

MINUTES

County of Inyo Board of Supervisors

October 6, 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 October 6, 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 8:36 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 LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(d)(1)]**. Native American Heritage Commission, 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. 3. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code § 54956.9(d)(4)]** - decision whether to initiate litigation (three cases); No. 4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [Pursuant to Government Code § 54956.9(d)(2)]**. – Significant Exposure to Potential Litigation (one case); No. 5. **PERSONNEL [Pursuant to Government Code § 54957]**. Public Employee Appointment – Title – County Counsel; No. 6. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Peace Officers Association (ICPPOA) – Negotiators - County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, and Information Services Director, Brandon Shults; No. 7. **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. 8. **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. 9. **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; and No. 10. **REAL PROPERTY NEGOTIATIONS - CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Government Code § 54956.8)** – Property – APN0022-133-02, 550 South Clay Street, Independence, California – Negotiating Parties – County Administrator, Kevin Carunchio, Assistant County Administrator, Rick Benson, County Counsel, Marge Kemp-Williams, and Judicial Council of California - Negotiating Parties, Eunice Calvert Banks and Charles Martel – Negotiations – Terms and Conditions.
- Recess/
Reconvene The Chairperson recessed closed session at 10:00 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.
- Pledge The Chairperson, Supervisor Matt Kingsley, led the Pledge of Allegiance.
- Public Comment The Chairperson announced the public comment period. Ms. Kammi Foote, representing the Bishop Sunrise Rotary provided information concerning the organizations leadership training.

- Ag. Comm./Adapco P. O. The Assistant Clerk requested that the effective date of September 8, 2015 be removed from the recommendation. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to declare Adapco, Inc., a sole-source provider of VectoBac mosquito larvicide for FY 2015-16; and approve the purchase of VectoBac for the Owens Valley Mosquito Abatement Program for FY 2015-16 through a blanket purchase order, in an amount not to exceed \$18,000. Motion carried unanimously.
- Ag. Comm./Univar Aquabac Primary Powder P. O. The Assistant Clerk requested that the effective date of September 8, 2015 be removed from the recommendation. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to declare Univar USA a sole-source provider of Aquabac Primary Powder OSF mosquito larvicide for FY 2015-16; and approve the purchase of Aquabac Primary Powder OSF for the Owens Valley Mosquito Abatement Program for FY 2015-16 through a blanket purchase order from Univar USA, in an amount not to exceed \$18,000. Motion carried unanimously.
- Ag Comm./Univar Altosid Larvicide P. O. The Assistant Clerk requested that the effective date of September 8, 2015 be removed from the recommendation. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to declare Univar USA, a sole-source provider of Altosid mosquito larvicide for the Owens Valley Mosquito Abatement Program for FY 2015-16; and approve the purchase of Altosid mosquito larvicide through a blanket purchase order from Univar USA, in amount not to exceed \$18,000. Motion carried unanimously.
- Fish and Wildlife/ Prior Year Expense Payment Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to authorize payment of prior year expenses of \$1,200 for Secretarial Services for the Fish and Wildlife Advisory Commission. Motion carried unanimously.
- CAO-Purchasing/ 2015-2016 Print Bid Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to award Bid No. 2015-07, Printing for FY 2015-2016 to the Hanigan Company, Inc. and authorize the purchase orders be approved for various County Departments to order printing from this bid for FY 2015-2016. Motion carried unanimously.
- Clerk-Elections/ Appointment In Lieu of Election Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to issue an order declaring appointed-in-lieu of election those candidates submitted for the special districts for the November 14, 2015 Uniform District Election as per the Clerk's Certificates. Motion carried unanimously.
- HHS-ESAAA/ Compliance Certifications Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to 1) verify the County's compliance with state and federal requirements and authorize the Chairperson sign the Certification (CCC-307 form on behalf of the Eastern Sierra Area Agency on Aging; and 2) authorize the Chairperson to sign the Payee Data Record (STD. 204). Motion carried unanimously.
- VSO/Governor Appreciation Letter Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve a letter of appreciation to Governor Edmund G. Brown, and authorize the Chairperson to sign. Motion carried unanimously.
- Closed Session The Chairperson recessed open session at 10:15 a.m., to reconvene in closed session, with all Board Members present, to discuss and take action as appropriate on previously identified closed session items. The Chairperson recessed closed session at 11:00 a.m., to reconvene in open session at 11:05 a.m., with all Board Members present.
- CAO-Budget/Budget Amendments Moved by Supervisor Pucci and seconded by Supervisor Totheroh to amend the Fiscal Year 2015-2016 Board Approved Budget by amending the Bishop Airport Improvement Projects Budget 630303; the CAO-ACO Budget 010201; the Parks & Recreation Budget 076999; the Social Services Budget 055800; the Community Mental Health Budget 045200; the Substance Use Disorders Budget 045315, and the First Five Commission Budget 643000, and creating the Health and Human Services FIRST Program Budget 055801 as recommended by staff in Attachment A to the staff report. Motion carried unanimously.
- CAO-Infor Serv./ Manatron Contract Amendment Brandon Shults, Information Services Director, provided additional information and further justification for entering into a Contract amendment for the replacement of the County's Property Tax System. He said that this amendment provides that the system will be functional in February 2017 or the County will recover a large portion of its costs. Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve an Amendment to the Contract between the County of Inyo and Manatron, Inc. (a Thomson Reuters Business) relative to the County's enterprise property tax system implementation and authorize the Chairperson to sign. Motion carried unanimously.

