

MINUTES

County of Inyo Board of Supervisors

August 19, 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 August 19, 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 wishing to address the Board

Closed Session The Chairperson recessed open session at 8:32 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)] – Peter/Kathy Waasdorp v. County of Inyo et al.**, Inyo County Superior Court Case No. SICVCV-1354910; No. 3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summers v. County of Inyo et al.**, Inyo County Superior Court Case No. SICVCV-1254534; No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Prominent Systems v. County of Inyo et al.**, Kern County Superior Court Case No. S-1500-CV-279959; No. 5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Tanya Solesbee v. County of Inyo et al.**, United States District court, Eastern District No. 1:13-CV-01548-A WI JLT; 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 - 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: 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. 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 (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. 9. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Peace 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. 10. **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; No. 11. **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; and No. 12. **REAL PROPERTY NEGOTIATIONS (CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT**

CODE §54956.8) – Property: APN 001-065-17, 586 Central Avenue Bishop, CA, Negotiating Parties: for Inyo County, Kevin Carunchio, County Administrator, Pam Hennarty, Sr. Deputy County Administrator, Jean Turner, Director of Health and Human Services, and Clint Quilter, Public Works Director, and Efrain Gonzales Granados and Javier Ruiz Moreno as joint tenants – Negotiations: Terms and Conditions

- Recess/
Reconvene The Chairperson recessed closed session at 9:55 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present.
- Pledge Supervisor Mark Tillemans led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. Mr. Gary Walker, Bishop Resident, addressed the Board to talk about the Bishop Library and programs that are taking place at the Library.
- County Department
Reports The Chairperson announced the County Department Report period. Ms. Jean Turner, Director of Health and Human Services, gave the Board a copy of the California Wraparound Newsletter that features an Inyo County employee, and updated the Board on realignment legislation. Dr. Bob Harrington, Water Director, gave the Board a copy of the Agenda for the upcoming Water Commission Meeting. Mr. Clint Quilter, Public Works Director, provided information on the upcoming community meetings concerning the State Water Conservation Regulations. Mr. Josh Hart, Planning Director, reported that he signed a letter providing the County's comments on the Wilderness Stewardship Plan Draft EIS for the Sequoia and Kings National Parks Wilderness Stewardship Plan.
- Introduction Mr. David Nam, Deputy County Counsel, was introduced to the Board.
- CAO-Info Serv./CA
Broadband Master
Agrmnt. Amendment Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve a Master Services Agreement Amendment defining the services as invoiced by California Broadband Cooperative, Inc., and authorize the Chairperson to sign. Motion carried unanimously.
- CAO-Info Serv./CA
Broadband Service
Agreement –
Sheriff's Office Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperative and the County of Inyo – Sheriff's Office for the delivery of Internet access service for a period of five years commencing on the date the service is installed from \$2,160 to \$2,690 annually (\$13,452 over five years), an increase of \$45 per month. Motion carried unanimously.
- CAO-Info Serv./CA
Broadband Service
Agreement – HHS Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve an increase in the not to exceed amount relative to the Services Agreement between the California Broadband Cooperative and the County of Inyo – Health and Human Services for delivery of Internet access service for a period of five years commencing on the date the service is installed from \$1,440 to \$1,800 annually (\$9,000 over five years), an increase of \$30 per month. Motion carried unanimously.
- CAO-Info Serv./CA
Broadband Service
Agreement – Info
Services Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve an increase in the not to exceed amount relative to the Services Agreement between California Broadband Cooperative and the County of Inyo – Information Services for the delivery of Internet access service for a period of five years commencing on the date the service is installed from \$12,000 to \$12,720 annually (\$63,600 over five years), an increase of \$60 per month. Motion carried unanimously.
- CAO-Personnel/
EOAA MOU Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to approve the August 19, 2014 through September 30, 2016 Memorandum of Understanding between the County of Inyo and the elected officials Assistant Association (EOAA); and authorize the Chairperson to sign. Motion carried unanimously.
- CAO-Purchasing/
FY 2014-15 Print
Bid Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to award bid No. 2014-07, Printing 2014/15 FY to The Hanigan Company, Inc., and authorize purchase orders to be approved for various County Departments to order printing from this bid for FY 2014-15, contingent upon the Board adoption of a FY 2014-15 budget. Motion carried unanimously.

