

MINUTES

County of Inyo Board of Supervisors

April 28, 2015

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 Tuesday, April 28, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Tothoroh, 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 - 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; No. 3. **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. 4. **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. 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.); No. 6. **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; and No. 6A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – *decision whether to initiate litigation (one case)*. The Chairperson recessed closed session at 10:05 a.m. to reconvene in open session at 10:10 a.m., with all Board Members present.
- Pledge Supervisor Pucci led the Pledge of Allegiance.
- Public Comment The Chairperson announced the second public comment period. Rich White and David Woodruff representing the Friends of the Eastern California Museum addressed the Board about efforts to protect the historic charcoal kilns located near the Owens Lake. They said that Coso Geothermal has offered to supply the material and labor to cover the kilns to protect them from the elements, and have asked that the County provide the engineering, design work and permitting for the cover. Mr. White explained that the structure that is being envisioned is similar to a carport and will protect the kilns from the rain which is what is damaging these adobe structures. The gentlemen went on to talk about the importance of preserving our historic resources. Kathy and Rich White reported on their efforts for the upcoming County CalExpo Exhibit and to invite volunteers to help man the Exhibit.

District/Big Pine Cemetery District Appointments	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to make the following appointments to the Big Pine Cemetery District Board of Trustees: A) reappoint Dorothy Stewart to complete an unexpired four-year term ending June 15, 2017; B) Charles Hunnewell to complete unexpired four year term ending June 30, 2018; William Jasper to complete an unexpired four year term ending November 1, 2018; and Virginia MacLeod to complete a four year term ending May 31, 2019. Motion carried unanimously.
Emerg. Serv./Radio P.O.	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the purchase of Kenwood handheld radios and associated radio package (chargers, L-ion battery, belt clip and programming) from Nielsen's Equipment in an amount not to exceed \$30,000. Motion carried unanimously.
Auditor/Muni Serv. Payment	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to ratify and approve a payment to Muni Service, LLC, in the amount of \$11,577.22, for sales tax audits. Motion carried unanimously
HHS-Behavioral Hlth. Serv./MHSA Plan	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Mental Health Services Act (MHSA) Integrated Three Year Plan (FY 14/15 – 17/18) in order to access funds under the approved MHSA Agreement; and authorize the Mental Health Director to sign. Motion carried unanimously.
HHS-Children's Serv./Safe Measures Reporting	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and the National Council on Crime and Delinquency for the provision of Safe Measures® Internet Reporting Services, in an amount not to exceed \$12,000, contingent upon the Board's adoption of future budgets, for the period of July 1, 2015 through June 30, 2017; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./LSC Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the Contract between the County of Inyo and LSC Consulting for transportation planning services, increasing the Contract amount by \$10,855 to a total amount not to exceed \$89,160, to prepare two Active Transportation Program grant applications on behalf of the County and the City of Bishop, and extending the ending date from April 30, 2015 to April 30, 2016; and authorize the Chairperson to sign. Motion carried unanimously.
P.W./Federal Highway Matching Funds	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to authorize the Public Works Director to enter into an agreement with the Federal Highway Administrator to provide matching funds not to exceed \$10,000 for the completion of a scoping document to further analyze the South Lake Road California Federal Lands Access Program (CA FLAP) grant application. Motion carried unanimously.
Resol. #2015-29/ Animal Shelter Improvements	On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-29, was approved accepting the improvements for the Inyo County Animal Shelter Project and authorizing the recording of the Notice of Completion for the project: motion unanimously passed and adopted.
Resol. #2015-30/ Maintained Mileage	On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-30 certifying the maintained mileage was approved and further direct the Public Works Department to file the Resolution with the District 9 Office of CalTrans: motion unanimously passed and adopted.
P.W./Adventure Trails Signage	The Public Works Director, Clint Quilter, provided additional information and further justification to the request to purchase signage for the Adventure Trails System. Earl Wilson of Lone Pine, suggested that the language of the new ordinance concerning damage to private property by off-road vehicles be included in the new signage. Mr. Quilter, explained how including the language could be counter productive to keeping the vehicles on designated routes. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the purchase of signage in excess of \$10,000 and less than \$100,000, required to open combined-use routes as part of the Adventure Trails and authorize the Public Works Director to sign any documents related to this purchase. Motion carried unanimously.
HHS-Hlth. Serv./St. Emergency Preparedness Contract Amendment	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to Request Board ratify and approve Amendment No. A01 to the Agreement between the County of Inyo and the California Department of Public Health for the provision of local public health emergency preparedness, increasing the Hospital Preparedness Program funding in State Fiscal Year 14/15 by \$24,061 (from \$114,846 - \$138,907), for a total agreement amount of \$881,440; and authorize the Director of Health and Human Services to sign. Motion carried unanimously.