Sheriff/Shelter Assistant Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to find that consistent with the Authorized Position Review Policy: A) the availability of funding for a Shelter Assistant positions exits in the General Fund, as certified by the Sheriff and concurred with by the County Administrator and Auditor-Controller; B) where internal candidates meet the qualifications of the position, the vacancies 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 two APAR (1-19.99 hrs.) Shelter Assistants, at Range 42PT (\$12.26-\$14.91 per hour). Motion carried unanimously.
Sheriff/Siemens Prior Year Invoice Payment	Moved by Supervisor Pucci and seconded by Supervisor Tillemans to A) declare Siemens Industry Inc., a sole source provider for repair of the jail security system; and B) ratify the payment to Siemens Industry Inc., for invoice #5443746554, dated July 7, 2015 in the amount of \$11,538.42 for emergency repair to the jail security system. Motion carried unanimously.
HHS-First 5 Comm./ Northern Inyo Hospital Child Health Services	Jean Turner, Director of Health and Human Services, explained that the contract is being ratified because of protracted contract negotiations. Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve the Contract between the County of Inyo and Northern Inyo Hospital for Child Health Services, in an amount not to exceed \$81,900 for the period of July 1, 2015 to June 30, 2018, contingent upon continued grant funding and the Board's approval of future budgets; and authorize the Chairperson to sign. Motion carried unanimously.
HHS-Soc. Serv./ HHS Supervisor Position Request	Moved by Supervisor Tillemans and seconded by Supervisor Pucci to find that consistent with the Authorized Position Review Policy: A) the availability of funding for a Health and Human Services Supervisor position exits, 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 of the position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment through the State Merit System would be more appropriate to ensure qualified applicants apply; and C) approve the hiring of one Health and Human Services Supervisor, at Range 70 (\$4,391-\$5,341). Motion carried unanimously.
CAO-Personnel/ Ordinance Adding Psychiatrist to Competitive Service Category	The County Administrator provided a brief history of the effort to change the Psychiatrist Classification from a merit system position to the competitive services category. Mr. Carunchio went on to suggest that the Board add the positions of Deputy County Counsel II, III and IV, Assistant County Counsel and Sr. Assistant County Counsel to the competitive services category, which will make those positions, at will employees. He explained that if the Board wishes to add those positions to the ordinance, it would require that the ordinance adoption process begin again. The Board took no action on the request to add the Psychiatrist Classification ordinance and asked staff to take the steps necessary to amend Section 2.88.055 of the Inyo County Code to also add the County Counsel positions to the competitive services category of the ordinance and bring the amended ordinance back for Board consideration in mid October.
Planning/West Mojave Agreement	Associate Planner, Elaine Kabala, reviewed the West Mojave Route Network Project Section 106 Programmatic Agreement. Moved by Supervisor Griffiths and seconded by Supervisor Tothoroh to approve the West Mojave Route Network Project Section 106 Programmatic Agreement; and authorize the Chairperson to sign. Motion carried unanimously.
Planning/Munro Valley Solar Project Reclamation Escrow Agreement	Moved by Supervisor Tothoroh and seconded by Supervisor Griffiths to approve the escrow agreement for the deposit and deposition of the \$160,500 guarantee for reclamation of the Munro Valley Solar Project, authorize the County Administrator or the Planning Director to execute the agreement, contingent on obtaining appropriate signatures from Munro Valley Solar, LLC and The First National Bank of Northfield, and transmit a signed copy to the Board Clerk. Motion carried unanimously.
Planning/Forest Service Plan Update	The Planning Director, Josh Hart, reported on staff's coordination with Forest Service staff regarding the Inyo National Forest Plan Update/Revision. He said there was not a lot to report since the last update. Mr. Hart went on to talk in detail about the Wilderness Process and Preliminary Draft Monitoring Program. The Board concurred with Mr. Hart's recommendation that the County not offer comment at this time. The Board and Mr. Hart discussed attendance at the Sierra Cascades Dialogue. Mr. Hart said that he would attend in Sacramento and Supervisors Griffiths and Tothoroh said they would attend in Bishop.

