

MINUTES

County of Inyo Board of Supervisors

October 28, 2014

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:36 a.m., on October 28, 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 8:37 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 – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – decision whether to initiate 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: 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. 4. **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. 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 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. 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
- Pledge Supervisor Kingsley led the Pledge of Allegiance.
- Report on Closed Session The Chairperson asked for a report on closed session. County Counsel reported that with regard to Agenda Item No. 2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – decision whether to initiate litigation (one case); the Board in a unanimous vote, with Supervisors Arcularius, Griffiths, Pucci, Tillemans and Kingsley voting yes gave instructions to County Counsel to support Tuolumne County and the Forest Service by joining in the Amicus Brief filed in the case known as *Center for Biologic Diversity v. Skalski*, pending before the United States Court of Appeals 9th Circuit, Case No. 14-16948, wherein plaintiffs and environmental groups filed a complaint for declaratory injunctive relief which was denied and they are appealing that denial. County Counsel reported that with regard to items 3 through 8, which are negotiations with various labor unions, instructions were given to labor negotiators.

Public Comment	The Chairperson announced the public comment period. Ms. Lynn Cooper, Executive Director of the Inyo Council for the Arts, explained that the new art being displayed in the Board of Supervisors Room, were done by students at the Jill Kinmont Booth School, and the Keith Bright School. She said that the programs which sponsored the art were funded through a California Arts Council Grant. She said that the Arts Council has a grant for this program for this year.
CAO-Info Serv./ Tech Refresh Computer P.O.	In response to a question from Supervisor Kinsley, Mr. Brandon Shults, Information Services Director, explained that the increase in the number of laptops being purchased is because HHS is converting many of their offices to laptops. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to authorize, pursuant to the technology refresh initiative, the purchase of 68 desktop computers and 51 laptop computers and associated peripherals from Dell in an amount not to exceed \$88,463, through the State WSCA Customer Agreement WSCA B27160.
HHS-Sr. Serv./CA Dept. of Aging Agreement Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 1 to Agreement AP-1415-16 between the County of Inyo and the California Department of Aging, increasing the overall allocation by \$30,660, for a total Contract amount of \$765,390; and authorize the Chairperson to sign. Motion carried unanimously.
Resol. #2014-50/ L.P. Airport AWOS Grant	On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2014-50, authorizing the submittal of the application for a State of California, Division of Aeronautics (CDA) matching grant for construction of the Lone Pine/Death Valley Airport – Automated Weather Observing System (AWOS AV) Project, accepting the allocations of State Airport Improvement Program (AIP) matching funds and authorizing the Public Works Director to execute the CDA grant agreements and any other documents required to apply for and accept the funds, was approved: motion unanimously passed and adopted.
Resol. #2014-51/ L.P. Airport Master Plan Update Grant	On a motion by Supervisor Griffiths and a second by Supervisor Tillemans, Resolution No. 2014-51, authorizing the submittal of the application for a State of California, Division of Aeronautics (CDA), matching grant for the Lone Pine/Death Valley Airport – Update of Airport Master Plan Study (Update Airport Layout Plan (AIP) and Exhibit A Property Map), accepting the allocation of State Airport Improvement Program (AIP) matching funds, and authorizing the Public Works Director to execute the CDA grant agreements and any other documents required to apply for and accept the funds, was approved: motion unanimously passed and adopted.
P.W./PMC Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 2 to the Contract between the County of Inyo and PMC to extend the term of the Contract by two months to December 31, 2014 for the completion of a Triennial Performance Audit of the Eastern Sierra Transit Authority (ESTA); and authorize the Chairperson to sign. Motion carried unanimously.
Water/State Water Resource Grant Agreement Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve Amendment No. 1 to the Grant Agreement between the County of Inyo and the State Water Resources Control Board for the provision of bottled water to the Community of Tecopa extending the term of the Grant Agreement to June 30, 2016, and authorize the Chairperson to sign; and B) approve a purchase order in the amount of \$37,100 to Robert Lisull for the purchase of bottled water for the Community of Tecopa. Motion carried unanimously.
D.A./Victim Witness Assistant Position Request	Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Victim Witness Assistant position exists, as certified by the District Attorney, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; and C) approve the hiring of one Victim Witness Assistant at Range 54 (\$2,955 - \$3,593), contingent upon continued grant funding. Motion carried unanimously.
Clerk-Elections/ Statement of Votes Cast	The Clerk-Recorder, Ms. Kammi Foote, provided further explanation regarding the request for the Board to appoint three people from a list of four to the Inyo-Mono Resource Conservation District, which is the second item being requested of the Board under this Agenda item. The County Administrator suggested the Board make three separate motions to make the appointments. Moved by Supervisor Griffiths and seconded by Supervisor Arcularius to appoint the nominees listed on the <i>Clerk's Certificates</i> to the office of Director in the various special districts. Motion carried unanimously.

