

MINUTES

County of Inyo Board of Supervisors

June 16, 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, June 16, 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 8:38 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 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. 5. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (one cases); No. 6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (one case); No. 7. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions.
- Recess/
Reconvene The Chairperson recessed closed session at 9:50 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
- Pledge Ms. Cathreen Richards, Senior Planner, led the Pledge of Allegiance.
- Report on Closed
Session County Counsel reported on closed session as follows: Agenda Items 2, 3 and 4, which are instructions to negotiators with various labor unions, instructions were given to staff and negotiators; Agenda Item 5. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (one cases), instructions were given to staff and County Counsel; item No. 6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (one case), instructions were given to staff and counsel; and Item No. 7. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code §54956.8)** – Property – APN010-490-08, Bishop, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, and Public Works Director, Clint Quilter, and Joseph Enterprises - Negotiating Parties, Steve Joseph, Scott Piercey, Wayne Lamb and Jeff Shepard – Negotiations – Terms and Conditions, instructions were given to staff.

Public Comment	The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
BofS/McAteer Proclamation	The County Administrator provided additional information regarding the request to approve a proclamation recognizing the support of the Superintendent of Schools and the Inyo County Board of Education for the Inyo County Library. Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the Proclamation recognizing Superintendent of Schools, Dr. Terence K. McAteer and the Inyo County Board of Education for their support of the Inyo County Free Library. Motion carried unanimously. The Chairperson presented the Proclamation to Dr. McAteer and the Board of Education.
Introduction	Mike Reynolds, Death Valley National Park Superintendent, was introduced to the Board.
District-Mt. Whitney Cemetery District Appointments	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to appoint Ms. Irene Kritz to the Mt. Whitney Cemetery District Board of Trustees to complete an unexpired four year term ending May 1, 2019. Motion carried unanimously.
Library/Holiday Closures	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to authorize that library branches close on Saturday, July 4, 2015 because of the Independence Day Holiday. Motion carried unanimously.
Auditor/Gallina Auditing Services Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to A) declare Gallina LLP CPAs as a sole-source provider of auditing services; and B) approve the Contract between the County of Inyo and Gallina LLP CPAs for the provision of audit services for the County for the fiscal years ending June 30, 2015, 2016, and 2017 (Contract term from July 1, 2015 through June 30, 2018) in an amount not to exceed \$222,000, 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.
Auditor/MGT of America Cost Plan Allocation Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to A) declare MGT of America, Inc., a sole-source provider of cost plan allocation services; and B) approve the Contract between County of Inyo and MGT of America, Inc., for the preparation of the FY 2014-2015, FY 2015-2016, and FY 2016-17 Cost Plan Allocation, in an amount not to exceed \$21,000, 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.
County Counsel/GBUAPCD Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the Agreement between the County of Inyo and Great Basin Unified Air Pollution Control District for the County Counsel's Office to provide certain legal services to the District during the period of July 1, 2015 through June 30, 2016, for the sum of \$12,500, contingent upon the Board's adoption of the FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Misc./HIPAA Privacy Officer Designation	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to appoint Keri Oney, Health and Human Services Management Analyst, as Privacy Officer for Inyo County for purposes of the federal Health Insurance Portability and Accountability Act (HIPAA), and authorize the Privacy Officer to modify and/or develop required processes and procedures necessary to comply with the HIPAA requirements. Motion carried unanimously.
HHS-Soc.Serv./CWDA Dues	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve paying County Welfare Directors Association of California (CWDA) dues for Fiscal Year 2015-2016 in an amount not to exceed \$16,167, contingent upon the Board's adoption of the FY 2015-16 Budget. Motion carried unanimously.
Planning/LAFCO Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to ratify and approve the Amendment to the Contract between the County of Inyo and the Inyo County Local Agency Formation Commission to provide services, increasing the amount of the Contract from \$13,531 to \$24,531; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.