HHS-Behavioral Hlth. Serv./Position Request Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to A) amend the Department authorized strength by adding one full-time Administrative Analyst I or II position, at Range 68-70 (\$4,025 – \$5,133); and B) find that consistent with the adopted Authorized Position Review Policy: (1) the availability of funding for the positions of Administrative Analyst and Behavioral Health Registered Nurse exists, as certified by the Director of Health and Human Services and concurred with by the County Administrator and the Auditor-Controller; (2) where internal candidates meet the qualifications for the Administrative Analyst position, the vacancy could be filled through an internal recruitment, and while it is unlikely that the Behavioral Health Registered Nurse position could be filled by internal candidates meeting the qualifications for the position, an open recruitment would be appropriate to ensure qualified applicants apply for the specialized position; and (3) approve the hiring of one Behavioral Health Registered Nurse I at Range 78 (\$5,097-\$6,195) or II at Range 80 (\$5,343-\$6,498) contingent upon qualifications, and one Administrative Analyst I at Range 68 (\$4,025-\$4,890) or II at Range 70 (\$4,221-\$5,133) contingent upon qualifications. Motion carried unanimously.

Planning/Brownfields Plan Ms. Elaine Kabala, Associate Planner, reviewed the Brownfields Coalition Area Wide Plan. The County Administrator recommended changes to some of the language, which included on page 57, the fifth paragraph beginning with the second line, reading as follows: "...Inyo County and California while making the site a center for economic and civic activity" and the third sentence reading as follows: "the goal is to provide contemporary uses, while informing the public of the historical significance of the hatchery..." and on page 58, the first bullet reading "Utilize a community based process with existing planning..." The Board and staff talked about the Plan, with the Board concurring with the CAO's recommendations. Mr. Earl Wilson, Lone Pine resident addressed the Board to ask why the Hidden Hills Project is still included in the Plan and to ask if the dumps can be considered brownfields. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Rural Desert Southwest Brownfields Coalition Area Wide Plan, revised to reflect the Board comments on the plan as discussed during the June 17, 2014 Board of Supervisors Meeting and amended to include the recommendations made by the County Administrator during today's discussion. Motion carried unanimously.

P.W./LSC Contract Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to approve the Contract between the County of Inyo and LSC Transportation Consultants for the provision of transportation planning services for the period of August 19, 2014 through April 30, 2015, in an amount not to exceed \$78,305, 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.

Water/State Groundwater Legislation Dr. Bob Harrington, Water Director, provided additional information on the request for the Board to discuss and, as appropriate, take action on a possible County position regarding support for the State Groundwater Legislation in context to the provisions of the Long Term Water Agreement (LTWA). He said that the Legislature is considering the Sustainable Groundwater Management Act which would give local governments certain authorities and responsibilities for developing sustainable groundwater management plans and certain tools to implement and enforce the plans. Dr. Harrington provided the Board with additional information on the legislation, including a revised support letter. Dr. Harrington said there are two questions being asked of the Board today. One is for the Board to allow the City of Los Angeles to support the legislation, and one is for the County to take a position on the legislation. He explained that the LTWA requires that before either party, i.e., the County or the City, take a position to support groundwater legislation the other party must give its approval. Dr. Harrington and the Board discussed the amended legislation, as well as RCRC's and CSAC's concerns with the legislation, at length and in detail. Prior to the Board discussing the County position on the legislation the following motion was made regarding the Board granting the City of Los Angeles the authority to support the legislation.

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to allow the City of Los Angeles to take a support position on the groundwater legislation. Motion carried unanimously.

The Board continued its discussion with staff regarding the County's position on State groundwater legislation. Dr. Harrington, and Special Legal Counsel Greg James, explained why staff is recommending the County support the amended legislation. They said that the legislation, as amended, recognizes the LTWA on the same basis as the adjudicated basins that are identified in the legislation, which would mean that the LTWA has adjudicated legal standing as a groundwater management plan that manages the lands owned by DWP in the Owens Valley and parts of Rose Valley. The Board heard from Mr. Earl Wilson of Lone Pine, who supported the

Board sending the letter of support for the amended legislation. In explaining the importance of this amended legislation to the County of Inyo, Mr. James said this is a unique opportunity to have the State Legislature recognize the importance of the Long Term Water agreement, codify it in a statute, and provide that should it be set aside for whatever reason, the County would fall back to having regulatory authority under the proposed groundwater legislation. Both Dr. Harrington and Mr. James explained that the importance of the legislative recognition of the LTWA to Inyo County far outweighs the other issues being discussed by RCRC and CSAC. Dr. Harrington confirmed that the County has received the City's authorization to support the legislation. Ms. Marge Kemp-Williams, County Counsel, suggested that the reference line in the revised letter be amended to include the statement "as amended in Assembly August 6, 2014."