With regard to the request for the Board to appoint three qualified persons to office, as indicated on the *Clerk's Certificate* for the Inyo Mono Resource Conservation District, on or before November 20, 2014 (last regular meeting prior to the Monday before December 1st), the three remaining vacancies to be filled due to no declarations of candidacy being filed the Board took the following actions and note that the Clerk-Recorder/Registrar of Voters will issue the "*Certificate of Appointment and Oath of Office*" documents to the respective appointees:

Moved by Supervisor Arcularius and seconded by Supervisor Kingsley to appoint Richard Moss to the Inyo-Mono Resource Conservation District. Motion carried unanimously.

Moved by Supervisor Tillemans and seconded by Supervisor Arcularius to appoint Ron Yribarren to the Inyo Mono Resource Conservation District. Motion carried unanimously.

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to appoint BryAnna Vaughn to the Inyo Mono Resource Conservation District. Motion carried unanimously.

HHS-Behavioral
Hlth./Behavioral
Health Register
Nurse 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 a Behavioral Health Registered Nurse position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) whereas 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 for the specialized position; and C) 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. Motion carried unanimously.

HHS-Behavioral
Hlth./Administrative
Secretary Position
Request

Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Administrative Secretary position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment, however, if an internal recruitment fails, authorize an external recruitment; and C) approve the hiring of one full-time Administrative Secretary I, at Range 56 (\$3,101 - \$3,764), or II at Range 60 (\$3,403 - \$4,133), contingent upon qualifications. Motion carried unanimously.

HHS-Soc. Serv./
Office Clerk Position
Request

Ms. Jean Turner, Director of Health and Human Services provided additional information and further justification for the request to conduct an external recruitment for the position of Office Clerk, explaining that in working with Personnel it was determined that there were no longer any applicants on the list which was established as a result of the previous recruitment for the Office Clerk. The County Administrator provided further explanation regarding the establishment of eligibility lists for positions. He said that he did not believe that hiring off of eligibility lists actually resulted in the best applicants being hired, and that in his reading of the Personnel Rules it makes the eligibility lists totally discretionary. He said that from this point forward eligibility lists will only be established on a justification basis, based on the strength of the recruitment rather than being the automatic default. 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 an Office Clerk position exists in the Social Services budget, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position, the vacancy could possibly be filled through an internal recruitment, conducted through the State Merit System's Cooperative Personnel Services; however, an internal recruitment conducted within the previous 90 days has resulted in no remaining candidates; therefore an external recruitment would be appropriate; and C) approve the hiring of one Office Clerk I at Range 48 (\$2,530 - \$3,067) or II at Range 50 (\$2,642 - \$3,213) contingent upon qualifications. Motion carried unanimously.

HHS-Soc.Serv./
Case Worker
Position Request

Moved by Supervisor Kingsley and seconded by Supervisor Arcularius to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for an Integrated Case Worker position exists, as certified by the Health and Human Services Director, and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the position the vacancy could possibly be filled through a closed department recruitment; C) approve the hiring of one Integrated Case Worker III at Range 67 (\$4,008 - \$4,865) and D) should the hiring of a Case Worker III result in a vacancy in a Case Worker II position approve the hiring of one Integrated Case Worker II at Range 64 (\$3,735 - \$4,327) from an existing list. Motion carried unanimously.

