

# MINUTES

# County of Inyo Board of Supervisors

## November 17, 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 November 17, 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 wishing to address the Board.
- Closed Session      The Chairperson recessed open session at 8:35 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)] - 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. 3. 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. 4. 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. 5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Prominent Systems, 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. 6. 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 No. 1:13-CV-01548 AWIJLT; No. 7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code §54956.9(d)(1)] – Peter/Kathy Waasdorp v. County of Inyo; Skylene Katherine Milos; and Does 1-50 inclusive, Inyo County Superior Court Case No. SICVCV13-54910; No. 8. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2) – significant exposure to potential litigation (one case); No. 9. CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)] - decision whether to initiate litigation (three case); No. 10. 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. 11. 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. 12. 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. 13. 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; and No. 14. 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 9:50 a.m., to reconvene in open session at 10:00 a.m., with all Board Members present.
- Pledge                 Supervisor Pucci led the Pledge of Allegiance.
- Public Comment       The Chairperson announced the public comment period and there was no one from the public wishing to address the Board.
- Introduction           Grace McClenaghan, Child Support Specialist, was introduced to the Board.
- Library/Holiday  
Branch Closure       Moved by Supervisor Tillemans and seconded by Supervisor Pucci to authorize the closure of the Bishop, Big Pine, Independence, Furnace Creek, and Lone Pine Library branches on Saturday, November 28, 2015 because of the Thanksgiving Holiday. (Tecopa library to remain open.) Motion carried unanimously.
- Auditor/MGT  
Mandated Claims  
Contract               Moved by Supervisor Tillemans and seconded by Supervisor Pucci to A) declare MGT of American, Inc., a sole-source provider of mandated claims preparation services; and B) approve the Contract between the County of Inyo and MGT of American, Inc., for the preparation of the FY 2014-2015, 2015-2016 and 2016-2017 SB90 State Mandated Costs Claims, in an amount not to exceed \$25,350, 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.
- Clerk-Elections/  
Statement of Votes  
Cast                    Moved by Supervisor Tillemans and seconded by Supervisor Pucci to accept the Statement of All Votes Cast at the UDEL Election held November 3, 2015 and declare elected those offices according to the number of votes for each as shown on the Statement of All Votes Cast. Motion carried unanimously.
- P.W./Plans &  
Specs Ed Powers  
Bike Lane              Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Plans and Specifications for the Ed Powers Bike Lane Project; and authorize the Public Works Director to advertise for bids for the project, contingent upon receipt of the State's authorization to proceed with construction. Motion carried unanimously.
- P.W./NPS Exotic  
Plant Management  
Team Payment         Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the payment of \$42,000 to the National Park Service Exotic Plant Management Team as mitigation for emergency roadwork completed during the Gully Washer Emergency; and authorize the Public Works Director to sign all documents required pertaining to this payment, and transmit copies of the signed documents to the Clerk of the Board for the Board's files. Motion carried unanimously.
- P.W./Jail HVAC  
Plans & Specs and  
Contract                The Public Works Director, Clint Quilter, provided additional information and further justification for authorizing him to sign the Contract for the Jail HVAC Project. He said that a portion of the funding for the project is coming for a Great Basin Grant and the Great Basin Board wants the contract in place before the end of the year. Moved by Supervisor Tothoroh and seconded by Supervisor Tillemans to A) approve the Plans and Specifications for the Inyo County Jail HVAC Replacement Project; B) authorize the Public Works Director to advertise for bids for the Project; C) authorize the Public Works Director to award and approve the Contract for the Project if the bids received are within the project budget and authorize the Public Works Director to sign contingent upon the appropriate signatures being obtained, and transmit copies to the Clerk of the Board for the Board's files; and D) authorize the Public Works Director to sign all other documents, including change orders, to the extent permitted pursuant to Section 20142 of the Public Contract Code and other applicable law. Motion carried unanimously.
- P.W.-County  
Counsel/Starlight  
CSD Lease  
Extension               Supervisor Tothoroh explained that because a portion of the action regarding the lease for the Starlight CSD includes authority for certain staff to sign the 2003 Lease which he had signed in 2003 as the President of the CSD, he was declaring a conflict and recusing himself. He left the meeting.