Supervisor Arcularius said the legislation had been amended as the County and the City had requested, and as such the County should support the legislation. She also said that this is a unique opportunity to have the LTWA agreement recognized as an adjudicated binding management document.

Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to send the draft letter as amended in the subject line that our support is conditioned upon the August 6, 2014 amendment to the said legislation and that the County of Inyo go on record as supporting the amended legislation as of that date; and authorize the Chairperson to sign. Motion carried unanimously.

Emerg. Serv./D.V. Roadeater Emerg. Moved by Supervisor Griffiths and seconded by Supervisor Kingsley 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, as recommended by the County Administrator. Motion carried unanimously.

Emerg. Serv./Gully Washer Emerg. Moved by Supervisor Kingsley and seconded by Supervisor Griffiths 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, as recommended by the County Administrator. Motion carried unanimously.

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

Emerg. Serv./Land of Even Less Water Emerg. Ms. Kelley Williams, reported that the State Fish and Game Commission is ordering portions of the Merced River closed to fishing because of low water conditions which are causing the fish to pool in larger numbers in smaller pools. The CAO likened it to shooting fish in a barrel and explained that because the Owens River is a water conveyance river, like conditions are unlikely to occur here. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans 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 as recommended by the County Administrator. Motion carried unanimously.

BofS/Minute Approval Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to approve the minutes of the August 12, 2014 Board of Supervisors Meeting. Motion carried unanimously.

BofS/Sierra County Request re: Fire Fuels/biomass Conditions The Board discussed Sierra County Board of Supervisors' request for Inyo County to join in the effort to get 22 California counties that encompass the land area of the Sierra Nevada regarding fire severity and fire fuels/biomass conditions and recommended actions to develop and implement an action plan to mitigate ongoing and increasing fire severity conditions. The Board explained that most of the counties identified have large communities imbedded in the forest who are at greater risk of fire damage than Inyo County. The Board did not take action on the request.

BofS/B.P Tribe Grant Application Support Supervisor Tillemans provided additional information and further justification for the County to support the Big Pine Paiute Tribes application for funding to construct water system improvements. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to direct staff to draft a letter of support from the County of Inyo to accompany an application for funding through the USDA Rural Development Program to construct water system improvements to the community water system on the Big Pine Indian Reservation; and authorize the Chairperson to sign. Motion carried unanimously.

Closed Session	The Chairperson recessed open session at 11:35 a.m., to reconvene in closed session with all Board Members present to continue discussions and action as appropriate on previously identified closed session items. The Chairperson recessed closed session at 1:00 p.m.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 1:00 p.m., to reconvene in open session at 1:30 p.m., with all Board Members present and immediately convened in a workshop.
P.W./Workshop on See Vee Lane Extension	The Board convened in a workshop to receive an update on the status of the See Vee Lane Extension Project, and discuss the background of the project, the alternatives for the project, and the results of the public meeting that was held on July 9, 2014. The Chairperson recessed the workshop at 3:00 p.m.
Public Comment	The Chairperson announced the final public comment period and there was no one from the public wishing to address the Board.
Closed Session	The Chairperson recessed open session at 3:00 p.m., to reconvene in closed session, with all Board Members present, to continue discussion and action as appropriate on previously identified closed session items.
Report on Closed Session	The Chairperson recessed closed session at 3:45 p.m., to reconvene in open session to receive a report on closed session. County Counsel reported that with regard to Agenda items Nos. 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12; instructions were given to the negotiators; and with regard to Agenda Item No. 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Travis Summers v. County of Inyo et al. , Inyo County Superior Court Case No. SICVCV-1254534; instructions were given to outside Counsel, Mr. John Kirby, with regard to this matter which is being dismissed.
Adjournment	The Chairperson adjourned the regular meeting at 3:45 a.m., to 8:30 a.m., Tuesday, August 26, 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