

# MINUTES

# County of Inyo Board of Supervisors

**May 6, 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 May 6, 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 – Title: IHSS – Negotiators: Jean Turner, Director of Health and Human Services, Sue Dishion, Labor Negotiator, Employer of Records, Ann Parkinson Noda and Bill May; No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATIONS (Pursuant to Government Code §54956.9(c))** – Meet with legal counsel for discussion and advice regarding potential litigation (one case); No. 4. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE §54956.8)** – Property: APN: 002-045-01, 251 No. Edwards Street, Independence, CA 93526, Negotiating Parties: Kevin Carunchio, County Administrator: Pam Hennarty, Sr. Deputy County Administrator – Negotiations: Terms and Conditions; No. 5. **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. 6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 7. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 8. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICPPOA) - Negotiators: Information Services Director Brandon Shults, and Labor Relations Administrator Sue Dishion; No. 9. **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. 10. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: Information Services Director Brandon Shults and Labor Relations Administrator Sue Dishion.
- Recess/  
Reconvene      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 Tillemans led the Pledge of Allegiance.
- Public Comment      The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.

County Department Reports	<p>The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, updated the Board on the Home Delivered Meals Program. Ms. Kammi Foote, Clerk-Recorder, updated the Board on election issues and to report on the success of the Election Poll Worker Volunteer Program. Mr. Marvin Moskowitz, Director of Environmental Health, reported on the Bishop Creek water monitoring and quality issues that have been on going. Mr. Moskowitz reported that the State is going to declare portions of Bishop Creek as a polluted water body and talked about a remediation plan. Mr. Moskowitz said that he expects to conduct a workshop with the Board on this issue in the near future. Dr. Bob Harrington, Water Director, updated the Board on the Technical Group and Standing Committee's efforts to resolve the Blackrock 94 Dispute. He said that he would be conducting a workshop with the Board next week on the proposed resolution. Dr. Harrington also informed the Board that the County has received DWP's Pumping Operations Plan for this runoff year. He explained that similar to last year and as a result of the continuing drought conditions, DWP will be submitting plans for the first half and second half of the year. He said that overall DWP is proposing to pump 65,000 acre feet this year. Dr. Harrington also reminded the Board that there will be a meeting of the West Bishop Water Association to discuss the west Bishop water issues tonight. Dr. Harrington reported that through working with the IRWMP staff, the County has received a State Water Control Board Grant to provide potable water in Tecopa. Chief Probation Officer Jeff Thomson reported on the recent Every 15 Minute event that took place recently.</p>
Introduction	<p>Mr. Tom Hardy, District Attorney, introduced Mr. Michael Turner, the new Deputy District Attorney in his office to the Board.</p>
Integ. Waste/Ratification of Resolution	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to ratify Resolution No. 2014-21 waiving solid waste disposal and gate fees at the Big Pine Transfer Station for green and wood waste on Saturday, April 12, 2014 for the Town of Big Pine Fire Safe Council Clean Up Event. Motion carried unanimously.</p>
CAO-Gen/MOU with Court for Modular Court in Independence	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the Memorandum of Understanding between the Judicial Council of California, Administrative Office of the Courts, the Superior Court of California, County of Inyo and the County of Inyo for Costs related to the development of the new modular Court Facility adjacent to the Inyo County Jail; and authorize the County Administrator to sign. Motion carried unanimously.</p>
Ag. Comm./Use of Weight Truck for Mule Days	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the use of the weight truck for the Mule Pulling Contest, Sunday, May 25, 2014, during the Mule Days events at the Tri-county Fairgrounds. Motion carried unanimously.</p>
HHS-Mental Hlth. Serv./I.D.E.A. Contract	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to A) declare I.D.E.A. Consulting a sole-source provider of certain mental health consultation services for the period of July 1, 2014 through June 30, 2015; and B) approve the Contract and HIPAA Business Associate Agreement between the County of Inyo and I.D.E.A. Consulting for mental health consultation services in an amount not to exceed \$20,000 for the period of July 1, 2014 through June 30, 2015, contingent upon the Board's adoption of a FY 2014-15 budget; and authorize the Chairperson to sign. Motion carried unanimously.</p>
HHS-Mental Hlth. Serv./Ernst Contract	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to A) declare Gary Ernst a sole-source provider of certain mental health fiscal consultation services for the period of July 1, 2014 through June 30, 2015; and B) approve the Contract and HIPAA Business Associate Agreement between the County of Inyo and Gary C. Ernst for mental health fiscal consultation services, in an amount not to exceed \$15,000, for the period of July 1, 2014 through June 30, 2015, contingent upon the Board's adoption of a FY 2014-15 budget; and authorize the Chairperson to sign. Motion carried unanimously.</p>
HHS-Senior Serv./ESAAA Advisory Council Appointments	<p>Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to appoint to the Eastern Sierra Area Agency on Aging Advisory Council representing the categories as recommended by staff the following: Harriet Davis to complete an unexpired two-year term ending December 11, 2014; and Mary Jefferson, Margaret Erbeck, Geni Sliger, and Jeff Hunter to complete unexpired two year terms ending December 11, 2015. Motion carried unanimously.</p>

