

MINUTES

County of Inyo Board of Supervisors

May 27, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:30 a.m., on Tuesday, May 27, 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 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 LITIGATIONS (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 Sheriff's Association (DSA) - Negotiators: County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; 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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; 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 - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; 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 (ICPPOA) – Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, 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: ICEA - Negotiators - County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; and 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: County Administrative Officer, Kevin Carunchio, Sr. Deputy County Administrator, Pam Hennarty, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults. The Chairperson recessed closed session at 9:50 a.m., to convene 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 public comment period and there was no one from the public wishing to address the Board.
- County Department Reports The Chairperson announced the County Department Report period. Mr. Josh Hart, Planning Director, briefed the Board on the following: a) the County did not receive the second State Planning Grant; b) the tentative schedule for public meetings on the NOPA for the REGPA EIR, which are June 24 in Lone Pine, June 25 in Bishop, and June 26 in Tecopa; and c) the Department is continuing to develop the matrix which should be final in July. Ms. Jean Turner, Director of Health and Human Services, reported on the IC GOLD Program, on the ESAAA

Advisory Council Meeting, on the impacts of the Governor's May revise on HHS programs and services, and the CMSP meeting. Ms. Pam Hennarty, Sr. Deputy County Administrator reported that the Cal Recycle and Waste Management Program is reporting 28 new recycling customers. She also reported that there will be recycling opportunities at the Fairgrounds during Mule Days. Mr. Nate Reade, Agricultural Commissioner reported on the Ag Commissioners Spring Conference.

- CAO-General/Sale of B.P. Library Property to B.P. Fire Dept. The Sr. Deputy County Administrator, Ms. Pam Hennarty, asked that the reference in the MOU to the Fire Department be changed to the Big Pine Volunteer Fire Protection District. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to, in accordance with the Inyo County Real Property Management Policy and the recommendation of the Financial Advisory Committee: A) authorize the disposal of APN 003-20-02 through a sale to the Big Pine Volunteer Fire Protection District; B) approve the Memorandum of Understanding between the County of Inyo and the Big Pine Volunteer Fire Department for the conditions of the sale of the property; and authorize the Chairperson to sign; and C) authorize the Chairperson to sign the Grant Deed transferring the property. Motion carried unanimously.
- County Counsel/GBUAPCD Contract Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Great Basin Unified Air Pollution Control District for the County Counsel's Office to provide certain legal services to the District during the period of July 1, 2014 through June 30, 2015, in the amount of \$12,500, contingent upon the Board's adoption of a FY 2014-15 budget; and authorize the Chairperson to sign. Motion carried unanimously.
- HHS-EMS/P.O. for Repeaters Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the purchase of two repeaters, necessary attachments and frequency coordination fees from Nielsen's Equipment Maintenance in an amount not to exceed \$17,999.04. Motion carried unanimously.
- HHS-First 5/Prior Year Invoices Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the payment of a prior year FY 2012-13 invoice from Bishop Indian Head Start for child health and development services in the amount of \$6,328.54. Motion carried unanimously.
- HHS-WIC/Program Funding Application Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Funding Application for the County of Inyo Department of Health and Human Services to implement the next one year contract (FFY 2015) for the Inyo WIC Program; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.
- P.W./Cascade Software Contract Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Cascade Software Systems, Inc., for the provision of software maintenance and support services for the Road Department's Cost Accounting Program in an amount not to exceed \$12,796.40 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.
- Planning/Fee Waiver Zellhoefer Mr. Josh Hart, Planning Director, provided a brief explanation of how fees are assessed in the Planning Department and regarding the request by a property owner for a fee waiver for a Zone Reclassification. He explained that the General Plan Land Use Designation and the Zoning are different with respect to properties located in the downtown area of Tecopa. Mr. Hart said that currently the relevant downtown area of Tecopa is zoned open space, while the General Plan Land Use Designation is commercial. Mr. Hart went on to say that the area was never zoned commercial, that the open space designation allows various uses like agricultural and single family homes, and provides for other activities to be conditionally permitted (CUP). He said there were previously a number of operations that were occurring on the property that had been historically "grandfathered in," when the "open space" designation was adopted, and when the owner notified the County that those operations had ceased, the "grandfathering" was lost. He said the property reverted back to "open space" at that time. In response to a question from Supervisor Griffiths on whether the discrepancies in the designations was an error, Mr. Hart said that in looking at the zoning in that area there is a reasonable argument that the zoning was intentional and he did not believe it is inconsistent. He said that Mr. Zellhoefer disagrees with staff and believes that the discrepancies are an error that the County needs to fix. Mr. Zellhoefer addressed the Board to provide historical information concerning the uses of the properties in question. He said that he believes the relevant area in downtown Tecopa should have been zoned commercial, that the open space designation is an error, that this designation needs to be fixed to reflect the historic uses of the property as commercial, and explained that he did not feel that it was his, or any

