

MINUTES

County of Inyo Board of Supervisors

July 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, June 28, 2015, in the Board of Supervisors Room, County Administrative Center, Independence, with the following Supervisors present: Chairperson Matt Kingsley, presiding, Dan Totheroh, Rick Pucci, and Mark Tillemans. Supervisor Griffiths 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 8:40 a.m., to convene in closed session, with all Board Members present, except Supervisor Griffiths, to discuss and take action as appropriate on Agenda Items No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].** *Patrick McLernon v. County of Inyo, William Kanayan as an individual, and dba William Kanayan Construction, and Does 1 to 25, inclusive;* Inyo County Superior Court Case No. SICVCV 1558147; No. 3. **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. 4. **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. 5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)].-** *Sprint Telephony PCS, LP et.al., v. State Board of Equalization et al., San Francisco Superior Court Case No. CGC-11-511398;* and No. 6. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(4) – decision whether to initiate litigation (two cases).****
- Recess/
Reconvene The Chairperson recessed closed session at 10:10 a.m., to reconvene in open session at 10:20 a.m., with all Board Members present, except Supervisor Griffiths.
- Pledge The Assistant Clerk of the Board, Pat Gunsolley, led the Pledge of Allegiance.
- Report on Closed
Session County Counsel reported that with regard to item No. 2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)] -** Patrick McLernon v. County of Inyo, William Kanayan as an individual, and dba William Kanayan Construction, and Does 1 to 25, inclusive; *Inyo County Superior Court Case No. SICVCV 1558147,* the Board in a unanimous vote, with Supervisors Totheroh, Pucci, Tillemans and Kingsley voting yes, and with Supervisor Griffiths absent, retained the services of John Kirby and Carl Fessenden to assist County Council's Office in managing this litigation; re No. 3. no reportable action; No. 4. the item was discussed; re No. 5. the matter has been dismissed; and No. 6. instructions were given to Council and staff.
- Public Comment The Chairperson announced the second public comment period. Earl Wilson of Lone Pine advised the Board that he has learned that Verizon is being purchased and expressed his concern for the types of service that will be lost locally as a result of the sale.
- CAO-Info Serv./
Board Room Audio
Visual Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to authorize the issuance of RFP-ISI501 Audio Visual Design and Build for Board of Supervisors Chambers. Motion carried unanimously, with Supervisor Griffiths absent.
- Resol. 2015-37/
Septic Pump-out
Fees On a motion by Supervisor Tillemans and a second by Supervisor Totheroh, Resolution No. 2015-37 was approved, revising septic pump-out fees in the Campgrounds of Inyo County: motion unanimously passed and adopted with Supervisor Griffiths absent.