P.W.-Airports/L.P. Airport AWOS Project Contract	Moved by Supervisor Kingsley and seconded by Supervisor Tillemans to A) accept the bid and approve the Contract with RB Development for the Lone Pine/Death Valley Airport Automated Weather Observing System (AWOS) project in the amount of \$159,255.80, and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained; and B) authorize the Public Works Director to execute all other Contract documents, including Contract change orders, to the extent permitted by Public Contract Code Section 20142 and other applicable law. Motion carried unanimously.
P.W.-CSA #2/ Sewer Rehab Project Contract Amendment	Moved by Supervisor Arcularius and seconded by Supervisor Tillemans to approve Amendment No. 1 to the Contract between the County of Inyo and White Rock Construction, Inc., for the CSA #2 Sewer Rehabilitation Project in the Community of Aspendell, increasing the Contract amount from \$276,863.60 to \$313,620.70; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Planning/Forest Plan Update	Mr. Josh Hart, Planning Director, updated the Board on coordination with Forest Service Staff regarding the Inyo National Forest Plan Update/Revision. Mr. Hart and the Board had a lengthy discussion regarding the Eastern Sierra Collaborative, its formation and governance structure, Mono County Board of Supervisors participation with the group, its role in the development of the Forest Plan Update, the County's ability to participate with the group, the need to distinguish the County of Inyo's participation in this process over the past several years through a formal Agreement with the Forest Service from that of other groups like the Collaborative. The Board requested County Counsel continue to research the discussion items relating to the Eastern Sierra Recreation Collaborative and report back next week. The Board and staff went on to talk about the Forest Plan Update.
CAO/Naming Ag Maintenance Building for G. Milovich	The County Administrator introduced the item to consider naming the new Ag Maintenance Building for Mr. George L. Milovich. He briefly reviewed the County's policy on this type of request. Mr. Nate Reade, Inyo Mono Agricultural Commissioner, addressed the Board to provide additional information and further justification for his request to have the new Agricultural Maintenance Building named for Mr. George L. Milovich, the retired Inyo-Mono Agricultural Commissioner. Supervisor Arcularius spoke to the attributes of Mr. Milovich and explained that it was because of Mr. Milovich's efforts that the funding for the building was accumulated. The Board and staff discussed the exact title for the building. Moved by Supervisor Arcularius and seconded by Supervisor Griffiths to name the new Agricultural Department Maintenance Building located at 218 Wye Road in Bishop, California, for George L. Milovich, the retired Inyo-Mono Agricultural Commissioner, per the County of Inyo's "Policy for Naming and Placing Commemorative Plaques on the County of Inyo Facilities/Buildings," naming the facility the "George L. Milovich Agriculture Maintenance Building." Motion carried unanimously.
Recess/ Reconvene	The Chairperson recessed the regular meeting at 12:15 p.m. to reconvene in open session at 1:18 p.m., with all Board Members present.
Ag Comm./Weights and Measures Workshop	The Chairperson recessed open session at 1:18 p.m., to convene in a workshop with the Agricultural Commissioner on the Weights and Measures Department's Device Registration Fee. The Chairperson recessed the workshop at 1:48 p.m., to reconvene in open session, with all Board Members present.
HHS-Sr. Serv./IC GOLD Service Fees Ordinance	The Chairperson opened the public hearing at 1:48 p.m., on an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Implementing Inyo County IC-GOLD Service Fees;" which proposes to set fee schedules for Inyo County Growing Older Living with Dignity (IC-Gold) Program congregate meals, home delivered meals and in-home services to offset actual General Fund costs of operating these programs as a supplement to the ESAAA program. Ms. Jean Turner, Director of Health and Human Services reviewed the staff report and the proposed IC-Gold service fees. The Board, Ms. Turner, the County Administrator and County Counsel discussed the proposed fees in detail and at length. The language of the ordinance was also discussed in detail and at length, with County Counsel recommending substantive changes, as well as the County Administrator also identifying substantive changes that needed to be made. The County Administrator said that from a matter of policy he believes it is ill advised to specify meal numbers in an ordinance for the same reason it is ill advised to specify the cost of those meals in that ordinance if you can change it by resolution. He said what the County is attempting to do is to develop an ordinance to be able to set rates for meals that are provided by County funds as opposed to meals provided by State or federal funds. He went on to explain that language should be developed so it says something along the lines of "so long as the County remains the administrator of the ESAAA Program, the County will ensure that the number of ESAAA meals

required will be provided by the County; and to the extent that the County chooses to provide meals in addition to what is provided by ESAAA funding with general fund, this ordinance is intended to govern the establishment of rates for those meals.” The Board and staff continued to discuss the establishment of service fees for the IC-Gold Program, discussing in detail how the congregate meals would be provided and charged for, how the home delivered meals would be handled, and how that would best be accomplished. Ms. Turner reiterated several times that people currently receiving services would continue to do so under this ordinance. The County Administrator reviewed the ordinance adoption policy and pledged to the Board that he would work with HHS staff and County Counsel to edit the ordinance to ensure that the ordinance is re-written to effectively institute the IC-Gold Program service fees, along the lines of today’s discussion, for the Board’s consideration at a future meeting. The Board heard from Mr. Roger Rasche, Chairperson of the ESAAA Advisory Council, who addressed the Board to provide additional insight into the Council’s discussions on this topic. He explained that the Council would prefer that no changes be made to the current congregate meals program, but ultimately realized that changes needed to be made so that the County funded program could continue. Mr. John Rothgib of Darwin addressed the Board to get clarification on the schedule for congregate meals that will be provided under the ordinance. The Chairperson closed the public hearing at 2:40 p.m. The Chairperson noted that no further actions associated with this ordinance were required because the rewritten ordinance would need to go back through the ordinance adoption process for consideration by the Board at a later date.

- County Department Reports The Chairperson announced the County Department Report period. Mr. Nate Reade, Agricultural Commissioner, reported on the Agricultural Commissioners Annual Meeting. Dr. Bob Harrington, Water Director, announced that the Water Commission Meeting scheduled for last night had been cancelled because it conflicted with the DRECP Meeting. He told the Board that the Technical Group would be meeting on October 30, 2014 at the DWP Offices in Bishop at 3:00 p.m., to consider the County’s comments on DWP’s 2nd 6 month Operations Plan for this water year.

- Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including the DRECP Meeting, various constituent meetings, a meeting in Ridgecrest with the BLM Field Manager, a First Responders Meeting, a Wild Iris Benefit, Bishop Homecoming, the Ventura Motorcycle Club event in Bishop, a High School Rodeo Association Board Meeting, upcoming Veterans Day events, an event celebrating Augie Hess’ 100th Birthday, a request that the Treasurer-Tax Collector review the Treasury Status Report with the Board and a request that today’s meeting be adjourned in memory of Juan Carlos Mesa of Big Pine, who was a EMT in the Air Force who passed away recently. The County Administrator reported on the Annual County Administrator’s Association Meeting.

- Public Comment The Chairperson announced the 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 former Big Pine resident Juan Carlos Meza an Air Force EMT, who passed away recently. The Chairperson adjourned the meeting at 3:30 p.m., to 8:30 a.m., Tuesday, November 4, 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