- P.W./Draft EIR and EA Comments
Olancha 4-Lane
- The Public Works Director, Clint Quilter, discussed the draft environmental document for the Olancha-Cartago Four-Lane Project with the Board. He reviewed the proposed draft letter on the project. The Board suggested that the letter include a request for appropriate mitigation in the first bullet, and to add a statement to supplement funds already dedicated for wildlife viewing, and to ask Caltrans to mitigate for additional land requirements of the preferred alternative; and B) Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the letter of comment on the Draft Environmental Impact Report and Environmental Assessment for the project as modified during today's discussion; and authorize the Chairperson to sign. Motion carried unanimously.
- P.W./Lease for Grove Street Building
- Supervisor Griffiths asked about the month rent in correlation to the condition of the building and asked that when the one-year extensions are discussed negotiations occur regarding the increase. Moved by Supervisor Griffiths and seconded Supervisor Pucci to ratify and approve the Lease Agreement between the County of Inyo and Connie and Michael Layne Trust for the real property described as 162 Grove Street, Bishop, for the period of July 1, 2015 through June 30, 2016, with two one-year options to extend, at the rate of \$6,284.25 per month, with a maximum 5% increase for subsequent yearly terms if extended, contingent upon Board's adoption of future budgets; and authorize the Chairperson to sign, contingent upon obtaining appropriate signatures being obtained. Motion carried unanimously.
- P.W./873 N. Main Street Building Lease
- Moved by Supervisor Tillemans and seconded by Supervisor Pucci to ratify and approve a facility Lease Agreement with the Core Trust for office space located at 873 North Main Street, Bishop, to accommodate County INET Offices for the period of June 14, 2015 through June 15, 2018, at the rate of \$2,091 per month, with two one-year options to extend, with a maximum 3% increase for subsequent yearly terms if extended; 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.
- P.W./Plans and Specs Bldgs. Painting Project
- Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve the Plans and Specifications for the Inyo County Buildings Painting Project; and authorize the Public Works Director to advertise for bids for the Project. Motion carried unanimously.
- P.W./ESE Contract
- Moved by Supervisor Totheroh and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Eastern Sierra Engineering (ESE) of Reno, Nevada, for planning, engineering and environmental services for a Project Study Report (PSR) for the Lone Pine Roadway Rehabilitation and Bicycle Lanes Project, for the period of October 6, 2015 through December 31, 2016, in an amount not to exceed \$36,611, 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.
- P.W./Quincy Engineering Contract Amendment #6
- Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to approve Amendment No. 6 to the Contract between the County of Inyo and Quincy Engineering to amend the scope of work for the Sabrina Road Bridget Monitoring and Mitigation Project for Training, Inspecting and Reporting services, and increase the amount of the Contract by \$17,800 to a total Contract amount not to exceed \$1,448,700; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- P.W./Repair Parts, Tires, and Laundry Services Blanket P.O.'s
- Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to approve the purchase of vehicle and equipment repair parts and tires and laundry services in the amounts specified from the following vendors through blanket purchase orders: Blaine Equipment - \$10,000; Britt's Diesel - \$35,000; Dave's Auto Parts- \$30,000; Mission Linen -\$34,000; Quinn Company - \$10,000; Silver State International - \$10,000; and Steve's Auto Parts - \$35,000. Motion carried unanimously.
- P.W./Engineering Assistant Position Request
- Moved by Supervisor Pucci and seconded by Supervisor Totheroh to find that consistent with the Authorized Review Policy : A) the availability of funding for the Engineering Assistant position comes from the Public Works/Road Budgets as certified by the Public Works Director and concurred with by the County Administrator and the Auditor-Controller; B) where internal candidates meet the qualifications of the position, the vacancy could possibly be filled through an internal recruitment, however it would be more appropriate to fill the position from an existing list since the County has recruited and has an existing eligibility list that was approved and created for that the position; and C) approve the hiring of one Engineering Assistant I, at Range 71, (\$4,493-\$5,462). Motion carried unanimously.