CAO-Adv. Co. Resc./LP Chamber- Bishop Chamber- Laws Museum- Friends of Mt. Whitney Hatchery Grant Payments	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the final payments to the following for 2014-15 Community Project Sponsorship Grant Projects: A) to the Lone Pine Chamber of Commerce, \$4,000 for the Summer Sierra Concert, \$4,250 for the Images of Inyo Photo Shoot Out Contest; B) \$3,750 to the Bishop Area Chamber of Commerce and Visitors Center for hosting the 2015 California High School State Rodeo Championship; C) \$888.94 to the Bishop Museum and Historical Society – Laws Museum; and D) \$3,000 to the Friends of the Mt. Whitney Fish Hatchery for the 2015 Independence Father’s Day Fishing Derby. Motion carried unanimously, with Supervisor Griffiths absent.
CAO-Sheriff/Pecsi Contract	The request to approve a contract with Joe Peci for the preparation of the Emergency Operations Plan was pulled from consideration.
Clerk-Recorder/ DFM Annual Payment	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve a \$13,738.50 payment to DFM Associates for the Annual DFM Associates Software License Maintenance and Support Fee, contingent upon the Board’s adoption of a FY 2015-16 Budget. Motion carried unanimously, with Supervisor Griffiths absent.
Resol. 2015-38/ Prevent Commercial Exploitation of Children	On a motion by Supervisor Tillemans and a second by Supervisor Totheroh, Resolution No. 2015-38 was approved to affirm the commitment of Inyo County to prevent commercial exploitation of children and to work collaboratively with County partners to identify, protect and serve these children: motion unanimously passed and adopted, with Supervisor Griffiths absent.
P.W./Temp. Road Closure South Bishop Project	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to authorize Griffiths Construction and their subcontractor, Pavement Recycling Systems to temporarily close Sunland Drive between U.S. Highway 395 and Gerkin Road to reconstruct the road’s base section and to pave the road as a part of the South Bishop Improvement Project. Motion carried unanimously, with Supervisor Griffiths absent.
P.W./State Controller Contract Road Report	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve a sole source Contract with the Controller of the State of California for the preparation of the annual Road Report for the fiscal year ending June 30, 2015, in an amount not to exceed \$4,000, contingent upon the Board adoption of a FY 2015-16 Budget; and designate and authorize the Road Commissioner to sign the Contract and transmit a signed copy to the Clerk of the Board for the Board’s files. Motion carried unanimously, with Supervisor Griffiths absent.
P.W./Temp Road Closure for Sidewalk Improvement Project	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve temporary Road closures at the entrances to Barlow Lane, See Vee Lane, and Tu Su Lane adjacent to Highway 168, during a State of California sidewalk improvement project for one week at each location with the closures to occur one location at a time. Motion carried unanimously, with Supervisor Griffiths absent.
P.W./FAA Grant Agreement L.P. Airport Lighting Rehab Project	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the Grant Agreement between the County of Inyo and the Federal Aviation Administration (FAA) for the grant offer for Airport Improvement Program Grant No. 3-06-0126-011-2015 for the Lone Pine Airport – Rehabilitation of Airfield Lighting Project (design only) in the amount of \$150,000, contingent upon the Board adoption of future budgets; and authorize the Public Works Director to sign, contingent upon the appropriate signatures being obtained, and transmit a signed copy to the Clerk of the Board for the Board’s files. Motion carried unanimously, with Supervisor Griffiths absent.
Clerk-Recorder/Took- kit for Election W.S.	The Chairperson recessed open session at 10:25 a.m., to convene in a workshop with all Board Members present, except Supervisor Griffiths to receive information on the Knight News Challenge Toolkit for Election Officials. The Chairperson recessed the Workshop 10:45 a.m., to reconvene in open session with all Board Members present, except Supervisor Griffiths.
Water/Grant App and Cal Trout Funding	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to A) authorize the submittal of a grant application seeking \$286,050 in funds under the State of California Department of Water Resources, Proposition 84 Round Three Implementation Funding; and B) approve a payment to California Trout in an amount not to exceed \$2,860 for IM IRWMP Program Office. Motion carried unanimously, with Supervisor Griffiths absent.