Planning/Forest
Revision Update

The Board received a presentation from Cathreen Richards, Senior Planner, about coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision. Ms. Richards reported and detailed on activities since the last report.

Water/Tecopa
Water Vending
System Grant

Dr. Bob Harrington, Water Director, provided additional information and further explanation regarding the request for the County to enter into a Grant Agreement with the State of California to provide a water vending system for the community of Tecopa. Dr. Harrington reviewed the grant and discussed various aspects of the grant conditions with the Board. He highlighted that one of the grant conditions is that the County will be responsible for providing the water and the operations and maintenance of the facilities in the future. The County Administrator explained that normally the grant requirements are for the responsibility to last for 20 years or more. Mr. Carunchio went on to explain that originally when the County became involved in this project it was the County's understanding that the Southern Inyo Fire Protection District would be the responsible party for both the construction and installation and the operations and maintenance. He said the County was going to be a pass through for the funding. He went on to say the State decided to not allow that and now requires that the County be the responsible entity. Mr. Carunchio cautioned the Board about the long-term commitment of this grant explaining that the County is trying to get out of the water system business and this contract obligates the County to a public water system. He suggested that the Board condition the approval of the Agreement on a subsequent agreement being approved with the Southern Inyo Fire Protection District or some other entity in the southeastern portion of the County for the continued operation and maintenance of the facilities. The Board, Dr. Harrington and the County Administrator continued to discuss the grant agreement and alternatives to the long-term operations and maintenance of the vending system. Mr. Earl Wilson of Lone Pine addressed the issue. The Board took no action to on the request to A) approve Grant Agreement No. 14-680-550 (C/A 702) between the County of Inyo and the State Water Resources Control Board for the provision of bottled water to the community of Tecopa; formation of a public water system (PWS); purchase and installation of a drinking water vending machine and associated infrastructure and connections; and one-year of operation and maintenance (O&M) for the period of April 30, 2014 through February 28, 2017; and authorize the Water Director to sign any documentation to accept and utilize the grant on behalf of the County; B) amend the Water Department Budget Unit 024102 by (a) increasing revenue in State Grants (*Revenue Code #4498*) by \$80,221; (b) increasing appropriations in Professional Services (*Object Code #5265*) by \$80,221 for FY 2014-15; (*4/5's vote required*); and C) direct staff to include any balances left from all grant funding for this project in the FY 2014-15 budget, in FY 2015-16 Water Department Budget Unit 024102, contingent upon the Board's adoption of a FY 2015-16 budget. The Board directed staff to work with area residents and organizations to develop an alternative solution for the long-term operation and maintenance of the water vending system in the area.

BofS/Minute
Approval

Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Meetings as follows: A) the Special Meeting of April 6, 2015; and B) the Regular Meeting of April 7, 2015. Motion carried unanimously.

BofS/B.P. School
Tree Removal
Encroachment
Permit

The County Administrator reviewed the request from Caltrans for the Board, pursuant to Streets and Highways Code Section 670(a)(4), to allow the Department to issue an encroachment permit to the Big Pine Unified School District to remove two trees within the State highway right of way to enhance safety and maintenance in front of the library and pre-school, Mr. Earl Wilson of Lone Pine suggested that the wood from the trees be donated to IMACA. Supervisor Griffiths explained that IMACA no longer has a program for donated wood and the County Administrator suggested we relay to Caltrans that the Board encourages reuse of the wood. Daris Moxley told the Board that she had recently had some trees removed from her property and the Bishop Reservation is picking up the wood, suggesting the Big Pine Reservation be contacted about their ability to use the wood. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to consent to the issuance of an encroachment permit by Caltrans to the Big Pine Unified School District to remove two trees within the State highway right of way to enhance safety and maintenance in front of the library and pre-school; direct staff to notify the School District and Caltrans of the Board's decision with regard to this request and to encourage Caltrans that the wood be reused and that they continue to follow protocol on these types of requests. Motion carried unanimously.

Closed Session

The Chairperson recessed open session at 11:20 a.m., to reconvene in closed session, with all Board Members present, to continue to discuss and take action as appropriate on previously noted closed session item.

