

# MINUTES

# County of Inyo Board of Supervisors

**May 5, 2015**

The Board of Supervisors of the County of Inyo, State of California, met in regular session at the hour of 8:40 a.m., on Tuesday, May 5, 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      Chairperson announced the public comment period and there was no one wishing to address the Board.
- Closed Session      The Chairperson recessed open session at 8:40 p.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 – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(c))** – decision whether to initiate litigation (one case); No. 6. **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. 7. **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.
- Recess/  
Reconvene      The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session at 10:10 a.m., with all Board Members present.
- Pledge      The Assistant Clerk of the Board, Patricia Gunsolley, led the Pledge of Allegiance.
- Public Comment      The Chairperson announced the second public comment period. The Chairperson explained that several of the Board Members were wearing neon green ties in recognition that it's Mental Health Awareness Month.
- Planning/Mitigated  
Negative  
Declaration      Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the Addendum to the Mitigated Negative Declaration-Munro Valley Solar, LLC—General Plan Amendment No. 2013-01, Zone Reclassification No. 2013-01, Renewable Energy Development Agreement No. 2013-01, Tentative Parcel Map No. 404 and Tentative Parcel Map for APN 033-460-08, and direct the Planning Department to file an appropriate Notice of Determination. Motion carried unanimously.

Coroner/Jones Contract Amendment	The Chairperson noted that the correct not to exceed amount for the Contract between the County and Dr. Jones is \$53,200. Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 1 to the Contract between the County of Inyo and Milton R. Jones, M.D., increasing the amount by \$10,000, to a total amount not to exceed \$53,200, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Water/Ecosystem Sciences Contract	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Ecosystem Sciences, for the provision of Biological Resources Consulting Services in an amount not to exceed \$142,646 for the period of July 1, 2015 through June 30, 2016, contingent upon the Board's adoption of a FY 2015-16 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Auditor/Office Tech Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to find that, consistent with the adopted Authorized Position Review Policy: a) the availability of funding for Office Technician position comes from the General Fund, as certified by the Auditor-Controller and concurred with by the County Administrator; B) where internal candidates meet the qualifications for the position, the vacancy could be filled through an internal recruitment; however, an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of Office Technician II at Range 59 (\$3,323 - \$4,037), or Office Technician III at Range 63 (\$3,643-\$4,433) depending on qualifications. Motion carried unanimously.
HHS-Soc.Serv./ Case Worker Position Request	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to find that, consistent with the adopted Authorized Position Review Policy: a) the availability of funding for an Integrated Case Worker position exists in the Social Services budget, 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; however, an open recruitment would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Integrated Case Worker I at Range 60 (\$3,403 - \$4,133), or II at Range 64 (\$3,735 - \$4,539) depending on qualifications. Motion carried unanimously.
HHS-Soc. Serv./ HHS Position Request	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to find that, consistent with the adopted Authorized Position Review Policy: a) the availability of funding for a Heath and Human Specialist (HHS) position exists, 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; and C) approve the hiring of one HHS III at Range 57 (\$3,169 - \$3,850). Motion carried unanimously.
HHS-Misc./Office Tech Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to A) change the authorized strength by deleting one full-time Fiscal Supervisor position at Range 67 (\$4,008-\$4,865), and adding one full time Office Technician III at Range 63 (\$3,643-\$4,433); and B) find that consistent with the adopted Authorized Position Review Policy: (a) the availability of funding for the position of Office Technician exists in the Health, Tobacco, WIC, DDP, and SUD budgets, 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, however an open recruitment would be more appropriate to ensure qualified applicants apply; and (c) approve the hiring of one Office Technician III at Range 63 (\$3,643-\$4,433). Motion carried unanimously.
P.W.-CC/Center for Biological Diversity Settlement	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Stipulated Judgement for the settlement with the Center for Biological Diversity and PEER; and authorize County Counsel to sign all paperwork associated with the action. Motion carried unanimously.
CAO-Purchasing/ Annual Surplus Sale	Moved by Supervisor Griffiths and seconded by Supervisor Pucci to A) declare certain property surplus; B) authorize transfer thereof to other public entities and non-profit organizations ( <i>4/5's vote required</i> ); C) approve the public auction of County surplus equipment not claimed by those entities/organizations on May 21, 2015 and D) authorize the auction to take place at the Building and Maintenance yard located at 136 South Jackson Street, Independence. Motion carried unanimously. Motion carried unanimously.