Planning/Owens Lake Master Project EIR Comments	The Planning Director, Josh Hart, provided additional information and further explanation regarding the NOP for the Owens Lake Master Project and the proposed correspondence. The Board and staff reviewed and discussed the Notice of Preparation of Environmental Impact Report for the Owens Lake Master Project. Earl Wilson of Lone Pine urged the Board to support continued oversight of the Owens Lake. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve and authorize the Chairperson to sign correspondence in regards thereto. Motion carried unanimously, with Supervisor Griffiths absent.
Planning/Addendum to Mitigated Neg Dec for Munro Valley Solar Project	Elaine Kabala, Associate Planner, provided additional information and reviewed the substitute biological mitigation measures being proposed for the Munro Valley Solar Project. Earl Wilson of Lone Pine, noted that the paperwork did not require the lawyer's signature to be notarized. Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve Addendum No. 2 to the Mitigated Negative Declaration for the Munro Valley Solar Project and direct the Planning Department to file an appropriate Notice of Determination; approve a modified Mitigation Monitoring Program which includes substitute biological mitigation measures; and approve modification to Renewable Energy Permit 2013-01, which incorporates substitute biological mitigation measures. Motion carried unanimously, with Supervisor Griffiths absent.
Museum/Trailer Lease to Friends	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to A) declare as surplus County owned property, the double-wide trailer on the grounds of the Eastern California Museum (Registration No. CAL 312722 and CAL 312723); B) sell the surplus trailer to the Friends of the Eastern California Museum for a consideration of one dollar; C) approve the Agreement between the County of Inyo and the Friends of the Eastern California Museum (Friends) that stipulates that the Friends will repair and maintain the trailer, and in return the County will lease the current trailer space to the Friends at no cost to the Friends for a period of not less than 10 years; and authorize the Chairperson to sign. Motion carried unanimously, with Supervisor Griffiths absent.
Resol. 2015-39/B.P. Cemetery District Fee Waiver	Supervisor Tillemans explained that because of the drought and disease several trees at the Big Pine Cemetery are being required to be removed. He said the trees are posing a danger to public health and safety, and asked that the Board support a waiver of the disposal fees for the District at the Landfill in Bishop. The County Administrator asked that the Board consider changing the resolution by omitting the reference to the beginning date of July 28, 2015. On a motion by Supervisor Tillemans and a second by Supervisor Totheroh, Resolution No. 2015-39 is approved, as amended, to waive the disposal fees for the Big Pine Cemetery District for a 30 day period, for the disposal of green waste: motion unanimously passed and adopted, with Supervisor Griffiths absent.
Org./Inyo Council for Arts Millpond Closure	Moved by Supervisor Totheroh and seconded by Supervisor Pucci to authorize the closure of the Millpond Recreation Area to the public from Friday, September 18, 2015 at 6:00 a.m., through Sunday, September 20, 2015 at midnight, so that the Arts Council can hold the 24 th Annual Millpond Music Festival. Motion carried unanimously, with Supervisor Griffiths absent.
District/So. Inyo Fire Protection District Consolidated Election	Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to A) consolidate the District's Special Election for a ballot measure imposing and levying a supplemental special emergency response services tax, with the Uniform District Election Law (UDL) Election to be held on November 3, 2015; and B) request the Auditor-Controller to prepare a fiscal impact statement for the District's ballot measure. Motion carried unanimously, with Supervisor Griffiths absent. Earl Wilson of Lone Pine asked if there was a cost of living increase included in this measure.
County Department Reports	The Planning Director advised the Board on upcoming meetings scheduled in Lone Pine and Bishop regarding the Owens Valley Solar Energy Study.
Recess/Reconvene	The Chairperson recessed the regular meeting at 11:25 a.m., to reconvene in open session at 11:35 a.m., with all Board Members present, except Supervisor Griffiths.
Ordinance 1195 Tax Exempting Low Value Vessels	On a motion by Supervisor Pucci and a second by Supervisor Totheroh, Ordinance 1195 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Exempting Low Value Personal Property from Property Taxation" which eliminates the assessment of vessels valued at \$1,300 or less, was enacted: unanimously passed and adopted, with Supervisor Griffiths absent.

Ag Comm./ Resol. #2015-40 Mosquito Control and Disease Prevention Assessments

The Chairperson opened the public hearing at 11:40 a.m. on the proposed continuation of the assessments for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment." The Ag Commissioner reviewed the proposed assessments and there was no one from the public wishing to provide comment on the proposed continuation of the assessments, the proposed assessment budget for Fiscal Year 2015/2016, the services and programs, the assessments fund, and any other issues related to the assessments, and the Chairperson closed the public hearing at 11:45 a.m.

and B) approve a resolution approving the Engineer's Report, confirming the diagram and assessments for FY 2015-2016 for the "Owens Valley Mosquito Abatement Program Assessment" and the "Mosquito Control and Disease Prevention Assessment," and order the services and levy the assessments for FY 2015-2016 for both programs.

Adjournment

The Chairperson adjourned the regular meeting at 11:50 a.m., to 8:30 a.m., Tuesday, August 4, 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