



County of Inyo Board of Supervisors

December 8, 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, 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 8:38 a.m., to convene in closed session with all Board Members present to discuss and take action on Agenda Items No. 2. **CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]** - decision whether to initiate litigation (three case); No. 3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code §54956.9(d)(2)** – significant exposure to potential litigation (two cases); No. 4. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Officers’ Association (ICPOAA) - 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 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. 6. **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. 7. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code §54956.9(d)(1)** – *Native American Heritage Commission vs. Inyo County Planning Department and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 1557557 (Munro Petition for Writ of Mandate).*

Recess/
Reconvene The Chairperson recessed closed session at 9:35 a.m., to reconvene in open session at 10:05 a.m., with all Board Members present.

Pledge The County Administrator, Kevin Carunchio led the Pledge of Allegiance.

Public Comment The Chairperson announced the public comment period. The Lone Pine Fire Chief, LeRoy Kritz, addressed the Board to talk about the situation at the Southern Inyo Hospital in Lone Pine. He reported that the Hospital Board has taken steps to close the Clinic and the SNIF and went on to talk about his concern with the Hospital closing. Mr. Earl Wilson of Lone Pine addressed the Board on the same subject and told the Board that if Southern Inyo Hospital closes, efforts to reopen it in the future could be severely hindered by the fact that the hospital would no longer be grandfathered in for State regulations.

CAO-General/
Kotin Contract
Amendment #8 Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment #8 to the Contract between the County of Inyo and Allan D. Kotin & Associates to extend the term of the Contract to June 30, 2016; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.

<p>CAO-Personnel/ Sr. Assistant County Counsel Contract</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to designate and authorize the County Administrator to sign a personal services contract (draft attached) with the John Carl Vallejo, the successful candidate for Senior Assistant County Counsel position at Range 97 (\$8,423 - \$10,242), Step E. Motion carried unanimously.</p>
<p>CAO-Risk/Kirby Contract Amendment #2</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment No. 2 to the Contract between the County of Inyo and John D. Kirby A.P.C. for provision of Civil Litigation Attorney Services, exercising the option to extend to an ending date of June 30, 2016; and authorize the Chairperson to sign. Motion carried unanimously.</p>
<p>CAO-Gen- Planning/Gruen Contract Amendment</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve Amendment #14 to the Agreement between the County of Inyo and Gruen Gruen + Associates (GGA) to extend the term of the Agreement to June 30, 2016; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained. Motion carried unanimously.</p>
<p>Planning-Yucca Mt./AULG Funding Certification</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to certify that \$65,382.62 in funds provided to Inyo County as an Affected Unit of Local Government (AULG) under the Nuclear Waste Policy Act, as amended, have been expended in accordance with the provision of that Act (Public Law 97-425); and the 2010 Energy and Water Development and Related Agencies Appropriations Act (Public Law 111-85); authorize the Chairperson to sign; and direct staff to submit the certification to the U.S. Department of Energy. Motion unanimously passed and adopted.</p>
<p>HHS-ESAAA- Advisory Council Appointments</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to make appointments to the Eastern Sierra Area Agency on Aging (ESAAA) Advisory Council to complete terms ending December 11, 2017 as follows: Margaret Erbeck of Bishop representing the Family Caregiver category; JoAnn Poncho of Bishop representing the Leadership category; Karen Hoodman of Bishop representing Low Income Older Adults category; and Cheryl Isbell of Walker, representing the Family Caregiver category. Motion carried unanimously.</p>
<p>HHS-Soc. Serv./Sr. Center Fridge</p>	<p>Moved by Supervisor Griffiths and seconded by Supervisor Pucci to approve and ratify the repair and replacement of refrigeration components at the Bishop Senior Center in the amount of \$10,136.79. Motion carried unanimously.</p>
<p>DA/BPAR Legal Secretary Position Request</p>	<p>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 BPAR Legal Secretary position comes from the General Fund as certified by the District Attorney 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 is more appropriate to ensure a qualified applicant pool; and C) approve the hiring of one BPAR Legal Secretary I at Range 56 (\$3,163 - \$3,839) or II at Range 60 (\$3,471 - \$4,216). Motion carried unanimously.</p>
<p>HHS-Soc. Serv./ HHS Specialist Position Request</p>	<p>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 Health and Human Services Specialist 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 of the position, the vacancy could possibly be filled through an internal recruitment, however an open recruitment is more appropriate; and C) approve the hiring of one Health and Human Services Specialist III, at Range 57 (\$3,232 - \$3,927). Motion carried unanimously.</p>
<p>HHS-Misc./Office Tech Position Request</p>	<p>Moved by Supervisor Tillemans and seconded by Supervisor Totheroh to find that consistent with the Authorized Position Review Policy: A) the availability of funding for an Office Technician position exists in various HHS budgets, 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 is more appropriate; and C) approve the hiring of one Office Technician III at Range 63 (\$3,716 - \$4,522); and D) if an internal candidate is chosen for the position, authorize the filling of the resulting vacancy with an Office Technician I or II. Motion carried unanimously.</p>