HHS-First Five Comm./ Appointments	Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to appoint Ms. Jean Turner, Director of Health and Human Services Director, and Ms. Linda Benson, Assistant Health and Human Services Director to the Inyo County Children and Families Commission to complete unexpired three year terms ending April 20, 2017. Motion carried unanimously.
Resol. 2014-24/ Improvements on Dryvit Expansion Joints Project	On a motion by Supervisor Arcularius and a second by Supervisor Kingsley, Resolution No. 2014-24 was approved accepting the improvements for the Replacement of Dryvit System Expansion Joints Project – Inyo County Jail Building and authorizing the recording of a Notice of Completion for the project: motion unanimously passed and adopted.
P.W./DWP Letter Authorizing Entry to Dehy Park for Welcome Center Project	Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the letter permitting County staff and their contractor to enter LADWP property to perform environmental, archaeological, and biological studies within the County lease for Dehy Park, Independence in connection with the Independence Welcome Center Project (Dehy Park Phase II); and authorize the Chairperson to sign. Motion carried unanimously.
P.W./DWP Letter Authorizing Entry for Ed Powers Bicycle Lanes	Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the letter permitting County staff and their contractor to enter LADWP property to perform environmental, archaeological, and biological studies along Ed Powers Road in connection with the Ed Powers Bicycle Lanes project; and authorize the Chairperson to sign. Motion carried unanimously.
Rd. Dept./Vehicle Purchases	Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the purchase of the following vehicles from Downtown Ford Sales of Sacramento through State Contract #1-14-23-20 A-G: three (3) 2015 Ford F350 Regular Cab, 4x4 pickups and two (2) 2015 Ford F350 Super Cab 4x4 pickups in the amount of \$159,541.27 excluding registration fees. Motion carried unanimously.
Bishop/Joint TUT Measure	The Bishop City Administrator, Mr. Keith Caldwell, updated the Board on the City Council's discussions concerning a potential TUT Tax Ballot Measure for the 2014 November Ballot to increase the TUT Tax to 1% in the City of Bishop. Mr. Caldwell briefly talked about the reasons why the City Council is considering the Ballot Measure. He explained that during recent City/County Liaison Meetings the idea of possibly having the County join with the effort and make it a Countywide ballot measure had been discussed. He and the Board talked about the benefit of have a uniform TUT percentage throughout the County. The County Administrator explained how an increase in the TUT Tax countywide would be distributed. The Board, Mr. Caldwell and Mr. Carunchio discussed the intended uses of the TUT Tax increases. The Board expressed an interest in pursuing a Countywide Ballot Measure to increase the TUT Tax further and requested that a detailed discussion be agendized in the near future.
HHS-Behavioral Hlth. Serv./Position Request	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 Clinic Nurse Manager position exists in the Public Health budget, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where it is unlikely that the position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one full time Clinic Nurse Manager at Range 84 (\$5,893 - \$7,162). Motion carried unanimously.
HHS-Hlth. 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 APAR Addictions Counselor position exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; B) where it is unlikely that the position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of one APAR Addictions Counselor III, at Range 064PT (\$19.62/hr. - \$23.85/hr.). Motion carried unanimously.
HHS-Hlth. Serv./ CMS Plan	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to ratify the 2013/2014 Children's Medical Services (CMS) Plan and budgets; and authorize the Chairperson to sign the Certification Statements. Motion carried unanimously.