- P.W./Shop Assistant Position Request Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to find that consistent with the Authorized Review Policy: A) the availability of funding for the Shop Assistant position comes from the Road Fund as certified by the Public Works Director and concurred with by the County Administrator and the Auditor-Controller; and 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 the most qualified candidates apply; and C) approve the hiring of one Shop Assistant, at Range 58 (\$3,310-\$4,027). Motion carried unanimously.
- Closed Session The Chairperson recessed the regular meeting at 12:35 p.m., to reconvene in closed session at 1:15 p.m., with all Board Members present to discuss and take action as appropriate on previously identified closed session items. The Chairperson recessed closed session at 2:10 p.m., to reconvene in open session at 2:15 p.m.
- County Counsel/ Position Request Moved by Supervisor Griffiths and seconded by Supervisor Pucci to find that consistent with the adopted Authorized Position Review Policy, A) the availability of funding for the requested position comes from the General Fund, as certified by County Counsel and concurred with by the County Administrator and Auditor-Controller; B) an open recruitment is appropriate to ensure the greatest pool of qualified candidates apply for the position; C) authorize hiring one Deputy County Counsel III, at Range 86 (\$6,436-\$7,822); Deputy County Counsel IV, at Range 89 (\$6,931-\$8,417); Assistant County Counsel, at Range 95 (\$8,018 - \$9,757); or, Senior Assistant County Counsel, at Range 97 (\$8,423 - \$10,242); and D) if the above recruitment results in the hiring of an Assistant County Counsel or a Senior Assistant County Counsel, authorize changing the departments authorized staffing by deleting one Deputy County Counsel position and adding an Assistant or Senior Assistant County Counsel position. Motion carried unanimously.
- County Counsel/On-Line Legal Research Contract Moved by Supervisor Pucci and seconded by Supervisor Tillemans to approve the Contract between the County of Inyo and Thomson Reuters for online legal research for a three-year period commencing December 1, 2015, in an amount not to exceed \$26,026.53, contingent upon the Board adoption of future budgets; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.
- Emerg. Serv./D.V. Roadeater Emergency Continued Moved by Supervisor Tillemans and seconded by Supervisor Pucci 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 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.
- Emerg. Serv./ Canyon Crusher Emergency Cont'd. Moved by Supervisor Tillemans and seconded by Supervisor Pucci 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 Cont'd. 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 Tillemans to approve the minutes of the Board of Supervisors Meetings as follows: A) the Special Meeting of September 2, 2015; B) the Regular Meetings of September 8, 2015; and C) the Regular Meeting September 15, 2015. Motion carried unanimously.
- Moved by Supervisor Griffiths and seconded by Supervisor Tillemans to approve the minutes of the Board of Supervisors Special Meeting of September 22, 2015. Motion carried unanimously, with Supervisors Totheroh and Pucci abstaining.

- Board Member Reports The Board Members reported on their activities during the preceding week including a CEC Webinar, the Paragliding Tournament, Inyo Associates, the Bishop City Council Meeting, a meeting with the Manzanar Historical Site Superintendent and the Death Valley National Park Superintendent regarding possible government shut down procedures, Lone Pine sidewalk opening ceremony, the RCRC Conference and legislative update, and an update on the Washington DC trip which scheduled for the first week in November for Chairperson Kingsley and Vice-Chairperson Griffiths.
- Public Comment The Chairperson announced the final public comment period and there was no one from the public wishing to address the Board.
- Closed Session The Chairperson recessed open session at 2:45 p.m. to immediately reconvene in closed session with all Board Members present, to continue discussions on previously noted closed session items. Supervisor Totheroh left the meeting at 4:15 p.m. Supervisor Tillemans left the meeting at 5:00 p.m. The Chairperson recessed closed session at 5:03 p.m., to reconvene in open session, with all Board Members present, except Supervisors Totheroh and Tillemans.
- Report on Closed Session County Counsel reported the follow concerning closed session: Item No. 2 outside counsel reported on litigation; No. 3 and No. 4 instructions were given to staff and Counsel; No. 5, 6, 7, 9, and 10 instructions were given to staff; and item No. 8 was withdrawn.
- Adjournment The Chairperson adjourned the regular meeting at 5:05 p.m. to 8:30 a.m., Tuesday, October 13, 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