Planning/LAFCO Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the Contract between the County of Inyo and the Inyo County Local Agency Formation Commission to provide staff services in an amount not to exceed \$14,364 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.
Probation/Juvenile Institutes Medical Services Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to A) declare Dr. Andersen as a sole-source provider of professional services; and B) approve the Contract between the County of Inyo and Dr. Keith Andersen to provide professional services to the Inyo County Probation Department – Juvenile Institutions, for the period July 1, 2015 through June 30, 2016, in an amount not to exceed \$48,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Water/Ecological Society of America Contract	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Amendment No. 1 to the Contract between the County of Inyo and the Ecological Society of America, extending the term of the Contract for an additional twelve months to June 30, 2016, and modify the schedule of fees for the provision of Professional Services, contingent upon the Board's adoption of the FY 2015-16 Budget; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Water/Carpenter Contract Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Amendment No. 1 to the Contract between the County of Inyo and Susan Carpenter, extending the term of the Contract for an additional twelve months to June 30, 2016 for the provision of Facilitator Services, contingent upon the Board adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
Auditor/FY 2014 Financial Statement	The Auditor-Controller, Amy Shepherd gave the Board a copy of the FY 2014 County Financial Statement and reviewed the statements with the Board.
Auditor/Budget Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) amend the FY 2014-15 General Revenue & Expenditure, Budget Unit 011900 by increasing estimated revenue in Miscellaneous Revenue (<i>Revenue Code #4959</i>) by \$56,097 and increasing appropriations in Operating Transfers Out (<i>Object Code #5801</i>) by \$56,097; and the FY 2014-15 CAO-ACO Budget Unit 010201 by increasing estimated revenue in Operating Transfers In (<i>Revenue Code #4998</i>) by \$56,097; (<i>4/5's vote required</i>). Motion carried unanimously.
HHS-ESAAA/Human Services Supervisor 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 a Human Services Supervisor position exists, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; B) whereas internal candidates meet the qualifications for the position, the vacancy may be filled through an internal recruitment; and C) approve the hiring of one Human Services Supervisor at Range 70 (\$4,305 - \$5,236). Motion carried unanimously.
HHS-Soc.Serv./ Admin Secretary Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to A) change the authorized strength by deleting one full time Administrative Secretary I-III career ladder at Ranges 56 – 64 (\$3,101 - \$4,539) and adding one full time Office Clerk I-III career ladder at Ranges 48 – 52 (\$2,581 – \$3,431); and B) find that, consistent with the adopted Authorized Position Review Policy: a) the availability of funding for an Office Technician III position and an Office Clerk II position exists, as certified by the Health and Human Services Director and concurred with by the County Administrator and Auditor-Controller; b) where internal candidates meet the qualifications for the positions, the vacancies could possibly be filled through an internal recruitment; and C) approve the hiring of one Office Technician III, at Range 63 (\$3,643 - \$4,433) and one Office Clerk II, at Range 50 (\$2,695 - \$3,277). Motion carried unanimously.
P.W.-Airport/Budget Amendment	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to amend the FY 2014-15 Bishop Airport Budget Unit 150100 by increasing estimated revenue in Non Tax-Jet Fuel Military (<i>Revenue Code #4937</i>) by \$54,000 and increasing appropriations in Fuel, Oil & Water for Resale (<i>Object Code #5361</i>) by \$54,000. Motion carried unanimously.

- P.W./South Bishop Improvement Project The Public Works Director provided additional information and further justification for the request to approve the Contract for the South Bishop Improvement Project. Mr. Quilter explained that he will be making a request of LAFCO for funds to cover the increase in the cost of this project. Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to A) award the bid and the Contract for the South Bishop Improvement Project to Griffith Company in the amount of \$1,677,222; 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./Wadell Engineering Contract Amendments 5 & 6 Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the following to the Contract between the County of Inyo and Wadell Engineering Corporation for airport engineering and planning services: A) Amendment No. 5 increasing the amount of the Contract by \$202,970 for design services at the Bishop Airport for Airfield Pavement Crack Repairs, Pavement Sealing and Paint Marking and Terminal Area Security Fencing to a total amount not to exceed \$1,336,595; B) Amendment No. 6 increasing the amount of the Contract by \$60,985 for design services at the Independence Airport for the Runway 14-32 Crack Repairs, Pavement Sealing and Paint Marking Project, to a total amount not to exceed \$1,397,580; and C) authorize the Chairperson to sign the amendments contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Wadell Engineering Contract Amendment 7 Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve Amendment No. 7 to the Contract between the County of Inyo and Wadell Engineering Corporation for airport engineering and planning services, increasing the Contract by \$35,790 for the Bishop Airport— Passenger Traffic Study Phase I, to a total amount not to exceed \$1,433,370; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Resol. #2015-33/
Accepting Offer of
Dedication Tract Map
239 Mr. Walters, landowner, thanked the Board and staff for their work in getting this item concluded.
- Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve Tract Map No. 239 Phase Three. Motion carried unanimously.
- Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to accept the offer of a right-of-way dedication along Mt. Langley Lane and Valley View Drive. Motion carried unanimously.
- Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to accept the offer of dedication for the slope easement on said map. Motion carried unanimously.
- Moved by Supervisor Griffiths and seconded by Supervisor Pucci to accept the road-way improvements within Mt. Langley Lane and Valley View Drive. Motion carried unanimously.
- On a motion by Supervisor Griffiths and a second by Supervisor Pucci, Resolution No. 2015-33 was approved rescinding the previous rejection and accepting the offer of dedication for road and utility purposes per Tract Mat 239 Phase One: motion unanimously passed and adopted.
- Treasurer/Salary Increase Ms. Alisha McMurtrie, Treasurer-Tax Collector, provided additional information and further justification for the request for a salary increase. The Board and Ms. McMurtrie discussed the increase proposed by Ms. McMurtrie, with the Board Members expressing concern with the timing of the request and the amount of the request. The Board took no action on the request by Ms. McMurtrie for the Board to consider the request for a salary increase for the position of Treasurer-Tax Collector from \$7,807 to \$8,934 per month.
- Water/Seasonal Field Assistants Position Requests Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to find that, consistent with the adopted Authorized Position Review Policy: A) the availability of funding for the seasonal field assistant positions exist, as certified by the Water Director, and concurred with by the County Administrator and Auditor-Controller; B) where due to the seasonal nature of the positions it is unlikely that the positions could be filled by internal candidates meeting the qualifications for the positions, therefore an open recruitment would be appropriate to ensure qualified applicants apply; and C) approve the hiring of eight seasonal Field Assistant I's at Range 050PT (\$14.46 - \$17.56 per hour) for the period of October 1, 2015 through March 30, 2016, contingent upon the Board's adoption of a FY 2015-16 Budget. Motion carried unanimously.