citizen's, responsibility to pay a fee to have this County error corrected. Mr. Zellhoefer responded to questions from the Board regarding obtaining a CUP for the new operations. Ms. Marge Kemp-Williams, County Counsel, reminded the Board that there is dual jurisdiction in this matter, in that should this request go before the Planning Commission, the Board is the appeal authority on any decision the Planning Commission may make regarding the zoning designation, and cautioned the Board to only address the issue of the request to waive the fee. The Board, Mr. Zellhoefer and staff continued to discuss the issue of waiving the fee to rezone properties owned by the Zellhoefer Trust in the Tecopa area. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to deny the fee waiver and require the submittal of an appropriate fee deposit and any additional funds that may be required to process any applications for Mr. Zellhoefer's properties located in Tecopa. Motion carried unanimously.

CAO-Budget/Third
Quarter Review

The County Administrator reviewed the FY 2013-14 Third Quarter Financial Report in detail and at length. He talked about service redesign efforts that have resulted in about \$600,000 in savings and which will help close some of next year's expected budget deficit, saying that it appears the County will need \$1.2 million dollars more than last year's fund balance along with the service redesign savings to balance the FY 2014-15 County Budget. He reviewed some of the steps he will be recommending to help realize the shortfall in next year's budget, and briefly described the modifications he will be making for this year's rollover (preliminary) budget. Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to A) accept the Fiscal Year 2013-2014 County Third Quarter Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B, and authorize the Auditor-Controller to make the budget adjustments as listed in Attachments A & B; C) authorize the County Administrator (CAO) and Auditor-Controller to make year-end adjustments, as necessary within each fund; D) approve the Preliminary FY 2014-2015 Budget Calendar with regard to the proposed dates for the Budget Hearings and adoption of the Final Budget; and E) direct the County Administrator (CAO) and Auditor-Controller to prepare a modified rollover budget for the start of FY 2014-2015 and present it for approval on June 17, 2014. Motion carried unanimously.

Ag Comm/2013 Crop
Report

The Agricultural Commissioner, Mr. Nate Reade presented the 2013 Annual Crop and Livestock Report to the Board. Mr. Reade reviewed the Inyo County data, noting some of the changes between this year's report and last year's report.

BofS/Gen.

The request by the Clerk of the Board for the County to participate in government-to-government consultation meeting concerning the proposed REGPA, Housing Element Update, and proposed Northland Solar Project, was pulled from the Agenda at the request of the Clerk because it was a duplicate request of the item from the Big Pine Paiute Tribe.

BofS/B.P. Tribe
Request for SB 18
Consultation

The Planning Director, Mr. Josh Hart, provided a synopsis of the request by the Big Pine Paiute Tribe for SB 18 Consultation. Ms. Marge Kemp-Williams provided information and cautions concerning the full Board's involvement in the request by the Tribe. Mr. Hart reviewed the County's on-going consultation efforts with the Big Pine Paiute Tribe, and Supervisor Tillemans said that he, as the District Supervisor, would be available to meet with the Tribe and provided the dates of June 9, 11, 12, 16 or 19 for meetings. The County Administrator added that staff is looking into documentation, like an MOU, that would govern all consultation requests. The Board expressed a desire for the County to continue consultation as it has in the past. Mr. Hart said that he would coordinate the dates that Supervisor Tillemans' is available with the Big Pine Paiute Tribe to talk about the Renewable Energy General Plan Amendment, the General Plan Housing Element Update and the Northland Power Solar Project.

Recess/
Reconvene

The Chairperson recessed the regular meeting at 12:15 p.m., to reconvene in open session at 1:10 p.m., with all Board Members present, except Supervisor Tillemans.