Moved by Supervisor Pucci and seconded by Supervisor Griffiths to A) direct the now County Counsel and continuing Risk Manager to sign the 2003 Standard District Lease between the County of Inyo and the Starlight CSD, approved by Board Order dated December 9, 2003; B) ratify the Lease effective December 9, 2003; C) authorize the Chairperson to sign the 2003 Lease; and D) approve an Amendment to the Lease, extending the term of the Lease through 2102 for a total of 99 years; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

P.W-County  
Counsel/Town  
Water Systems  
Transfer

County Counsel, Marge Kemp-Williams, provided the Board with a revised Resolution for the Board to consider regarding the transfer of the Town Water Systems. She highlighted the changes between the two resolutions and reiterated that the Resolution is taking actions to facilitate the completion of the transfer of the Town Water Systems. On a motion by Supervisor Tillemans and a second by Supervisor Pucci, Resolution No. 2015-60 was approved (a) correcting the February 17<sup>th</sup>, 2004 Board Order *nunc pro tunc* by adding a subparagraph B) the direction and authority to record the Town Water System Transfer Agreements (Agreements) with the Inyo County Clerk Recorder; (b) changing the direction to the Deputy Clerk of the Board to "certify as "true and correct" a copy of the February 17, 2004 Board Order for each of the water transfer agreements: Laws, Lone Pine and Independence; (c) authorizing that all paperwork and acts needed to record the Transfer Agreements shall be completed and may be signed by the County Administrator or designee to the extent further signatures are needed; and (d) authorizing the Chairperson to sign the resolution: motion unanimously passed and adopted.

Planning/Draft  
Supplement to Draft  
EIS for Yucca Mt.

Josh Hart reviewed the Draft Supplement to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, in detail. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to approve correspondence in regards thereto and authorize the Chairperson to sign. Motion carried unanimously.

Closed Session

The Chairperson recessed open session at 10:40 a.m., to reconvene in closed session, with all Board Members present, to discuss and take action as appropriate on previously noted closed session items.

Recess/  
Reconvene

The Chairperson recessed closed session at 11:25 a.m., to convene as the Board of Equalization (see separate minutes), with all Board Members present. The Chairperson adjourned the Board of Equalization at 11:35 a.m., to reconvene the Board of Supervisors Meeting in open session, with all Board Members present.

HHS-Mental Hlth.  
Serv./Mental Health  
Services Fees  
Ordinance

The Chairperson opened the **public hearing** at 11:40 a.m., to consider an ordinance titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Repealing Ordinance No. 1189 and Revising Inyo County Community Mental Health Services Fees." Jean Turner, Director of Health and Human Services provided additional information and further justification for the Mental Health fees, explain the fees are based on the annual certified actual costs. There was no one wishing to address the Board on this subject and the Chairperson closed the public hearing at 11:43 a.m., Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to waive the first reading of the ordinance and schedule the adoption for 11:30 a.m., Tuesday, November 24, 2015, in the Board of Supervisors Room, at the County Administrative Center, in Independence. Motion carried unanimously.

Resol. 2015-61/  
Vacate Road in  
Aspendell

The Chairperson opened the **public hearing**, at 11:45 a.m., on a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Declaring the Vacation and Abandonment of that Portion of an Unnamed Road in the Community of Aspendell." Cathreen Richards, Senior Planner, provided additional information regarding the abandonment. There was no one wishing to address the Board on this matter and the Chairperson closed the public hearing at 11:47 a.m. On a motion by Supervisor Totheroh and a second by Supervisor Tillemans, Resolution No. 2015-61 titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Declaring the Vacation and Abandonment of that Portion of an Unnamed Road in the Community of Aspendell" was approved: motion unanimously passed and adopted.

Board Member and  
Staff Reports

The Board Members reported on their activities during the preceding week, including various Veterans Day ceremonies, and an Inyo Associates Meeting. The County Administrator invited the Board to the CAO's Holiday luncheon on December 18, 2015.

- Closed Session            The Chairperson recessed open session at 11:50 a.m., to convene in closed session, with all Board Members present to continue discussion and possible action, as appropriate, on previously identified closed session items.
- Report on Closed Session    The Chairperson recessed closed session at 12:40 p.m., to reconvene in open session. County Counsel reported the following with regard to closed session: with regard to items 2 through 7, which were existing litigation items as noted, instructions were given to Counsel and staff; regarding item 8, instructions were given to Counsel and staff; regarding item 9, instructions were given to Counsel Greg James; item 10 was withdrawn; regarding item 11 instructions were given to staff to move forward; items 12 and 13 were withdrawn; and item 14 instructions were given to Counsel and staff.
- Adjournment                The Chairperson adjourned the regular meeting at 12:43 p.m., to 8:30 a.m., Tuesday, November 24, 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*