

MINUTES

County of Inyo Board of Supervisors

April 7, 2015

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 7, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, Jeff Griffiths, and Mark Tillemans.

- 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: ICEA - Negotiators - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 3. **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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1) – Center for Biological Diversity; Public Employees for Environmental Responsibility, California Non-Profit Corporation v. County of Inyo; Inyo County Board of Supervisors, and DOES 1 through 20, and Adventure Trails System of the Eastern Sierra and DOES 21-50, Inyo County Superior Court Case No. SICVPT 1557709; No. 5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1) – Native American Heritage Commission v. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate); and No. 5A. 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, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults.
- Recess/
Reconvene The Chairperson recessed closed session at 9:55 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
- Pledge County Counsel, Marge Kemp-Williams, led the Pledge of Allegiance.
- Public Comment The Chairperson announced the Public Comment period. Mr. Dale Comontofski of Preferred Septic addressed the Board. He asked the Board to reconsider reinstating the multi-bin discount that had been allowed in the past, but which had been eliminated from the "fee schedule" for the landfills. He said that he and the other waster hauler, Bishop Waste, had both quoted prices and been awarded contracts based on the multi-bin discount. He said without the discount being reinstated he was in jeopardy of losing his contract and a great deal of money he has invested to meet the contract.
- BofS/Minute
Correction Moved by Supervisor Pucci and seconded by Supervisor Tillemans to ratify and approve the corrected minutes of the December 16, 2014 Board of Supervisors Meeting, to reflect the action taken regarding Resolution No. 2014-59. Motion carried unanimously.

HHS-EMS/ Repeaters	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to declare Nielsen's Equipment Maintenance as a sole-source provider of repeaters and accessories and approve the purchase and installation of two repeaters, necessary attachments and frequency coordination fees, from Nielsen's Equipment Maintenance, in an amount not to exceed \$18,063.80. Motion carried unanimously.
Planning/Contract Amendment 1 Independence Solar	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Amendment No. 1 to the Contract between the County of Inyo and Independence Solar, LLC, for environmental review and processing services, to reduce the amount of the deposit; and authorize the Chairperson to sign. Motion carried unanimously.
Planning-P.W./ Meridian Consultants Contract Amendment No. 2	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Amendment No. 2 to the Contract between the County of Inyo and Meridian Consultants for the provision of environmental review of the Adventure Trails of the Eastern Sierra System, to amend the schedule of fees to increase the contract amount by \$5,308.75 to a total amount of \$310,638.75 and the scope of work to include tasks already completed associated with the preparation of the ATV Adventure Trails Environmental Impact Report; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Contract Amendment No. 4 ISL Engineering	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Amendment No. 4 to the Agreement between the County of Inyo and ISL Engineering, Inc., extending the deadline from April 30, 2015 to December 31, 2015; and authorize the Chairperson to sign. Motion carried unanimously.
Probation/Security System Improvement Contract	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to declare American Security Group a sole source provider of security systems and approve the Contract between the County of Inyo and American Security Group for the provision and installation of additional cameras and improvements to the access control system at the Juvenile Center, for the period of April 8, 2015 through June 30, 2015, in an amount not to exceed \$8,835.11, including change orders; authorize the Chairperson to sign; and authorize the Chief Probation Officer to sign the Certificate of Acceptance upon completion of the project. Motion carried unanimously.
Rd. Dept./Tree Removal	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the removal of one tree in the road right of way at 305 N. Jackson Street in Independence, with all costs to be borne by the property owner, David Woodruff. Motion carried unanimously.
Solid Waste/Hauler Rate for Second Residential Cart	Mr. Rick Benson, Assistant County Administrator, provided additional information and further clarification on the request to correct the Attachment to Resolution 2014-15 to accurately reflect the Board's action to set the hauler rate for a second residential cart at \$20.29. Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the corrected Attachment A to Inyo County Resolution 2014-15, "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Establishing Residential and Commercial Rate Schedules for Solid Waste Collection in Solid Waste Collection Areas "A1," "A2," "B1," "B2," "B3," "City of Bishop," "Bishop Paiute Reservation," "Big Pine Indian Reservation," "Fort Independence Indian Reservation," and "Lone Pine Paiute-Shoshone Reservation" of the County of Inyo", setting the hauler rate for a second residential cart to \$20.29. Motion carried unanimously.
D.A./Victim Witness Program Grant	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to A) accept an increase in the funds for the Victim Witness Assistance Program Grant in the amount of \$25,031 for a total grant amount of \$100,836; B) authorize the District Attorney to sign any necessary documentation to accept and utilize the grant and augmentation of the grant on behalf of the County; and C) amend the FY 2014-15 OES/VWAC Budget Unit 620414 by increasing estimated revenue in State Grants (<i>Revenue Code #4498</i>) by \$25,031 and amending appropriations as recommended by staff. Motion carried unanimously.
Probation/Juvenile Incarceration Costs	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve payment to the State of California Department of Corrections and Rehabilitation/Department of Juvenile Justice for the incarceration of an Inyo County Juvenile, in the amount of \$2,000 per month for approximately 5 years starting in mid-March 2015; and authorize the payment to be made via a contract payment sheet in lieu of staff requesting a monthly purchase order, contingent upon the adoption of future budgets. Motion carried unanimously.

