

# MINUTES

# County of Inyo Board of Supervisors

**May 19, 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, May 19, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Jeff Griffiths, and Mark Tillemans. Supervisor Pucci was absent.

- 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 8:36 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- EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - Bishop Paiute Tribe v. Inyo County; WILLIAM LUTZE, Inyo County Sheriff; THOMAS HARDY, Inyo County District Attorney; United States District Court Eastern District of California Court Case No. 1:15-CV-00367-JLT; No. 6. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - PETER WAASDORP; KATHY WAASDORP, v. COUNTY OF INYO; SKYLENE KATHERINE MILOS; and DOES 1-50, inclusive, Inyo County Superior Court Case No. SICVCV13-54910; No. 7. **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 of California Case No. 1:13-CV-01548 AWIJLT; No. 8. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - CRYSTAL ALLEN, an individual v. COUNTY OF INYO, et al, a governmental entity; and DOES 1-50, Inyo County Superior Court Case No. SICVCV13-54820; No. 9. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)]** - PROMINENT SYSTEMS, INC., a California Corporation, v. EASTERN SIERRA ENGINEERING, P. C., a Nevada Corporation; COUNTY OF INYO, a political subdivision of the State of California, Superior Court of the State of California for the County of Los Angeles BC498144; No. 10. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (two cases); and No. 11. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (one case).
- Recess/  
Reconvene      The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session at 10:15 a.m., with all Board Members present, except Supervisor Pucci.

Pledge	Supervisor Tillemans led the Pledge of Allegiance.
Public Comment	The Chairperson announced the second public comment period and there was no one from the public wishing to address the Board.
BofS/EMS Providers of the Year Proclamations	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Proclamations honoring Steve Howe of the Independence Volunteer Fire Department; and Dean Chavez of the Lone Pine Fire Department and the Inyo County Search and Rescue Team, as Inyo County 2015 EMS Providers of the Year. Motion carried unanimously, with Supervisor Pucci absent. The Chairperson, Supervisor Kingsley presented the proclamations to Mr. Chavez and Mr. Howe.
Recess/Reconvene	The Chairperson recessed the regular meeting at 10:20 a.m., to reconvene in open session at 10:30 a.m., with all Board Members present, except Supervisor Pucci.
CAO/James Contract Amendment	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve Amendment #4 to the Contract between the County of Inyo and Gregory L. James, Water/Environmental Attorney-Natural Resources, extending the Contract for 12 months from July 1, 2015 to June 30, 2016; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously, with Supervisor Pucci absent.
HHS-ESAAA/Annual 2014-15 Area Plan Update	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the Annual 2014-2015 Area Plan Update for Services for Planning and Services Area 16 (Inyo and Mono Counties); and authorize the Chairperson to sign the required Transmittal Letter. Motion carried unanimously, with Supervisor Pucci absent.
Planning-Yucca Mt./Hydrologic Consulting Services Contract	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the Agreement between the County of Inyo and Andy Zdon and Associates for hydrologic consulting services with regard to impacts of the proposed Yucca Mountain Repository on groundwater, at the rate of \$160 per hour, with travel time at the rate of \$50 per hour (except travel time between Walnut Creek, CA and Bishop, CA which will not be reimbursed) for a total amount not to exceed \$60,000 for the period of June 1, 2015 through June 30, 2016, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Pucci absent.
Planning/L.P. Architectural Design Review Board	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to appoint the following to the Lone Pine Architectural Design Review Board to complete unexpired two year terms ending February 24, 2017: A) Linda Haun representing the Public Member category; and B) Kathi Hall representing the Lone Pine Chamber of Commerce Representative category. Motion carried unanimously, with Supervisor Pucci absent.
P.W./Preferred Septic Contract Amendment	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve Amendment No. 3 to the Contract between the County of Inyo and Preferred Septic and Disposal, Inc., for trash disposal services for County buildings and facilities, amending the scope of work to add the HHS Wellness building at 586 Central in Bishop and the HHS Community Mental Health building at 126 N. Washington in Lone Pine, and increasing the monthly amount of the Contract by \$53.32 to a total monthly amount of \$3,091.20 for a total contract amount not to exceed \$107,880.54 for the period of December 1, 2012 through November 30, 2015, 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, with Supervisor Pucci absent.
Sheriff/CBC Contract for Internet Service	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the Agreement between California Broadband Cooperative and the Sheriff's Office for delivery of Internet access service for a period of three years commencing on the date the service is installed at the rate of \$120 per month plus fees and taxes as applicable, contingent upon the Board's adoption of future budgets; and authorize the Sheriff to sign and transmit a copy of the signed document to the Clerk of the Board for the Board's files. Motion carried unanimously, with Supervisor Pucci absent.
Auditor/CalPERS Safety Plan Workshop	The Chairperson recessed open session at 10:30 a.m., to convene in a workshop to receive a presentation from the Auditor-Controller on the changes to the CalPERS Safety Plan and associated costs. The Chairperson recessed the workshop at 10:45 a.m., to reconvene in open session, with all Board Members present, except Supervisor Pucci.