HHS-Hlth. Serv./ Prior Year Invoices	Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to A) amend the FY 2013-14 Health Budget Unit 045100 by increasing estimated revenue in Operating Transfers In ( <i>Revenue Code #4998</i> ) by \$26,148.08 and increasing appropriations in Prior Year Refunds ( <i>Object Code #5499</i> ) by \$26,148, ( <i>4/5's vote required</i> ); and B) approve the payment of prior year invoices, as identified by staff, totaling \$26,148.08. Motion carried unanimously.
P.W./Position Request	Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to A) change the authorized strength by deleting one Equipment Operator Series, I at Range 58 (\$3,181 - \$3,871) and adding one Mechanic/Operator position at Range 58 (\$3,871 + 25% tool allowance); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the Mechanic/Operator position exists in the Road budget, as certified by the Public Works Director and concurred with by the County Administrator and the Auditor-Controller; (b) authorize an internal recruitment for the position; and (c) approve the hiring of one full time Mechanic/Operator at Range 58 (\$3,181 – \$3,871 + 2.5% tool allowance). Motion carried unanimously.
Resol. 2014-25/ Rejections of Offers of Dedications	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) approve Parcel Map No. 401 and reject the offered 30 foot wide irrevocable offer of dedication for road and utility proposes; B) reject the offsite 40 foot wide irrevocable offer of dedication from Ms. Diana Jo Pearson for road and utility purposes; C) approve a resolution titled “A Resolution of the Inyo County Board of Supervisors for Rejection of Offer of Dedication for Road and Utility Purposes; and D) authorize the Chairperson to sign any documents associated with the rejection of the offers of dedication for road and utility purposes. Motion carried unanimously.
P.W./Bldgs. & Grnds. Service Redesign	The Public Works Director, Mr. Clint Quilter, reported on the Service Redesign Pilot Project to adjust operations of the Buildings and Grounds Division of Public Works. Mr. Quilter said that the adjustment allows the janitorial staff to also provide grounds keeping services. He explained how the proposed changes will provide for better efficiencies while providing for substantial salary savings by not filling the vacant Facilities Maintenance Manager position. The County Administrator explained that the adjustments being implemented are within the responsibility of the Department Head and there is no action required by the Board.
Treasurer/Budget Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to amend the FY 2013-14 Treasurer-Tax Collector Budget Unit 010500 by increasing estimated revenue in Miscellaneous Revenue ( <i>Revenue Code #4959</i> ) by \$2,058 and increasing appropriations in Office Equipment Under \$5,000 ( <i>Object Code #5232</i> ) by \$2,058. Motion carried unanimously.
Recycle-Waste Management/Post Closure Financial Assurances	Mr. Scott Eagan, Integrated Waste Management Program Superintendent, reviewed the actions being requested of the Board pertaining to the financial assurances being required by the State for the post closures of the County’s landfills. The County Administrator expressed concern with the kind of funding the State is requiring be set aside for post closures and requested that this request for the Board to approve the following be continued to a future meeting in order to provide staff the ability to review the items with County Counsel: A) a Resolution titled “A Resolution of the Inyo County Board of Supervisors, Rescinding Inyo County Resolution No. 97-24 Which Created an Enterprise Fund and Related Financial Assurance Mechanisms for Closure and Postclosure Maintenance of Inyo County Landfills;” B) a Resolution titled “A Resolution of the Inyo County Board of Supervisors, State of California, Establishing Financial Assurance for Postclosure Maintenance and Corrective Action of the Inyo County Landfills” C) a Resolution titled “Enterprise Fund for Closure of the Inyo County Landfills;” and D) the Agreement with CalRecycle to establish a Pledge of Revenue for Post Closure Maintenance and Corrective Action for Inyo County Landfills. The Board asked that this request be agendized for a future meeting.
Public Defender/ Place Contract	The County Administrator noted that he did not have the Contract with Mr. Place to provide to the Board. He said that the contract being requested to be signed is the standard County contract for Public Defender services. He explained that he has tried for many years to entice Mr. Place to enter into a contract with the County for juvenile dependency and delinquency cases without much success. He explained Mr. Place has been hesitant in the past because of the manner in which Public Defender services are assigned by the Court. Mr. Carunchio said that Mr. Place did not want to be responsible for other Public Defender services that might be assigned outside of the limited scope of work of the Contract. He explained that he and Mr. Place have defined a scope of work for the Contract in such a way as to provide the best defense to ensure that Mr. Place is only responsible for juvenile dependency and delinquency cases. He thanked Mr. Place for his willingness to provide these services to the County.

Moved by Supervisor Kingsley and seconded by Supervisor Griffiths to approve and ratify the Agreement between the County of Inyo and Stephen Place for the provision of professional services as a Public Defender for the period of May 1, 2014 through June 30, 2017, in an amount not to exceed \$158,344, 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.