- Probation/Group Counselor Position Request Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Group Counselor positions comes from the General Fund, as certified by the Chief Probation Officer, and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the positions may be filled through internal recruitment; and C) authorize the hiring of two full-time Group Counsel I's at Range 62 (\$3,495 - \$4,249). Motion carried unanimously.
- HHS-Soc.Serv./HHS Specialist Position Request Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Health and Human Services Specialist position exist in the Social Services, CBCAP, Mental Health, SUD, ICGOLD and ESAAA budgets, as certified by the Director of Health and Human Services, 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, but an open recruitment would be more appropriate to ensure qualified applicants apply; and C) authorize the hiring of one Health and Human Services Specialist II at Range 53 (\$2,892 - \$3,517) or III at Range 57 (\$3,169 - \$3,850) depending upon qualifications. Motion carried unanimously.
- HHS-Hlth. Serv./ BCCPP MOU Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to ratify and approve the Memorandum of Understanding with Blue Cross of California Partnership (BCCPP), effective January 1, 2015, defining responsibilities between HHS' public health services and the Medi-Cal Managed Care entity known as BCCPP; and authorize the Director of HHS to sign. Motion carried unanimously.
- P.W./Indy American Legion Hall Re-Roofing Project Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to A) approve the plans and specifications for the Independence American Legion Hall Re-Roofing Project; B) authorize the Public Works Director to advertise and bid the Project; C) authorize the Public Works Director to award the project if bids received are within the project budget and sign all Contract documents contingent upon the appropriate signatures being obtained; and D) authorize the Public Works Director to sign all other Contract documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.
- Sheriff/Correctional Officer Position Request Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to find that consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the Correctional Officer position comes from the General Fund, as certified by the Sheriff, and concurred with by the County Administrator, and the Auditor-Controller; B) where internal candidates may meet the qualifications for the position, the position could possibly be filled through an internal recruitment, but an open recruitment would be more appropriate to ensure the position is filled with the most qualified applicant; and C) authorize the hiring of one Correctional Officer at Range 64 (\$3,735 - \$4,539). Motion carried unanimously.
- Sheriff/Position Request Moved by Supervisor Tillemans and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy A) the availability of funding for the positions of Sergeant, Investigator, Corporal, and Deputy, comes from the General Fund, as certified by the Sheriff and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications for the positions, the vacancies could be filled through internal recruitment; and C) approve the hiring of one Sergeant at Range 74 SB-SD (\$5,268 - \$6,897) depending on qualifications; one Investigator at Range 71 SB-SD (\$5,039 - \$6,595) depending on qualifications; one Corporal at Range 70 SB-SC (\$4,784 - \$6,262) depending on qualifications; and one Deputy Sheriff at Range 67 SA-SC (\$4,107 - \$5,510) through an open recruitment and authorize hiring up to the D step for a qualified lateral applicant. Motion carried unanimously.
- Resol. #2015-27/ CHF JPA Name Change On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-27 titled "A Resolution of the Board of Supervisors, County of Inyo, State of California, Approving the Proposed Revisions to the California Home Finance Authority (Formal Name Change to Golden State Finance Authority Pending) Joint Powers Agreement," was approved: motion unanimously passed and adopted.