CAO/Fiscal Year 2014-15 Report and Actions The County Administrator reviewed the FY 2014-15 Third Quarter Financial Report. He said there were no surprises in the report. He talked about revenue expectation for next year as well as briefly touching on fund balance. He also informed the Board that the Departments are doing a good job of managing their budgets and told the Board that information for next year's budget is already being compiled and evaluated. He and the Board briefly discussed the calendar for next year's budget adoption. Mr. Carunchio also stressed the need for departments to continue to control spending in order to protect fund balance. Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) accept the Fiscal Year 2014-2015 County Third Quarter Financial Report as presented; B) approve the specific budget action items and recommendations discussed in the report and represented in Attachments A & B, and authorize the Auditor-Controller to make the budget adjustments as listed in Attachments A & B (4/5's vote required); C) authorize the County Administrator (CAO) and Auditor-Controller to make year-end adjustments, as necessary within each fund (4/5's vote required); D) approve the Preliminary Fiscal Year 2015-2016 Budget Calendar with regard to the proposed dates for the Budget Hearings and adoption of the Final Budget; and E) direct the CAO and Auditor-Controller to prepare a modified rollover budget for the start of Fiscal Year 2015-2016 and present it for approval on June 16, 2015. Motion carried unanimously, with Supervisor Pucci absent.

CAO-Sheriff/Animal Shelter Budget Amendments The County Administrator provided further explanation regarding the requests to amend the Animal Shelter budget to cover the costs for cabinets, furniture, a pressure washer, and new chain length fencing, noting that a portion of the money for the fencing is coming from General Fund Contingencies.

Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to: A) amend the Fiscal Year 2014-2015 Animal Shelter Budget #010206 by increasing revenue in Operating Transfers In (*Object Code #4998*) by \$5,137 from the Animal Shelter Donation Trust #503901 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$5,137 to fund the purchase of cabinets for the new Inyo County Animal Shelter; B) amend the Fiscal Year 2014-2015 Animal Shelter Budget #010206 by increasing revenue in Operating Transfers In (*Object Code #4998*) by \$2,200 from the Animal Shelter Donation Trust #503901 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$2,200 to fund the purchase of furniture for the new Inyo County Animal Shelter; C) amend the Fiscal Year 2014-2015 Animal Shelter Budget #010206 by increasing revenue in Operating Transfers In (*Object Code #4998*) by \$2,000 from the Animal Shelter Donation Trust #503901 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$2,000 to fund the purchase of a pressure washer for the new Inyo County Animal Shelter; and D) amend the FY 2014-2015 Animal Shelter Budget #010206 by increasing revenue in Operating Transfers In (*Object Code #4998*) by \$28,585, \$5,664 from the Animal Shelter Donation Trust #503901 and \$22,921 from Contingencies Budget #087100 and increasing appropriations in Construction in Progress (*Object Code #5700*) by \$28,585 and authorize the Public Works Department to go out to bid and the County Administrator to sign any necessary documents and/or contracts in an amount not to exceed \$32,000 for the purchase and installation of fencing for the new Inyo County Animal Shelter, contingent upon signatures being obtained and approval of future budgets. Motion carried unanimously, with Supervisor Pucci absent.