Rd. Dept./Temp
Seasonal Positions
Request

Moved by Supervisor Totheroh and seconded by Supervisor Pucci to find that consistent with the Authorized Position Review Policy: A) the availability of funding for Temporary/Seasonal Maintenance Worker positions exists within the Road Department Budget, as certified by the Public Works Director and concurred with by the County Administrator and Auditor-Controller; B) where the candidates meet the qualifications for the position, the vacancies will be filled through an open recruitment; and C) approve the hiring of five Temporary/Seasonal Maintenance Workers at Range PT50 (\$14.46 per hour.) Motion carried unanimously.

Rd. Dept./Grader
Loader Purchases

Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to A) amend the FY 2015-2016 Road Budget Unit 034600 by increasing State Grants (*Revenue Code #4498*) by \$558,700, recognize additional fund balance of \$196,300 in the Road Budget and increase Equipment (*Object Code #5650*) by \$755,000; (*4/5's vote required*); B) approve the purchase of one 2015 John Deere 672 GP Motor Grader in the amount of \$318,307.25 and one 2015 John Deere 624 K Loader in the amount of \$197,693.72 from Blaine Equipment Sales; and C) approve the purchase of one 2015 LM220 loader mounted snow blower attachment in the amount of \$121,537.80 from RPM Tech. Motion carried unanimously.

P.W./ES ATV
Adventure Trails
Update

Mr. Courtney Smith, Senior Transportation Planner, presented the draft Eastern Sierra Adventure Trails Combined Use Pilot Project Report to the California Legislature as required by AB 628 and summarized the reporting requirements of the legislation. The Chairperson asked for public comment on the Project.

Earl Wilson, Lone Pine Resident, asked when and where the public hearing to consider the report would be held.

Randy Gillespie, project proponent, thanked County staff for compiling the report, and recommended the Board approve the report and direct staff to send it to the legislature. Mr. Gillespie noted that many people have commented on their enjoyment of the project so far, and expressed his hope that the program can be expanded in the future.

Supervisor Totheroh requested clarification of the traffic count study, asking whether the count was for one-way traffic, or included traffic in both directions. Mr. Smith clarified that the traffic count represented traffic in both directions. Supervisor Totheroh commented that the short time period the Adventure Trails has been operational has limited the ability to make conclusions on the impacts and successes of the project.

The Chairperson, Supervisors Kingsley, echoed Supervisor Totheroh's comments saying that he believes there is insufficient data to properly analyze the routes that have been open at this time. He suggested the County request the legislature extend the Project to allow the County to continue working with agencies like the Los Angeles Department of Water and Power (LADWP) and the U.S. Forest Service (USFS) to gain access to lands in order to open the remaining approved routes, which would give the County the opportunity to collect additional data on the Project and suggested the report be amended to include the request for an extension.

Supervisor Pucci commented that the County needs to continue working with other agencies so that the remaining four approved routes may be opened, and agreed that an extension on the Project would increase data to assess the viability of the Project.

Sam Dean, Bishop Resident, asked when the report was due, and suggested that the Board not ask for an extension unless it becomes evident that the Legislature is considering letting the legislation sunset. He went on to discuss the work the proponents are doing with agency landowners to allow the remaining approved routes to be opened.

Supervisors Tillemans commented that LADWP has expressed support for economic development in the Owens Valley, and he believes the Adventure Trails Program would be a Project they should support because of the economic benefit it brings to the County. He went on to request staff clarify whether the Adventure Trails program had any impact of road-legal motorcycles. Mr. Clint Quilter, Public Works Director, clarified that the Pilot Project Legislation did not impact motorcycles. Supervisor Tillemans noted that the Pilot Project allows for the beneficial regulation of ATVs and UTVs impact on the environment by providing defined routes for their use.