Emerg. Serv./D.V. Roadeater Emerg. Continued The County Administrator recommended the Board continue the D. V. Roadeater Emergency. 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 Continued The County Administrator recommended the Board continue the Gully Washer Emergency. Moved by Supervisor Kingsley 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 Emergency Continued The County Administrator recommended the Board continue the Canyon Crusher Emergency. Moved by Supervisor Tillemans and seconded by Supervisor Arcularius 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.

Emerg. Serv./Land of Even Less Water Emergency Continued The County Administrator provided additional information and further explanation regarding the request by April Zrylak for the Board to change the resolution proclaiming the Land of Even Less Water emergency. Mr. Carunchio reiterated that staff believes the resolution is worded to be most advantageous to the County and its residents in receiving aid from the State and Federal government. He noted specific sections of the Resolution that pertain to voluntary reductions and that address the air quality as a result of the drought. He cautioned the Board regarding making the resolution restrictive to one type of project, expressing concern about how the State and the Federal governments might interpret the restrictions. The Board heard from Ms. Zrylak who provided additional information regarding her suggestions. The Board Members indicated that they were hesitant to place restrictions on certain types of projects because of the potential impact of those restrictions on other projects that utilize water and on the potential aid that may be available as a result of the declaration. The County Administrator recommended that the Board continue the emergency. Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to continue the local emergency known as the "Land of EVEN Less Water Emergency" without modifications to the enabling resolution, that was proclaimed as a result of extreme drought conditions that exist in the County. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meetings of A) March 25, 2014; B) April 1, 2014; C) April 8, 2014; and D) April 15, 2014. Motion carried unanimously.

BofS/Big Pine Civic Club Veteran's Memorial Access Supervisor Tillemans provided additional information regarding the request from the Big Pine Civic Club regarding the development of walking and wheelchair access to the Big Pine Roosevelt Tree and Veteran's Memorial. Supervisor Tillemans talked about the alternatives that are being evaluated, including that DWP is requesting County involvement. Supervisor Tillemans said that he would continue to work with the Big Pine Civic Club and others regarding access to the Veteran's Memorial and keep the Board informed.

Fish & Wildlife/Trout in the Classroom Program Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to approve a \$1,600 expenditure to the Friends of Mt. Whitney Fish Hatchery for its promotion of the Trout in the Classroom Program. Motion carried unanimously.

Recess/Reconvene The Chairperson recessed the regular meeting at 12:25 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present.

Planning/REGPA Modifications The Board received a report on the modifications to the Draft Renewable Energy General Plan Amendment that staff is proposing to utilize as the basis for the Programmatic Environmental Impact Report from Ms. Cathreen Richards. Ms. Richards noted a correction in the staff report in that the Sandy Valley table should reflect 600 acres instead of 100 acres. Ms. Richards also noted that the Less Intense Alternative has been modified further to remove the Darwin RETA and the

Centennial Flats RETA is added to the Owens Lake RETA. She also told the Board that the property owner in Chicago Valley had expressed a desire to have a RETA in the area. The Board heard from the following members of the public, the majority of whom supported the Less Intense RETA and who thanked the Board for taking the public's comments into consideration when making this decision: Harry Williams; Kristen Luetkemeier, Michael Prather, Daniel Pritchett, Mary Roper, Kathy Goss, John Rothgeb, Nina Weisman, Rose Masters, and Jane McDonald. The Board went on to discuss staff's recommendations, noting that this is the beginning of the environmental process and there are still many opportunities for comments to be made and considered before finalization. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the modifications to the Draft Renewable Energy General Plan Amendment that will be utilized for the basis of the PEIR as presented with the three changes of (a) the re-inclusion of the strip identified as Centennial Flats located along the Owens Lake into the Owens Lake RETA, (b) the clarification of the second bullet point in Attachment 2 to include land next to the Los Angeles Aqueduct and (c) with the correction to the acreage in Attachment 3 under Sandy Valley from 100 acres to 600 acres. Motion carried unanimously.

- Closed Session      The Chairperson recessed open session at 2:30 p.m., to reconvene in closed session, with all Board Members present to continue discussions on previously noted closed session items.
- Report on Closed Session      The Chairperson recessed closed session at 4:43 p.m., to reconvene in open session with all Board Members present. County Counsel reported that with regard to Agenda Items Nos. 2, and 5 through 10 which relate to labor negotiations with County Labor Unions the Board provided instructions to negotiators; with regard to No. 3 instructions were given to County Counsel on how to proceed in the matter; and with regard to 4. Instructions were given to property negotiators.
- 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 regular meeting at 4:45 p.m., to 8:30 a.m., Tuesday, May 13, 2013 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*