Parks/Desert Springs Trout Farm P.O. The Assistant County Administrator, Rick Benson, provided additional information and further justification for the request to purchase fish for stocking in the County's campgrounds. He clarified that the staff would be working with California Fish and Wildlife to ensure that the fish are planted in approved locations. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to A) authorize planting fish at the locations as recommended by staff and B) approve the agreement between the Desert Springs Trout Farm and the County of Inyo for the purchase and planting of fish in an amount not to exceed \$16,000; and authorize the Assistant CAO to sign, contingent upon the appropriate signatures being obtained and transmit a copy of the signed Agreement to the Clerk of the Board for the Board files. Motion carried unanimously, with Supervisor Pucci absent.

Emergency Serv./D.V. Roadeater Emergency Continued Moved by Supervisor Tillemans and seconded by Supervisor Griffiths 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, with Supervisor Pucci absent

Emerg. Serv./Gully Washer Emergency Continued 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, with Supervisor Pucci absent.

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, as recommended by the County Administrator. Motion carried unanimously, with Supervisor Pucci absent.
Emerg. Serv./Land of Even Less Water Emergency Continued	Moved by Supervisor Totheroh and seconded by Supervisor Griffiths 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, with Supervisor Pucci absent.
BofS/Minute Approval	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the April 28, 2015 Board of Supervisors Meeting. Motion carried unanimously, with Supervisor Pucci absent.
County Department Report Period	The Chairperson announced the County Department Report period. Jean Turner, Director of Health and Human Services, reported on the California Welfare Directors Annual Meeting she attended in Sacramento last week. Dr. Bob Harrington, Water Director, reported on the Standing Committee Meeting.
Closed Session	The Chairperson recessed the regular meeting at 11:45 a.m., to reconvene in closed session at 12:45 p.m., with all Board Members present except Supervisor Pucci, to continue discussions and action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 1:45 p.m., to reconvene in open session, with all Board Members present, except Supervisor Pucci.
P.W./Workshop St. Water Conservation Regs. Workshop	The Chairperson immediately recessed open session to convene in a workshop, to receive an update of Water Conservation Regulations. The Chairperson recessed the workshop at 3:05 p.m., to reconvene in open session, with all Board Members present, except Supervisor Pucci.
Resol. 2015-32/ State Mandatory Drought Water Conservation	The Public Works Director, Clint Quilter, provided additional explanation and justification on the request to adopt the State's mandatory drought water conservation measures and to restrict watering of ornamental turf and landscape by customers of the Lone Pine, Independence, and Laws Town Water Systems to two days per week. Mr. Quilter said that he intends to conduct community meetings in Independence and Lone Pine to acquaint the residents of the new restrictions. The Board asked staff to develop an information sheet that includes the Regulations and what the County is doing to be shared with the various local water agencies. The County Administrator suggested and the Board concurred that the County should send out a flyer to each of the end users in the County to share the State's mandatory water restriction regulations. On a motion by Supervisor Totheroh and a second by Supervisor Tillemans, Resolution No 2015-32 was approved, amending Resolution 2014-41 titled "Resolution of the Board of Supervisors of the County of Inyo, State of California, Adopting Mandatory Drought Water Conservation Measures" to include recently adopted State Mandated End-User Restrictions and to restrict watering of ornamental turf and landscape by customers of the Lone Pine, Independence, and Laws Town Water Systems to two days per week: motion unanimously passed and adopted, with Supervisor Pucci absent.
Closed Session	The Chairperson recessed open session at 3:05 p.m., to reconvene in closed session with all Board Members present except Supervisors Pucci and Griffiths, to continue discussion and action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 3:15 p.m., to reconvene in open session, with all Board Members present except Supervisor Pucci and Griffiths.
Report on Closed Session	County Counsel reported that with regard to Items No. 2, 3, and 4, instructions to negotiations regarding various employee labor unions, instructions were given to the negotiators; with regard to Items 5, 6, and 7, conference with legal counsel on cases previously identified, instructions were given to County Counsel and Legal Counsel John Kirby; Items 8 and 9, as identified previously were withdrawn; with regard to Item 10, <b>CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]</b> - decision whether to initiate litigation (two cases), instructions were given to Legal Counsel Greg James and County Counsel; and with regard to Item No. 11, <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)</b> – significant exposure to potential litigation (one case), instructions were given to legal counsel.

- 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 3:20 p.m., to 8:30 a.m., Tuesday, June 2, 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*