Report on Closed Session

The Chairperson recessed closed session at 1:00 p.m. to reconvene in open session at 1:30 p.m., with all Board Members present, to receive a report on closed session. The Chairperson, Supervisor Kingsley, made opening remarks. He began by welcoming everybody to the meeting and offering an historical perspective on the situation by saying the following "I'm not sure that the signers of the Long Term Water Agreement (LTWA) had any idea that we would be facing a year where we only had 36% of normal water following three or four years of drought, as they made provisions in the LTWA for lack of water. We are clearly in a drought situation that no one here has ever faced before. The fact that we are having this workshop is evidence that the LTWA is clearly working and helping to protect our Valley. Without it I don't know if we'd be in the position to have this workshop. Although the current year Operations Plan doesn't address all of the uses, it addresses them, but maybe not in a way that everyone thinks is best. It does outline one important concept. There isn't enough water for everyone and everything that has been agreed to in the past. Everything is on the table including water exports to Los Angeles. Our job here today as a Board is to listen to the public, water users, local experts, tribes, MOU signers, ranchers, and government agencies and direct staff to address this exceptional water shortage." The Chairperson went on to say "I hope that as we gather information today, we keep a couple of things in mind. Our charge today is to make plans on how to best use the available water for in-valley uses, which include dust control, agricultural, wildlife, recreation, enhancement mitigation projects, and the LORP. These are all important and legitimate water uses. Our Board is aware that lessees received a letter last night from the City of Los Angeles addressing irrigation. Our Board has authorized action by our County Counsel and our Attorney Greg James in respect to the cutting off of the irrigation water on May 1st. I'm going to ask County Counsel now to report out of closed session."

County Counsel reported that with regard to Agenda Items No. 2 through 6, which relate to various employee unions, there was no reportable action other than instructions were given. With regard to Item 6A, also reported on the Agenda as anticipated litigation—decision whether to initiate litigation, by a vote of five to zero (Supervisors Totheroh, Griffiths, Pucci, Tillemans and Kingsley voting yes) the Board of Supervisors authorized the Chair to sign and send a letter to DWP and instructed County Counsel and Mr. James to initiate litigation should that be needed and appropriate. She went on to ask Mr. James to describe the basis of these actions.

Greg James, Special Legal Counsel said: "The Chair will be sending a letter to the City of Los Angeles today explaining the reasons why the County believes that the discontinuation of irrigation on May first is a violation of the Inyo County/Los Angeles Long Term Water Agreement. The letter requests Los Angeles to rescind its discontinuation of the irrigation in the Valley effective May 1 and requests that a Technical Group Meeting be convened as soon as possible to discuss the current situation and attempt to reach reasonable reductions in irrigation. That's required by the Water Agreement. The County is fully aware of the severity of the drought, but it believes that the Water Agreement must be complied with and the action taken last night is a violation of the Water Agreement."

Water/Talking Water Workshop

The Board convened in a workshop to receive information and solicit ideas and solutions concerning the severe shortfall in water available for uses in Owens Valley this year due to drought conditions. The Board, staff, representatives of LADWP, Great Basin Unified Air Pollution Control District, representatives of the MOU parties, members of the audience, representatives of various organizations, ranchers, and lessees, discussed the current water situation, the notification by LADWP yesterday to its lessees that they would be turning off irrigation on May 1, 2015, and the impact of that action on the local ranching and farming industries as well as the economy of the County. The discussions were at length and in detail. The Board continued the workshop to next Tuesday, in order to receive updates on what has happened to resolve turning the irrigation water off. The Chairperson recessed the workshop at 6:25 p.m., to reconvene in open session, with all Board Members present.

Water/Standing Comm. Direction

Dr. Harrington reviewed the draft Agenda for the upcoming Standing Committee Meeting in depth and at length. The Board and staff discussed adding items to the agenda to address the issue of LADWP turning off irrigation to lessees on May 1. Ms. Daris Moxley of Bishop requested that an item be added to the upcoming agenda to address LADWP not providing water to the Gilbert lease on Rawson Creek, to which staff responded that the item regarding the irrigation that was being added should cover that topic also. Mr. Skandar Reid encouraged the Board to archive events such as today's workshop. The Board asked Dr. Harrington to bring a revised Standing Committee Meeting agenda back for Board's consideration during next Tuesday's meeting.

Adjournment

The Chairperson adjourned the regular meeting at 7:00 p.m., to 8:30 a.m., Tuesday, May 5, 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*