained that in the new Modified Less Intense Alternative, the Centennial Flats-Darwin REDA and the Owens Valley REDA have been removed. She said that this new REDA has a total of 138 sq. miles, which is 831 sq. miles less than the Preferred Alternative and 185 sq. miles less than the Less Intense Alternative. Ms. Richards also explained how the language in the Policies portion of the Plan concerning a cap on the meg watts allotted to the REDAs also impacts the amount of development allowed in each of the REDAs. She went on to highlight the various changes in the Policies languages which align the policies with the input received.

The Planning Director, Mr. Josh Hart, commended his staff members, Ms. Richards, and Ms. Elaine Kabala, and former employee Mr. Nolan Bobroff for their work on the REGPA, and commended the Planning Commission, agency partners, the stakeholders and the public for their assistance and continued interest throughout this process to develop the REGPA. Mr. Hart went on to say that the Federal and State governments have very aggressive renewable energy goals. He recapped the State of California goals regarding the reduction of greenhouse gas emissions which includes reducing emissions to 80% below 1990 levels by 2020. Mr. Hart concluded his remarks to clarify that the REGPA is being developed to limit the development of potential renewable energy to a small fraction of the County to address the concerns identified and avoid greater development intensity that could occur without the County having a Plan.

The individual Boards Members thanked the public for their continued interest in the REGPA and commented on the information provided during the staff report, including expressing their support for the Modified Less Intense Alternative. Supervisor Kingsley added that he would still like to explore the possibility of Community REDAs saying that he would like to see REDAs developed around communities that would help communities meet the goal of being self sustaining or to produce the same amount of energy they use. Supervisor Griffiths noted that in the ARF for today's item staff cited a CEC Report that the California Solar Resources did for Inyo County which

indicated that if solar panels were put on every rooftop in Inyo County the amount of power generated would be between 4 and 22 mega watts, which he noted are small numbers when compared to the reductions the State is mandating. Supervisor Griffiths also reviewed Feed and Tariff as a possibility for the Community REDAs, noting that while they are larger than rooftop they are much smaller than utility scale and are feasible on private land. Supervisor Arcularius expressed concern with future transmission requirements. The County Administrator suggested that the siting criteria include private property.

The Board and staff continued to discuss the various items identified in the staff report and presentation. The Board took public comment from the following individuals most of whom were supportive of the Modified Less Intense Alternative and/or supportive of further refinement of that Alternative: Ms. Sydney Quinn, Mr. John Wilson, Mr. Philip Anaya, Ms. Sally Miller, Mr. Michael Prather, Ms. Nancy Masters, Mr. John Rothgeb, Mr. Richard Cervantes, Mr. Tom Budlong, Mr. Paul Fretheim, Mr. James Wilson, Ms. Yanina Aldao, Mr. Mark Bagley, Ms. Mary Roper, Ms. Meredith Hackleman, Ms. April Zrelak, Ms. Jacklyn Velasquez, Mr. Harry Williams, Mr. Steve White, Mr. Earl Wilson, Ms. Cindy Kamler, Ms. Allan Pietrasanta, Ms. Lorraine Masten, Mr. Andy Selters, Ms. Sue Hutson, Ms. Julie Anne Hopkins, Ms. Linda Emerson, Ms. Allen Corrasco, and Ms. Nina Weisman.

At the conclusion of the public comment the Board continued to discuss the REGPA. The County Administrator announced that the County offers an email subscription to all CEQA documents that get filed in the Clerk-Recorders Office advising the audience if they are interested in the CEQA proceedings on this specific issue or the other host of CEQA documents that get filed with the County on a regular basis, they should sign up on the sheet that is being passed around. Supervisor Tillemans requested that there be an acknowledgement of the Tribal sovereignty in the process. The Board and staff discussion included, specifics of Chicago Valley, Rose Valley, and the Pearsonville areas, the exclusion of wind generation throughout the County by eliminating the 395 corridor, lobbying to get rooftop distributed generation calculated towards renewable energy goals in California, strengthening the definition of disturbed lands, inclusion of Community REDAs, identifying acreage inside the REDAs rather than mega watts, acknowledgement of the changing face of the public engagement and the political climate as this moves forward, clarification that everyone agrees there needs to be a plan and the County is now at a point where we are determining what that plan will be, that it was a coincidence that DWP brought their renewable energy project forward during the same time the County was developing its REGPA, inclusion of DWP in the process as a land owner, the need to recognize that DWP owns much of the open space in Inyo County and they currently have a policy that allows 85% of that land to be accessible by the public, consistency in the County's policies, the fact is that the County is here because it recognized that without some kind of a Plan it was going to be planned over and even with a Plan the County may still be planned over, and the need to get some local government permitting into the process because that is the only way the local jurisdictions will benefit financially from solar development. The Chairperson went on to announce that the County has just been notified that it was successful in its grant application for \$400,000 to continue its REGPA efforts. Mr. Josh Hart made concluding remarks, saying that he was pretty clear on how to proceed and recapped and discussed the areas the Board had identified.

Public Comment The Chairperson announced the final 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 Betty Tatum a life-long resident of the County who passed away recently. The Chairperson adjourned the meeting at 5:20 p.m., to 8:30 a.m., Tuesday, April 8, 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