Emerg. Serv./D.V. Roadeater Emerg. Continued	Moved by Supervisor Pucci and seconded by Supervisor Tillemans 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 Continued	Moved by Supervisor Griffiths and seconded by Supervisor Pucci 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 Continued	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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 Continued	Moved by Supervisor Totheroh and seconded by Supervisor Pucci 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 Pucci and seconded by Supervisor Totheroh to approve the minutes of the April 14, 2015 Special Meeting of the Board of Supervisors in Tecopa. Motion carried unanimously.
District/B.P. Fire Bldg. Permit Fee Waiver	Supervisor Tillemans supported the waiver of the building permit fee as requested by the Big Pine Fire Protection District. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to waive the building permit fee for the repairs and modifications to the original Big Pine Fire station, estimated to \$1,800. Motion carried unanimously.
Fish and Game/Fine Fund Expenditures	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to A) approve expenditures from the Fish and Game fine fund as follows: \$1,500 to the Eastern Sierra Wildlife Care for the care and feeding of injured and sick animals; \$1,500 to the Friends of the Mt. Whitney Fish Hatchery for the Trout in the Classroom Program; and \$1,500 to reimburse costs for the Handicapped Boat Ramp at Sonders Pond Project; and B) amend the FY 2014-2015 Fish and Game Budget Unit 024200 by increasing unanticipated revenue in Fines ( <i>Revenue Code #4213</i> ) by \$1,600 and increasing appropriations in General Operating ( <i>Object Code #5311</i> ) by \$1,600. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 11:00 a.m., to reconvene in open session at 11:10 a.m., with all Board Members present.
Water/Talking Water Workshop Continued	The Chairperson recessed open session at 11:10 a.m., to convene in a workshop, with all Board Members present to continue last week's "Talking Water" workshop to receive a report back from staff and others on identifying solutions to the sever shortfall in water available for uses in Owens Valley this year due to drought conditions. The Chairperson recessed the workshop at 12:35 p.m., to reconvene at 1:15 p.m., with all Board Members present to continue discussions regarding in Valley water supplies. The Chairperson recessed the workshop at 2:15 p.m., to reconvene in open session.
Water/Letters to CA DF&W and State Lands Comm. Re: Owens Lake Water Requirements	The County Administrator provided a copy of a draft letter to the State Land Commission and possibly the California Department of Fish and Wildlife (CDFW) regarding water requirements on the Owens Lake. He talked about the short-term and long-term solutions to water use on the Lake. Mr. Carunchio noted that without the 60,000 acre feet of water being proposed for the Lake this year in LADWP's Pumping Operations Plan, there would be sufficient water for the other in Valley uses. He suggested the Board table the letter to SLC and CDFW and authorize staff to develop and send a letter to LADWP asking them to give the County some specific things they are looking at and would like our support on for long-term solutions to saving water on the Owens Lake. He explained that once that information is received the Board could evaluate what is being requested. The Board and staff discussed the suggestion, with the Board supporting the recommendation, while expressing a desire to also correspond with State Lands Commission regarding this year's water requirements on the Owens Lake and the need for the State Lands Commission to follow the Governor's proclamation and the new State water regulations regarding water consumption reductions as a result of sever drought conditions.

The Board stressed that no choice is being requested between dust in the air or water in the Valley, because based on the information being provided and the agreements that have been reached regarding water use on the Owens Lake, it is clear that both things can be achieved. The Board directed staff to proceed per today's discussion to correspond with LADWP and the State Lands Commission.

- Water/Direction to Standing Committee Representatives Dr. Bob Harrington, Inyo County Water Director, reviewed the Agenda for the May 7, 2015 Inyo/LA Standing Committee Meeting to be held in Independence. He talked in detail regarding the staff's recommendations concerning the actions items on the Agenda for items 1, 2b and 2d, and 3c. Dr. Harrington, the County Administrator and the Board discussed in detail and at length action item 5 regarding reductions in water for LADWP owned lands in the Owens Valley. Dr. Harrington suggested that with regard to the item the Board approve no water supply to the McNally Ponds and to work with MOU parties regarding other areas, like Warren Lake and the LORP where other savings might be attained. The County Administrator suggested the Board adopt a position wherein the County will not consider the 65% reduction in irrigation proposed by DWP, but will, at the present time consider a 20% reduction in irrigation and depending upon verification of the data submitted by DWP concerning the maximum amount that can be supplied for irrigation, may consider up to a 35% reduction. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to direct County's delegates to the Inyo/LA Standing Committee to agree with staff's recommendations concerning action items per today's discussion. Motion carried unanimously.
- Public Comment The Chairperson announced the final public comment period. Mr. Charles James of Big Pine addressed the Board to talk about the proposed reductions in water supply for in Valley uses.
- Report on Closed Session County Counsel reported that closed session items 2 through 4 which were instructions to negotiators with various labor unions had been withdrawn; with regard to Item 5. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** (Pursuant to Government Code §54956.9(c) – decision whether to initiate litigation (one case), instruction were given to County Counsel; with regard to item 6. **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), instructions were given to Special Counsel Greg James and County Counsel; and with regard to item 7. **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, the matter was settled per the item approved by the Board in open session during today's meeting .****
- Adjournment The Chairperson adjourned the regular meeting at 3:35 p.m., to 8:30 a.m., Tuesday, May 12, 2015 in the Board of Supervisors Room, at the County Administrative Center, in Independence.

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Chairperson, Inyo County Board of Supervisor

Attest: *KEVIN D. CARUNCHIO*  
*Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*