Supervisor Totheroh pointed out that the grant allowing for implementation of the Adventure Trails Program had been beneficial to the County; and supported the request for an extension in order to provide more time to gather additional information regarding usage and the economic benefits associated with the Program.

The Public Works Director asked for clarification on the suggestion to modify the draft report to explain the paucity (lack) of data available on the project so far, and to request an extension of the Project in order to gather additional information. The Chairperson, Supervisor Kingsley, clarified that he did not think the report should include a request for an extension at this time, but should include identification of the factors that have limited the implementation timeline including the hurdles associate with the environmental review and the obstacles presented in gaining access to LADWP and USFS lands in order to open the remaining four routes.

The Chairperson asked if the California Highway Patrol (CHP) and Inyo County Sheriff wished to report on complaints and/or incidents they have received on the project. Captain Tim Noyes reported that the CHP has not received any complaints on the project and confirmed they have been actively monitoring the approved routes. He explained that the CHP office had established a system to monitor and manage the Pilot Project internally. Captain Noyes went on to say that based on the route data collected so far he would be unable to make a recommendation one way or the other on the Project. Sheriff Bill Lutze reiterated the comments of the CHP, and added that the Inyo County Sheriff's Department has encountered many Adventure Trails users while on patrol and there had been no complaints or incidents to report. Mr. Sam Dean, Bishop Resident, addressed the Board to add that he believes that regulation of ATV and UTV use should reduce illegal behavior.

County Counsel requested that when the Board takes action on this item that the motion include ratification of the Clerk of the Board's notice of a public hearing scheduled for 11:00 a.m., December 15, 2015 in the Board of Supervisors Room, at the County Administrative Center, in Independence, to take public comment on the Project, explaining that said public hearing is a requirement of AB 628.

Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to A) after a review of the draft report to the California Legislature summarizing the Assembly Bill 628 combined use Pilot Project, direct staff to amend the draft report based on today's discussion; B) schedule a public hearing to take public comment on the Project for 11:00 a.m., on December 15, 2015, in the Board of Supervisors Room, at the County Administrative Center in Independence; and C) ratify the Clerk of the Board's public hearing notice in regards thereto. Motion carried unanimously.

Planning/Tortoise Oversight Group The Josh Hart, Planning Director, reviewed the Updated Desert Tortoise Management Oversight Group Charter. Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the Updated Desert Tortoise Management Oversight Group Charter; and authorize the Chairperson to sign. Motion carried unanimously.

CAO-Risk/Porter Scott Legal Services Contract Moved by Supervisor Tillemans and seconded by Supervisor Pucci to approve the Contract between the County of Inyo and Porter Scott, a Professional Corporation (Carl Fessenden, Esq. Contract) for the provision of Civil Litigation Attorney Services for the period of December 9, 2015 through June 30, 2016, at the rate of \$220 per hour, for a total amount not to exceed \$100,000; and authorize the Chairperson to sign. 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 Pucci 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 Putt 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 Continued	Moved by Supervisor Tillemans 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.
Emerg. Serv./D.V. Down But Not Out Emergency Continued	Moved by Supervisor Tillemans and seconded by Supervisor Griffiths to continue the local emergency, known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015. Motion carried unanimously.
BofS/Minute Approval	Moved by Supervisor Totheroh and seconded by Supervisor Tillemans to approve the minutes of the November 17, 2015 Board of Supervisors Meeting. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed open session at 11:08 a.m., to reconvene in open session at 11:17 a.m., with all Board Members present.
Planning/Desert Southwest Brownfields	The Board received a presentation on the status of Rural Desert Southwest Brownfields Coalition activities across the Coalition area and in Inyo County from Joni Easterly, Assistant County Manager for Nye County and Eileen Christiansen, Consultant from BEC Environmental, Inc., including a review of community activities and potential sites. Mr. Earl Wilson of Lone Pine asked if there were any plans for the Bartlett property and if there was a list of properties being considered. The Chairperson explained that because many of the sites are on private property there is a need to protect the landowners' privacy.
Planning/DRECP EIS Protest	The Planning Director, Josh Hart, provided a recap of the DRECP and the County's involvement in the process. Mr. Hart identified the areas in the Final EIS for Phase I of the Plan that differed from the draft. The Board and Mr. Hart discussed the changes, including the mapping irregularities, the DFA's, inconsistencies with the County's General Plan, and the deadline for filing protests. Earl Wilson of Lone Pine, expressed concerns with the new land designations and urged the Board to file a protest in order to secure the County's right to legal action should that be necessary. The Chairperson, announced that the discussion on the DRECP would be continued after lunch in order for the Board to move on to the scheduled time item.
District/Mt. Whitney Cemetery District Board Membership Increase	The Chairperson opened the public hearing at 12:15 p.m., to, per Health and Safety Code Section 9025, receive and consider any written or oral comments regarding Mt. Whitney Cemetery District Resolution 1-2015, requesting a change in the membership of the Board of Trustees from three positions to five positions. The Clerk confirmed that the Board has received no written comments on the request. There was no one from the public wishing to address this item and the Chairperson closed the public hearing at 12:16 p.m.
Resol. 2015-63/Mt. Whitney Cemetery District Board Membership	On a my by Supervisor Griffiths and a second by Supervisor Totheroh, Resolution No. 2015-63 titled "A Resolution of the Inyo County Board of Supervisors, State of California, Increasing the Number of Members of the Mount Whitney Cemetery District Board," was approved: motion unanimously passed and adopted.
District/Mt. Whitney Cemetery District Board Appointments	Moved by Supervisor Griffiths and seconded by Supervisor Totheroh to appoint Linda Duarte and Marlene Cierniak to the Mt. Whitney Cemetery District Board of Trustees to complete unexpired four-year terms ending May 31, 2019. Motion carried unanimously.
Recess/Reconvene	The Chairperson recessed the regular meeting at 12:17 p.m., to reconvene in closed session at 12:45 p.m., with all Board Members present.
Closed Session	The Board convened in closed session, with all Board Members present to continue discussions and action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 1:30 p.m., to reconvene in open session at 1:35 p.m., with all Board Members present.