Planning-County Counsel/James Contract	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and Gregory L. James, Attorney at Law for the provision of legal services for Yucca Mountain Repository Licensing Proceedings before the Nuclear Regulatory Commission and related Court actions for the period of July 1, 2015 through June 30, 2016, at the base rate of \$185 per hour, with travel time paid at \$50 per hour, for a total Contract amount not to exceed \$25,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Water-County Counsel/James Contract	Moved by Supervisor Pucci and seconded by Supervisor Totheroh to approve the Contract between the County of Inyo and Gregory L. James, Attorney at Law for the provision of Water Attorney services for the period of July 1, 2015 through June 30, 2016, at the rate of \$155 per hour, with travel time paid at \$50 per hour, for a total Contract amount not to exceed \$60,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
County Counsel/James Contract	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to approve the Contract between the County of Inyo and Gregory L. James, Attorney at Law for the provision of Environmental Attorney services for the period of July 1, 2015 through June 30, 2016, at the rate of \$155 per hour, with travel time paid at \$50 per hour, for a total Contract amount not to exceed \$60,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
County Counsel/Liner Engagement Letter 3	Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to A) ratify and approve the Engagement Letter Number 3 between the County of Inyo and Liner, LLP for the provision of legal services for the Consolidated Office Building Build-to-Suit Lease on an hourly basis during Phase 2 in the amount of \$7,500 above the flat fee of \$15,000 and for Phase 3 at an hourly rate of \$333 to a maximum of \$5,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
Department Reports	Dr. Harrington, Water Director, updated the Board on water issues and the Standing Committee Meeting. He also advised the Board of a State Lands Commission meeting at the end of the month. Jean Turner, Director of Health and Human Services, updated the Board on the CMSP Program.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:10 p.m., to reconvene in open session at 1:15 p.m., with all Board Members present.
Public Defender/Corpora Contract	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Agreement between the County of Inyo and Elizabeth Corpora, Attorney at Law, a Professional Corporation, for the provision of professional services as a Public Defender (dependency cases, delinquency cases, child support cases, patient rights advocate cases, mental health and conservatorship cases) for the period of July 1, 2015 through June 30, 2017 in an amount not to exceed \$227,000, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
Museum/Carson Colorado Railway MOU	The request for approval of the MOU with the Carson and Colorado Railway, allowing for the construction of a building to house Engine #18 on the grounds of the Eastern California Museum was pulled from consideration at the request of the Assistant County Administrator.
CAO-Personnel/Atkinson, Andelson, Loya, Ruud and Roma Contract	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the Contract between the County of Inyo and Atkinson, Andelson, Loya, Ruud and Romo for the provision of legal services – general labor and employment advise and representation, for the period of July 1, 2015 through June 30, 2016 in an amount not to exceed \$150,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.
CAO-Risk/Kirby Contract	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and John D. Kirby, A.P.C. for the provision of Civil Litigation Attorney Services for the period July 1, 2015 through December 31, 2015 with one six month option to extend for the period of January 1, 2016 through June 30, 2016, at the rate of \$220 per hour in a total amount not to exceed \$150,000, contingent upon the Board's adoption of a FY 2015-16 Budget; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Budget/ FY2015-16 Preliminary Budget	Moved by Supervisor Totheroh and seconded by Supervisor Pucci to adopt the modified Fiscal Year 2014-15 Board Approved Budget as the Preliminary Budget for Fiscal Year 2015-2016 and approve the Fixed Assets as recommended by staff. Motion carried unanimously.
Emerg. Serv./D.V. Roadeater Emergency Continued	Moved by Supervisor Griffiths 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 Pucci and seconded by Supervisor Griffiths 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	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.
BofS/Minute Approval	Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the minutes of the Board of Supervisors meetings as follows: A) Regular Meeting of June 2, 2015 and B) Special Meeting of June 3, 2015. Motion carried unanimously.
BofS/USF&W Update	The Board received an update from Ted Koch and members of his staff from the U.S. Fish and Wildlife (USF&W) on the pending Endangered Species Act listing decisions and other USF&W issues relating to Inyo County and the Eastern Sierra. The Board and Mr. Koch talked about the concerns Inyo County has regarding future listings and the impacts those listings have on the County's recreational tourist industry and the economy, as well as our agricultural industries. They discussed the impact of the amphibian listing, as well as the sage grouse.
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 2:50 p.m. to 8:30 a.m., Tuesday, July 7, 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