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

Emerg. Serv./Canyon Crusher Emergency Moved by Supervisor Tillemans and seconded by Supervisor Pucci 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 Emergency Moved by Supervisor Pucci 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 Tillemans and seconded by Supervisor Griffiths to approve the minutes of the Board of Supervisors Regular Meeting of March 17, 2015. Motion carried unanimously.

P.W./State Water Conservation Reg. Workshop The Chairperson recessed open session at 10:50 a.m., to convene in a workshop, with all Board Members present to receive an update of Water Conservation Regulations from the Public Works Director. The Chairperson recessed the workshop at 11:10 a.m., to reconvene in open session, with all Board Members present.

Department Reports The Chairperson announced the Department report period. Ms. Jean Turner, Director of Health and Human Services, on activities concerning Welfare Reform of 1996. She also reported on activities regarding merit system reform.

Recess/Reconvene The Chairperson recessed the regular meeting at 11:25 a.m., to reconvene in open session at 1:15 p.m., with all Board Members present.

Report on Closed Session County Counsel reported that with regard to Agenda Items 2, 3, and 5A, which are instructions to negotiators, instructions were given to the negotiators; with regard to item No. 4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1) – Center for Biological Diversity; Public Employees for Environmental Responsibility, California Non-Profit Corporation v. County of Inyo; Inyo County Board of Supervisors, and DOES 1 through 20, and Adventure Trails System of the Eastern Sierra and DOES 21-50, Inyo County Superior Court Case No. SICVPT 1557709, instructions were given to County Counsel on how to proceed; and Item No. 5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1) – Native American Heritage Commission v. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate), there was no reportable action taken.****

Board Members and Staff Reports The Board Members reported on their activities during the preceding week, including a Quad State Meeting in Primm, an ESTA and ESCOG meeting, a Bishop City Council Meeting, a Big Pine Civic Club Meeting, an Independence Fire Safe Council Meeting, information about upcoming Earth Day activities, and RCRC Board Meeting. The County Administrator reported on 21st Century Obsidian Project, and that he had toured portions of the County with a representative of Congressman Cook's office.

P.W./Off Road Vehicles Ordinance The Chairperson opened the public hearing at 1:35 p.m., on an ordinance titled “An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 9.56 to Title 9 Section VI of the Inyo County Code to Prohibit Operators of Off-Highway Vehicles and Other Motorized Vehicles From Damaging Property.” The Public Works Director, Mr. Clint Quilter, reviewed the staff report and recommendations concerning the adoption of an ordinance prohibiting operators of off-highway vehicles and other motorized vehicles from damaging property. The Board and staff talked about the possibility of escalating the fines for multiple offenses. Sheriff Lutze supported the concept of greater fines for more offenses. The Board and staff continued to discuss the concept in detail and at length including the need to re-advertise for the ordinance should a substantive change like that being discussed were to be wanted, as well as the impact of delaying the adoption of the ordinance. The Board also discussed adopting the ordinance as written and directing staff to amend the ordinance to make the change to provide for escalating fines for multiple offenses. There was no one from the public wishing to address this issue. The Chairperson closed the public hearing at 2:10 p.m. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to waive the first reading of the ordinance and schedule the enactment for 1:30 p.m., Tuesday, April 21, 2015 in the Board of Supervisors Room, at the County Administrative Center in Independence. Motion carried unanimously. The Board asked staff to research the feasibility of setting escalating fines for multiple offenses of the ordinance to be returned for Board discussion in the future.

Planning/West Mojave Route Project Associate Planner, Elaine Kabala, made a presentation regarding the West Mojave Route Network Project and Plan Amendment. The Board heard from Edythe Seehafer of the Barstow BLM Office concerning the project.

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 2:30 p.m., to 8:30 a.m., Tuesday, August 21, 2015, 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