Planning/DRECP EIS Protest Continued	The Board and staff continued to discuss the Proposed Land Use Amendment and Final Environmental Impact Statement for Phase I of the Desert Renewable Energy Conservation Plan, noting two areas of concern which were the scale of the inconsistencies and that socio-economic impacts have not been addressed. Moved by Supervisor Totheroh and seconded by Supervisor Griffiths to direct staff to send a protest letter regarding the areas of the County's concerns with the Final EIR as identified during today's discussion by the Planning Director. Motion carried unanimously.
Planning/Medical Marijuana Regulations	The Board received a presentation from the Planning Director regarding the Medical Marijuana Regulation and Safety Act of 2015 including Assembly Bill 266 (Bonta, 2015), Assembly Bill 243 (Wood, 2015) and Senate Bill 643 (McGuire, 2015). The Board and staff discussed the legislation in detail and at length, including discussion of the concept of an advisory ballot for a future election on what the votes of Inyo County want with regard to medical marijuana. Jean Turner, Director of Health and Human Services, provided information on the County's medical marijuana statistics. Earl Wilson of Lone Pine asked if there was revenue for Southern Inyo Hospital that could be identified from medical marijuana regulations.
County Department Reports	The Chairperson announced the County Department Report period. Amy Shepherd, Auditor-Controller, presented the Board with a copy of the Independent Accountant's Report on the Gann Limit. Jean Turner, Director of Health and Human Services, reported that responses to the ESAAA services surveys trended up from last year with a total of 300 completed survey's being returned. She also reported that with regard to the Foster Care grant the County has been awarded a portion of the funds requested. David Stottlemyre, Assessor, shared with the Board that the CPI only increased 1.52% and not the 2% expected. He updated the Board on recruitment efforts in his office as well as the results of a brief time study he conducted on staff time spent responding to questions. Marge Kemp-Williams, County Counsel, explained that she had turned the dais over to her Deputy, David Nam, during the earlier discussion on the Southern Inyo Hospital, because she has been working with the District on the issues being discussed, and she wanted to make sure there was not appearance of a conflict.
Closed Session	The Chairperson recessed open session at 2:40 p.m., to convene in closed session, with all Board Members present, to discuss and take action as appropriate on previously noted closed session items. The Chairperson recessed closed session at 3:05 p.m., to reconvene in open session.
Report on Closed Session	County Counsel reported the following with regard to closed session: Item No. 2, instructions were given to Counsel and staff; Item No. 3, was withdrawn; Nos. 4, 5, and 6, instructions were given to the negotiators and staff; and Item No. 7, instructions were given to staff and Counsel.
Adjournment	The Chairperson adjourned the regular meeting at 3:06 p.m., to 8:30 a.m., Tuesday, December 15, 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