Parks/MOU for
Relocation of Engine
#18

The Sr. Deputy County Administrator, Ms. Pam Hennarty, provided a brief recap of the Dehy Park Engine Project. She said the project is a three phase project that is currently in Phase I, with completion of Phase I expected in 2015. She said that Phase II of the project entails relocating Engine #18 from Dehy Park to the grounds of the Eastern California Museum where a facility to house and operate the Engine is proposed. She said that a part of relocating the Engine is for the Carson and Colorado Railroad to replace the Engine with a suitable railroad exhibit at the Park. Ms. Hennarty explained that the MOU being considered today would govern Phase II of the project. Mr. Dave Mull of the Carson and Colorado Railroad updated the Board on the efforts to refurbish Engine 18. The County Administrator provided the Board with an artist's rendition of a

mural that is being proposed for the American Legion Hall in Independence that will tie into this "railroad theme." Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the Memorandum of Understanding between the County of Inyo and the Carson and Colorado Railroad for the relocation of Engine #18 from Dehy Park to the Eastern California Museum and the replacement of Engine #18 with a suitable railroad related exhibit at Dehy Park; and authorize the County Administrator to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Tillemans absent.

- Auditor-Controller/
Financial Statements Ms. Amy Shepherd, Auditor-Controller, presented the fiscal year end June 30, 2013 County Financial Statements to the Board of Supervisors. Ms. Shepherd provided an explanation of the audit figures, statements, and findings for the "Annual Financial Report," the "Single Audit Report," and the "Management Report with Required Communication." She noted that the anomalies between prior audits and this year's audits were a result of the auditing standards requiring notifications attached to the large welfare fraud case that is currently being prosecuted and that was discovered in the Health and Human Services Department last year.
- Planning/Sage-
Grouse Designation
Letter Mr. Josh Hart, Planning Director, explained that the County has been notified that U.S. Fish and Wildlife is planning to conduct a meeting in Inyo County on the proposal to designate Critical Habitat for the Bi-State Distinct Population Segment of the greater Sage-Grouse, June 9, in Bishop. The Board and staff discussed the designation as well as attendance at the upcoming public meetings. Supervisors Arcularius and Griffiths said they were planning on attending the meeting in Bishop.
- County Counsel/
James Contract Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to ratify and approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law, for the provision of legal services to the County Counsel's Office on an as needed basis for the period of May 1, 2014 through October 31, 2014, at the rate of \$150 per hour of legal service with the exception of travel which will be paid at \$50 per hour, for a Contract limit not to exceed \$25,000, contingent upon the Board's adoption of a FY 2014-15 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Tillemans absent.
- CAO-Info Serv./Tech
Refresh Computers
P.O. Mr. Brandon Shults, Information Services Director, explained how his recommendation that the County no longer purchase the extended warranties for new computers will save money. Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to, pursuant to the technology refresh initiative, authorize the purchase of 66 desktop computers and 12 laptop computers from Southern Computer Warehouse, as the low bidder, in an amount not to exceed \$55,101. Motion carried unanimously, with Supervisor Tillemans absent.
- Workshop/Human
Serv. Workshop
Service Redesign The Chairperson recessed open session at 2:00 p.m., to convene in a workshop, with all Board Members present, except Supervisor Tillemans, with the Human Services Work Group on Service Redesign. The Chairperson recessed the workshop at 2:50 a.m., to reconvene in open session.
- Closed Session The Chairperson recessed open session at 2:50 p.m., to reconvene in closed session, with all Board Members present, except Supervisor Tillemans to continue discussions on previously noted closed session items.
- Report on Closed
Session The Chairperson recessed closed session at 3:40 p.m., to reconvene in open session, with all Board Members present, except Supervisor Tillemans, to receive a report on closed session. County Counsel reported that with regard to Agenda Item No. 2. **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), instructions were given to County Counsel; and with regard to Agenda Items 3 through 8, which are negotiations with various Employee unions, instructions were given to the negotiators.
- Public Comment The Chairperson announced the last public comment period and there was no one from the public wishing to address the Board.
- Board Members and
Staff Reports The Board Members reported on their activities during the preceding week, including legislation update, a meeting on the Adventure Trails, the CSAC Conference, water bond legislation, and Mule Days and Memorial Day events.

Adjournment

The Chairperson adjourned the regular meeting at 4:10 p.m., to 8:30 a.m., Tuesday, June 3, 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